NATIONAL PARK SERVICE

RM-9

VERSION 2015

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National Park Service
U.S. Department of the Interior

National Park Service

LAW ENFORCEMENT PROGRAM

REFERENCE MANUAL- 9

Approved:

March 2015

Cameron H. Sholly

Associate Director, Visitor and Resource Protection

2015

Law Enforcement, Security, and
Emergency Services

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U.S. Department of the Interior
National Park Service

Reference Manual - 9

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Acronyms and Abbreviations

ADVRP: Associate Director, Visitor and Resource Protection

ALI: Automatic Location Identification

ANACI: Access National Agency Check and Inquiry

ANI: Automatic Number Identification

AVRD: Audio/Visual Recording Device

BOI: Board of Inquiry

BOR: Board of Review

CAD: Computer Aided Dispatch

CCTV: Closed Circuit Television

CFR: Code of Federal Regulations

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

CVB: Central Violations Bureau

DCISB: Deputy Chief, Investigative Services Branch

DCOP: Deputy Chief, Operations and Policy

DCOPR: Deputy Chief, Office of Professional Responsibility

DOI: Department of the Interior

DOJ: Department of Justice

ECD: Electronic Control Device

EICC: Emergency Incident Coordination Center

FAA: Federal Aviation Administration

FAM: Federal Air Marshal

FBI: Federal Bureau of Investigation

FLETC: Federal Law Enforcement Training Center

FOIA: Freedom of Information Act

FTEP: Field Training and Evaluation Program

GSC: Ground Security Coordinator

IA: Interagency Agreement

IAA: Interagency Acquisition Agreement

ICE: Immigration and Customs Enforcement

IMARS: Incident Management Analysis Reporting System

ISB: Investigative Services Branch

LENA: Law Enforcement Needs Assessment

LEO: Law Enforcement Officer

LES: Law Enforcement Specialist

LESES: Law Enforcement, Security and Emergency Services

LETC: Law Enforcement Training Center

MDT: Mobile Data Terminal

MOA: Memorandum of Agreement

MOU: Memorandum of Understanding

MVR: Mobile Video Recorder

NCIC: National Crime Information Center

NHTSA: National Highway Traffic Safety Administration

NLETS: National Law Enforcement Telecommunications System

NLTA: Non-Lethal Training Ammunition

NPS: National Park Service

OEM: Original Equipment Manufacturer

OIG: Office of the Inspector General

OLES: Office of Law Enforcement and Security

OPR: Office of Professional Responsibility

ORI: Originating Agency Identifier number

PSAP: Public Safety Answering Point

RCR: Regional Chief Ranger

RD: Regional Director

RHI: Rigid Hull Inflatable Vessel

RMS: Records Management System

RSA: Reimbursable Service Agreement

RLES: Regional Law Enforcement Specialist

RSSA: Reimbursable Service and Support Agreement

SA: Special Agent

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

SET: Special Event Team

SHRO: Servicing Human Resource Office

SIN: Significant Incident Notification

SLEO: Senior Law Enforcement Officer

SOP: Standard Operating Procedure

SSBI: Single Scope Background Investigation

TSA: Transportation Security Administration

USC: United States Code

USPP: United States Park Police

VAP: Victim Assistance Program

VRAP: Visitor Management-Resource Protection Assessment Program

VWPA: Victim and Witness Protection Act of 1982

WASO: Washington Administrative Service Organization

WVR: Wearable Video Recorder

Definitions

The following terms are used throughout RM-9.

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

Administrative Investigation – An internal investigation related to the non-criminal conduct, actions, or performance of an employee to determine whether such conduct, actions, or performance is in compliance with Departmental, Bureau, or unit/park policies or codes of conduct.

Administrative Review – Administrative reviews are generally composed of an IA, BOR, and BOI (when applicable). They address matters related to agency policy, procedures, and civil liabilities involving the agency and NPS personnel. Administrative reviews are generally conducted under the direction of the park Superintendent as outlined in Chapter 6.

Allegation – An assertion or accusation of employee misconduct received by the NPS, regardless of complainant source (i.e., identified or anonymous) or method of submission (e.g., in person, written, telephonic, electronic, or referred from another agency/department).

Approving Official – The DCOPR for Tier I investigations; RCR or designee for Tier II investigations; and the park/unit SLEO for Tier III investigations. The Approving Official will review and approve final dispositions for all allegations.

Audio/Visual Recording Devices (AVRD) – Generic term for all devices capable of audio/visual recordings, which may be a mounted camera system in a patrol vehicle or a stand-alone device worn on the officer's uniform or person.

Authority – The lawful grant of specific powers.

Bite – Any incident in which a service canine inflicts or is alleged to have inflicted physical injury by biting another person (or animal) other than the service canine handler or service canine instructor. This will typically result in a skin wound or puncture produced by the canine's teeth.

Canine – A canine trained and certified in dutie [redacted] in accordance with current law and policy.

Canine Apprehension – Any law enforcement activity in which a canine is on scene and plays a well-documented role in the capture of a wanted suspect.

Canine Deployment – A law enforcement activity in which a canine team is on scene and plays an active role in law enforcement action(s).

Canine Detection – Use of a trained canine to search for and locate evidence.

Canine Handler – A law enforcement officer trained to work with a canine in standard police duties, detection, or other disciplines.

Canine Team – A canine handler and their assigned police canine that have successfully completed an approved canine training program together and are currently certified in their area of expertise.

Case Agent – In general, the Case Agent is the individual assigned to develop an investigative plan, conduct the investigation, and submit a final report. It has additional meaning, roles, and responsibilities within this policy with regard to Officer Involved Shooting, Internal Affairs, and Investigations Management.

Category of Complaint (I, II, III) – The agency process of grouping allegations for consistency in reporting, that provides an organized means for the agency to track and monitor allegations. The categorization of a complaint is based upon the nature/type of allegation.

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

Complaint – An allegation of employee misconduct. Such allegations may include on-duty or off-duty conduct that affects NPS programs and operations.

Conflict of Interest – A real or perceived incompatibility between one's interests and investigative responsibilities that could materially limit that individual's impartiality or be perceived to materially limit the individual's impartiality.

Cooperating Agency with Primary Jurisdiction – Certain crimes occurring within NPS parks are the primary jurisdiction of other federal and/or state agencies. The NPS may assign a park ranger or Special Agent to work as an integral part of that investigation and/or act as an agency liaison.

Criminal Investigation – The criminal investigation of the suspect(s) whom force was used upon, including the initial violation(s) that resulted in law enforcement involvement and the actions that resulted in the use of force. This investigation will be conducted by ISB or an outside agency with jurisdiction, and may culminate in criminal proceedings for the suspect(s).

Deadly Force – The use of any force, with or without firearms, that is likely to cause death or serious physical injury. Deadly force does not include force that is not likely to cause death or serious physical injury but unexpectedly results in such death or injury.

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

Delinquent Act – A violation of federal criminal law committed by a juvenile, which would have been a crime if committed by an adult.

Deployment – Any instance of a trigger pull on an ECD, regardless of intention, is considered a deployment. The daily spark test is not considered a deployment.

Discharge – Pulling the trigger of a firearm or ECD, intentionally or unintentionally, and expelling a round or probes.

Display – The removal of a weapon from its holster, case, locking mount, or other normally stored location or position in anticipation of its use in a potential conflict. Weapons used in Patrol Carry are not considered a "display" unless the weapons is discharged, pointed, or used.

Disposition(s) – The final determination of an allegation based upon the facts found during the investigation.

Electronic Control Device (ECD) – A conducted energy device designed to transmit a disruptive electrical impulse to a target.

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

Emergency Vehicle or Vessel – A vehicle or vessel of the NPS equipped with emergency warning lights and audible devices as designated by this manual and state law.

External Investigation – One that focuses on the criminal investigations, including an investigation into the use of force, crime scene, and the suspect(s).

Failure to Yield – Failure to come to a full and complete stop in a reasonable amount of time where there have been safe and sufficient areas to pull a vehicle off the roadway at the direction of a commissioned employee. A failure to yield may be the result of unawareness to officer commands and may not be an attempt to evade officers.

[redacted]

First-on-Scene Officer – The first NPS commissioned employee to arrive on scene not involved in the use of deadly force shall assume the role and responsibilities of First-on-Scene Officer until relieved by a higher qualified authority.

Ground Security Coordinator – Generally a ground employee of an airport or airline who interfaces with crews, law enforcement officers, and others in the area of security.

Icon Parks – [redacted]

The following have been classified as Icon Parks: Mount Rushmore National Memorial, Independence National Historic Park, Boston National Historic Park, Jefferson National Expansion Memorial, The National Mall in Washington DC, and Statue of Liberty National Monument.

Infirm – Not physically or mentally strong, especially through age or illness.

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

Investigative Services Branch (ISB), WASO – Special Agents are under line authority to WASO and work collaboratively with regions, parks, and park rangers in investigations.

Involved Commissioned Employee(s) – A ranger, Special Agent, other NPS law enforcement commissioned person, or LEO from another agency acting under the authority of a Special NPS Police Deputation, who uses force or is directly involved in an incident involving the use of force that results in serious bodily injury or death.

Jurisdiction – The NPS's legal power to exercise civil and criminal authority over persons, property, and resources within a geographic area. For reporting purposes, jurisdiction is determined by the location where property damage or personal injury first occurs.

Juvenile – Under federal authority, a juvenile is an individual under the age of 18. This age may vary under state or local authority.

Juvenile Justice and Delinquency Prevention Act – The provisions of this act are codified in 1*8 U.S.C. 5031-5042 et seq.* and *42 U.S.C. 5601 et seq.*

Lateral Transfer – A commissioned employee from any federal agency besides the NPS.

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

Law Enforcement Program – The objectives of the law enforcement program are primarily the detection and investigation of criminal activity, the apprehension and successful prosecution of criminal violators, and the prevention of criminal activities through resource education, public safety efforts, and deterrence. The NPS program provides law enforcement in a consistent, efficient, and effective manner to both serve and protect the public and protect resources. The program is directed toward the preservation of public order, safety, education, protection of resources, and tranquility.

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

Maximum Risk Prisoners – A prisoner who is an exceptional escape risk, as determined by the law enforcement agency, and charged with or convicted of a violent crime, or known for violent behavior.

Medical Professional – A physician, psychiatrist, or PhD psychologist with appropriate subject matter expertise in law enforcement and is approved by the WASO Medical Standards Program Manager.

Misconduct – A specific act or omission by an employee that is in violation of NPS or Departmental policy, procedure, rule, regulation, or law that could result in disciplinary or administrative action.

Mobile Video Recorder (MVR) – Audio/visual recording equipment designed for and installed into a patrol vehicle for the purpose of recording events both outside and inside of the vehicle during contacts and (if equipped) in the secured prisoner area. Typically, the audio device resides on the officer's shirt or lapel and transmits wirelessly to the recording device within the vehicle.

National Canine Program Manager – A commissioned NPS law enforcement officer with at least three years of experience as an LE K-9 handler, appointed by the DCOP, who serves as a single point of contact and "subject matter expert" for the canine program within the agency.

NPS-Issued or Approved Firearm – A firearm owned by the federal government provided for use on duty, or a personally owned firearm authorized for use on or off duty carried in accordance with policy.

Objective Reasonableness – The facts and circumstances, including the reasonable inferences drawn therefrom, known to a commissioned employee at the time of the use of deadly or other force that would cause a reasonable officer to conclude that the use of force used by the commissioned officer was reasonable based on the totality of circumstances known to the commissioned employee at the point in time the force was used. The reasonableness of a belief or decision must be viewed from the perspective of the commissioned officer on the scene, who may often be forced to make split-second decisions in circumstances that are tense, unpredictable, and rapidly evolving. As such, the Supreme Court has stated that objective reasonableness "is not capable of precise definition or mechanical application." In the context of this section, reasonableness will not be viewed from the calm vantage point of hindsight.

Office of Law Enforcement and Security (OLES) – The Department of Interior office responsible for all policy aspects of Departmental law enforcement functions.

Office of Professional Responsibility (OPR) – The internal affairs program of the NPS. This office functions under the ADVRP and CLESES. It is managed by a Supervisory Criminal Investigator designated as the DCOPR.

Office of Record – As used in Chapter 6, the DCOP is the Office of Record. As used in Chapter 16, the OPR is the Office of Record.

Office of the Inspector General (DOI-OIG) – The Department of Interior office responsible for conducting or arranging for the conduct of investigations regarding the appearance of fraud, waste, abuse, or mismanagement in Departmental programs or operations.

Overtaking – A commissioned employee's attempt to close the distance gap with a vehicle being driven by a person suspected of a violation.

Parent – A parent, legal guardian, or custodian as defined by applicable state law.

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

[redacted]

Pilot-In-Command (Captain) – The person with overall responsibility for the flight of an aircraft. They are directly responsible and are the final authority for the operation of the aircraft. They also serve as the in-flight security coordinator.

Pointing – The directing of the barrel of the firearm or ECD in such a manner that a discharge would likely impact a targeted individual, animal, or object.

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

Primary Sidearm – The pistol worn by all commissioned employees. [redacted]

Probes/Darts – Barbed projectiles fired from an ECD in order to transmit an electrical impulse to a target.

Program Enhancement – An exemption from a specific policy requirement applied to an entire program, not an individual officer. Program Enhancements benefit parks or teams with unique needs or circumstances and are granted on a case-by-case basis by an established review panel. Program Enhancements are also a management tool for evaluating changes in industry practices and equipment.

Pursuit – An active attempt by a commissioned employee in an authorized law enforcement vehicle to apprehend a suspect in a motor vehicle while the driver is using evasive tactics, such as high-speed driving, driving off the roadway, suddenly turning, or otherwise disregarding traffic laws.

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

Recommending Official – The designated individual who receives completed investigations and initiates the disposition process.

Rehire – An employee who was previously employed and commissioned by the NPS.

[redacted]

Required Long Gun – Rifles and/or shotguns that are required by the SLEO to be used and carried on duty, in addition to the primary sidearm (which is required for all commissioned employees).

Responsible Manager – The DCOPR or the RCR. The Responsible Manager has overall responsibility for the investigation.

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

Runaway – A juvenile who has left a legal guardian and is declared a status offender by the guardian's home jurisdiction.

[redacted]

Serious Crime – A criminal offense that involves personal violence, attempted or threatened personal violence, or significant property loss.

Special Maritime and Territorial Jurisdiction – Includes lands within the legislative jurisdiction of the United States (i.e., exclusive, concurrent, and some partial jurisdictions).

State Threshold – States may mandate reporting motor vehicle collisions that reach or exceed a specific monetary value.

[redacted]

Status Offender – A juvenile who commits a violation that would not be a crime if committed by an adult (e.g., truancy).

Storage Device – A media storage device that has been recognized by the courts as having sound evidentiary value.

Temporary Medical Condition – A medical condition that prevents a commissioned employee from performing their duties for up to one year.

Tier of Investigation (Tier I, II, III) – The agency process of evaluating the complexity, nature, severity, and scope of a complaint to determine where, when, and how the complaint will be investigated and managed. The severity of the allegation and the circumstances surrounding the allegation is used to determine the Tier (I, II, or III) of investigation.

Tire Deflation Devices – Devices designed to reduce vehicle speed through the controlled puncturing and deflation of vehicle tires, such as stop sticks, road spikes, and spike strips.

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

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

Use of Force – As used in RM-9, the term "use of force" is intended to address the physical application of force, as opposed to mere officer presence or verbal commands. The use of force may range from physical controls, through intermediate/less-lethal weapons, to deadly force.

[redacted]

Use of Force/Crime Scene Investigation – Conducted by ISB or an outside agency, a Use of Force/Crime Scene Investigation is fact-finding and examines the Graham factors and their applicability to the use of force and the constitutionality of the use of force. The investigator will also process the scene for any evidence surrounding the use of force. The generated report is submitted to the Case Agent.

Victim of Crime – As used in RM-9, the term "crime victim" means a person directly and proximately harmed as a result of the commission of a federal offense or an offense in the District of Columbia.

Waiver – An individual exemption from a specific policy requirement granted by the DCOP on a case-by-case basis.

Wearable Video Recorder (WVR) – Audio/visual recording equipment that is combined into a single unit and typically worn on the officer's shirt, lapel, or eyewear. These devices provide for extended coverage when incidents or events take officers beyond the normal range of vehicle-mounted camera systems.

Witness – A person who has information or evidence concerning a crime and provides information regarding their knowledge to a law enforcement agency. Where the witness is a minor, the term "witness" includes an appropriate family member or legal guardian. The term "witness" does not include defense witnesses or an individual involved in the crime as a perpetrator or accomplice.

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1

Law Enforcement Program

1. BACKGROUND AND OBJECTIVES
2. DEFINITIONS
3. POLICY
4. LAW ENFORCEMENT NEEDS ASSESSMENT
5. ROLE AND FUNCTIONS
6. SUPERVISION
APPENDIX 1-A. NPS HEADQUARTERS ORGANIZATION CHART
APPENDIX 1-B. LAW ENFORCEMENT, SECURITY, AND EMERGENCY SERVICES ORGANIZATION CHART

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1. BACKGROUND AND OBJECTIVES

Reference Manual 9 (RM-9) applies to all employees involved in the National Park Service (NPS) law enforcement program, except the US Park Police (USPP), who are covered by General Orders.

The Act of Congress (commonly known as the Organic Act) establishing the National Park Service directs the Service to "... promote and regulate the use of the National Park System by means and measures that conform to the fundamental purpose of the System units, which purpose is to conserve the scenery, natural and historic objects, and wildlife in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wildlife in such manner and by such means as will leave them unimpaired for the enjoyment of future generations" *54 U.S.C. 100101.*

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

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

Congress has authorized the Secretary of the Interior to designate certain employees of the Department of the Interior (DOI) as law enforcement officers, with the responsibility to "... maintain law and order and protect persons and property within areas of the National Park System." *54 U.S.C. 102701(a).*

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

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

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

The NPS adopts this congressional intent as policy.

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

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

The NPS requires that its law enforcement personnel meet suitability requirements, satisfy special and continuing training requirements, participate in physically and emotionally demanding activities, carry firearms and other defensive equipment, and make instantaneous decisions pertaining to the appropriate use of

varying levels of force, including deadly force – in the performance of their duties.

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

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

2. DEFINITIONS

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

2.1 "6c" – "enhanced retirement"

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

2.2 Defensive Equipment

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

2.3 Law Enforcement

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

2.4 Law Enforcement Program

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

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

2.5 Park

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

3. POLICY

3.1 References

The Department of the Interior's Departmental Manual (DM) 446 prescribes policies and procedures for administering and implementing the law enforcement programs in the Department. Director's Order 9 (DO 9) provides direction on how law enforcement will be accomplished within the NPS.

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

Authority and responsibility to manage the law enforcement program flow from the Director, to the Regional Directors, and then to the Park Superintendents. Park Superintendents are responsible and accountable for the management of law enforcement programs within their respective parks. Authority to administer and provide policy oversight of the NPS law enforcement program has been delegated to the Deputy Chief, Division of Law Enforcement, Security, and Emergency Services, Operations and Policy (DCOP), who is required by Departmental policy to "conduct inspection and oversight in order to control enforcement activity." The DCOP should coordinate through the Regional Chief Rangers to ensure compliance with policy is being accomplished.

4. LAW ENFORCEMENT NEEDS ASSESSMENT

Each Park Superintendent will prepare a Law Enforcement Needs Assessment based on the criteria contained in Section 4 of this chapter and an optimal staffing model based on empirical data, industry standards, and park needs. The assessment will be updated at least every three years.

4.1 Servicewide and Park-Specific Statutory and Program Direction

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

4.2 Elements of the Needs Assessment

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

4.2.1 Protection of People

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

4.2.2 Protection of Resources

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

4.2.3 Protection of Property

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

4.2.4 Type of Jurisdiction

The type of jurisdiction exercised by the NPS has a direct bearing on the scope of a park's law enforcement program. The type or types of jurisdiction that exist in the park and the locations in which they exist should be included in the Law Enforcement Needs Assessment.

4.2.5 Cooperative Assistance

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

4.2.6 Visitation Patterns and Trends

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

4.2.7 Public Use

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

4.2.8 Criminal Activity

The frequency, severity, and complexity of criminal activity and other law enforcement incidents and the duration of individual incidents are significant elements to be considered in determining

a park's law enforcement workload. Decisions as to the level of deterrence and response desired will significantly impact overall program costs.

4.2.9 Access and Circulation Patterns

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

4.2.10 Community Expectations

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

4.2.11 Communications and Technology

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

4.2.12 Special Needs

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

4.2.13 Training Program

Available resources (to include certified instructors, funding, equipment, and facilities) to maintain skill proficiency and meet training requirements are a necessary component of an effective law enforcement program.

4.2.14 Evidence and Sensitive Property Accountability

Park responsibility, in properly maintaining the chain of custody of evidence and in the accountability of sensitive property (specifically firearms and ECDs), directly affects law enforcement programs.

5. ROLE AND FUNCTIONS

5.1 Departmental Law Enforcement Official

The designated official in the Office of the Secretary is responsible for promulgation of policy, procedures, standards, coordination, and responsibilities within the Department. This official also coordinates and monitors implementation of all Departmental law enforcement programs through a standardized inspection program. The Deputy Assistant Secretary (DAS), Office of Law Enforcement and Security (OLES) is the Departmental Law Enforcement Official. Candidates for NPS Law Enforcement Administrator positions are reviewed and approved by OLES prior to appointment. OLES Managers, so delegated by the DAS, serve as the Departmental law enforcement representatives when meeting with other Departmental-level law enforcement representatives. They coordinate activities among law enforcement units and monitor law enforcement programs of each bureau office for compliance with policies and standards.

The DAS, LESEM, serves as the DOI Law Enforcement Administrator.

5.2 Director

The Director of the NPS establishes and approves Servicewide law enforcement program policies and standards.

5.3 Associate Director, Visitor and Resource Protection (VRP), WASO

The Associate Director, Visitor and Resource Protection (ADVRP) has authority to administer and provide policy oversight of the NPS law enforcement program and develops policies and standards for the Director's review. In addition to the law enforcement program, the AD also oversees Fire and Aviation, Public Health, Wilderness Stewardship, Risk Management, Regulations and Special Park Uses, and the United States Park Police.

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

The Chief, Law Enforcement, Security, and Emergency Services (CLESES), is responsible for several Servicewide NPS programs. The Chief oversees mission-oriented policy, procedures, and standards, and provides oversight to division-related programs within the Service. CLESES delegates Law Enforcement Administration functions for the NPS to the DCOP. This position requires an NPS Type I commission, and as such is the Bureau Director for Law Enforcement.

5.5 DCOP, WASO

The Deputy Chief, LESES, Operations and Policy (DCOP) is the designated Law Enforcement Administrator for the NPS and has authority for all law enforcement policy oversight, developing national law enforcement policies, directives, procedures and standards for approval by the Director and implementation by the Regional Directors. The DCOP oversees the NPS law enforcement program. DM-446 requires bureau law enforcement administrators to provide for inspection and oversight in order to control enforcement activity. The responsibilities of the Law Enforcement Administrator cannot be re-delegated. This position requires an NPS Type I commission.

5.6 Regional Director

Regional Directors are responsible for implementation, management, and supervision of the law enforcement program for their regions through Park Superintendents. The authority and responsibility to manage the NPS Commissioned Park Ranger program is delegated from the Director to the Regional Directors to Park Superintendents. Within the region, the Regional Director may delegate law enforcement program responsibilities to Deputy and Associate Regional Directors, who supervise the Regional Chief Ranger.

5.7 Park Superintendent

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

5.8 Regional Chief Ranger

As the Region's Senior Law Enforcement Officer (SLEO), this commissioned supervisory Park Ranger ensures that law enforcement operational activities are uniformly implemented in compliance with directives, policies, and law. The Regional Chief Ranger (RCR) has authority for law enforcement program oversight; developing regional law enforcement directives, procedures, and standards for approval by the Regional Director; and implementation by the Superintendent and Park Chief Rangers. The RCR is trained and experienced in the supervision of law enforcement programs. This official is thoroughly knowledgeable of directives, laws, standards, and practices that govern applicable federal law enforcement programs. This position requires an NPS Type I commission.

5.9 Regional Law Enforcement Specialist

Under the supervision of the RCR or designee, the Regional Law Enforcement Specialist (RLES) is a commissioned Law Enforcement Official who assists in the coordination and review of the law enforcement program within the region. This position requires an NPS Type I commission or a USPP commission.

5.10 Chief Ranger/Senior Law Enforcement Officer

Every work unit with a law enforcement program will have a Senior Law Enforcement Officer (SLEO). In most park settings, this is the commissioned Chief Ranger. This individual serves as the Superintendent's senior law enforcement officer. The minimum requirements for a SLEO include the following:

- Type I Law Enforcement Commission.
- Encumbers a position description that is under the 6(c) enhanced retirement designation.
- Trained and experienced in the supervision of federal law enforcement programs to include ensuring that operational activities are in compliance with directives, policies, laws, standards, and practices. The acting SLEO must possess a Type I commission. The SLEO is the only commissioned employee in the park that does not require a commissioned supervisor. Throughout this document, SLEO refers to these individuals and/or their designee.

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

Commissioned Park Rangers perform law enforcement duties that include enforcing the criminal laws of the United States, apprehending criminal suspects, and conducting criminal and internal investigations. In addition, they are responsible for resource stewardship, education, and visitor use management. These positions are frontline field "law enforcement officers" as defined in DM-446. This position requires an NPS law enforcement commission, and must be supervised by a commissioned supervisor.

5.12 Deputy Chief, LESES, Investigative Services Branch (GS-1811)

As the SLEO for ISB, the Deputy Chief, LESES, Investigative Services Branch (DCISB), works directly for the CLESES and is responsible for management and oversight of the NPS Investigative Services Branch (ISB) Special Agents. Oversight is accomplished through the Special Agent-in-Charge (SAC) and Assistant Special Agents-in-Charge (ASACs). This branch is responsible for complex and long-term criminal and administrative investigations, as well as the provision of investigative and law enforcement expertise to parks and central offices. This position requires an NPS Type I commission.

5.13 Deputy Chief, Office of Professional Responsibility

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

5.14 Special Agent-in-Charge (GS-1811)

The Special Agent-in-Charge (SAC) reports directly to the DCISB. The SAC provides supervision, leadership, and guidance within their geographic area of responsibility to a work group consisting of an Assistant Special Agents-in-Charge (ASAC) and Special Agents. This position requires an NPS Type I commission.

5.15 Special Agent (GS-1811)

Special Agents are commissioned NPS law enforcement officers responsible for assisting parks and regions in conducting complex criminal investigations, sensitive internal investigations, and other specialized law enforcement functions. Special Agents report directly to an SAC or ASAC. This position requires an NPS Type I commission.

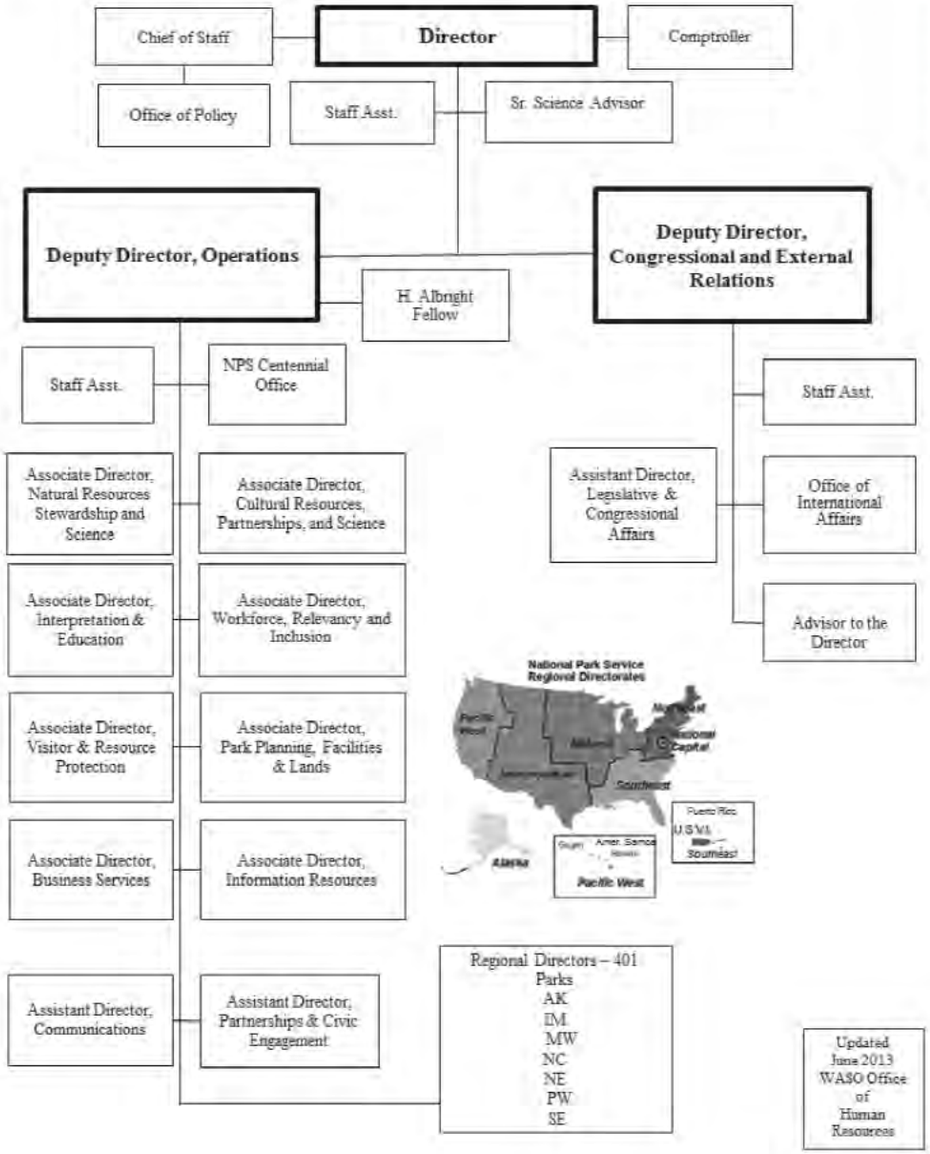
5.16 Superintendent NPS-LETC

The Superintendent of the NPS Law Enforcement Training Center at FLETC (NPS-LETC) is responsible for the development and management of basic and advanced training Servicewide. This official also is responsible for developing policy and guidelines for Servicewide training and certification. This position requires an NPS Type I commission and reports directly to the CLESES.

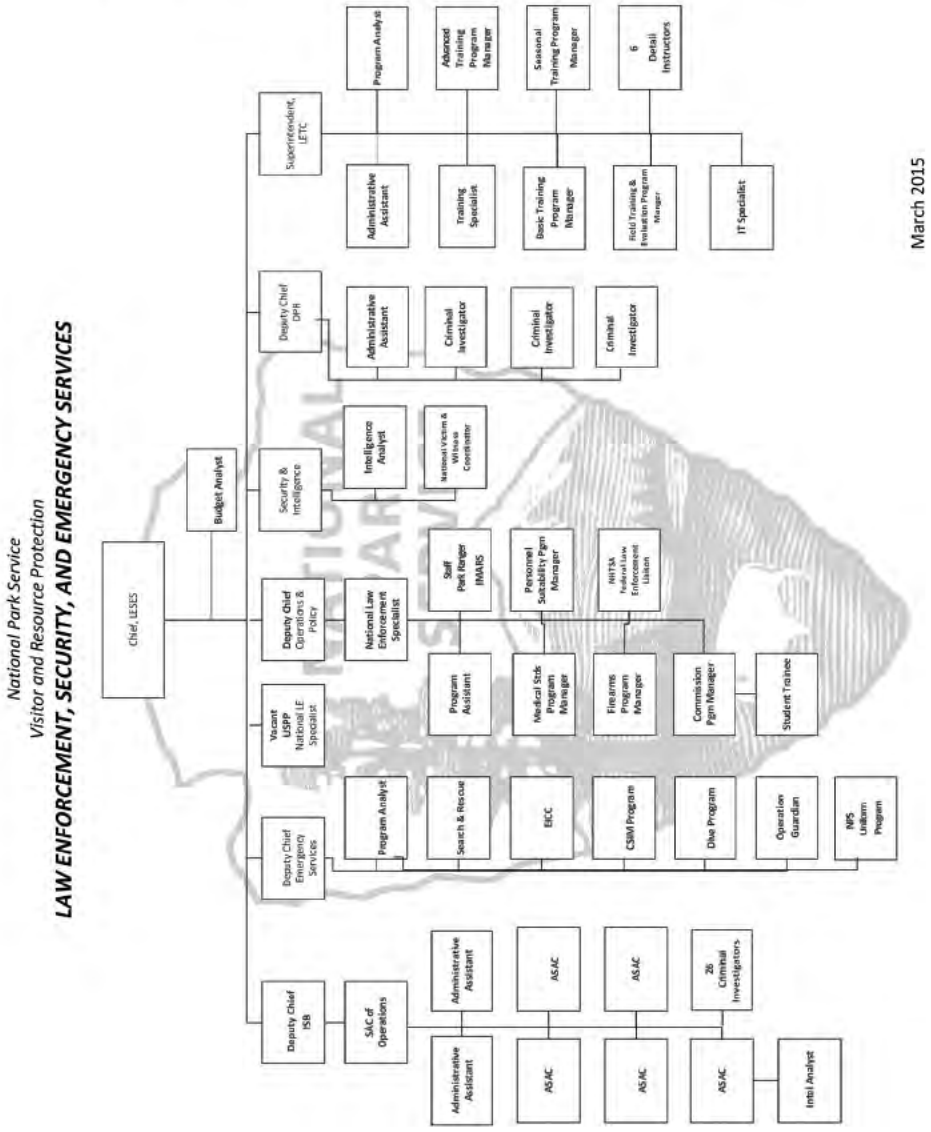
6. SUPERVISION

Commissioned employees must be supervised by a commissioned employee through the SLEO level. Park Superintendents who are unable to provide SLEO supervision to their operations must develop a written agreement with an outside source commissioned SLEO who is approved by the RCR. This responsibility may be assumed by the RCR or their designee, when necessary.

APPENDIX 1-A. NPS HEADQUARTERS ORGANIZATION CHART



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



2

Law Enforcement Authority

1. AUTHORITY
2. COMMISSIONED EMPLOYEES
3. APPLICATION OF AUTHORITY
4. NON-COMMISSIONED EMPLOYEES

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1. AUTHORITY

1.1 Source of Authority

54 U.S.C. 102701(a) et seq. (commonly known as the General Authorities Act) states that "The Secretary, pursuant to standards prescribed in regulations by the Secretary, may designate certain officers or employees of the Department of the Interior who shall maintain law and order and protect individuals and property within System units." Authority for the designation of officers has further been delegated to the NPS by the Secretary through DM-205. The Director is the final authority for designation of all NPS law enforcement officers. This authority is implemented by the DCOP as the Law Enforcement Administrator.

1.2 Intent of Authorities Act

In passing the 1976 amendments to the General Authorities Act, Congress provided the NPS "... with a single clear mandate authorizing designated employees performing law enforcement functions within the National Park System to bear firearms; enforce all Federal laws including serious criminal violations as well as misdemeanors applying specifically to parks; execute process; and investigate offenses ..." The Congressional Record further clarifies that the General Authorities Act "... is intended to eliminate possible uncertainties relating to law enforcement activities in the National Park System [by granting authority] consistent with

the authority exercised by other Federal personnel having law enforcement responsibilities, such as agents of the Federal Bureau of Investigation (FBI) and United States Marshals, and specifically would not restrict their investigative jurisdictions."

The Authorities Bill of 1976 specified "that the clear and specific enforcement authority ... while necessary for the protection of [commissioned NPS] employees, will be implemented ... to ensure that law enforcement activities in our National Park System will be continued to be viewed as a function of a broad program of visitor and resource protection. Law enforcement duties should be a function of the National Park Ranger, along with a diversity of other protection concerns. National Park Rangers should maintain the appearance of ... representatives of a people-serving agency, and not as members of an organization whose only function is law enforcement." *H.R. Rep. No. 1569, 94th Cong., 2nd Sess. at 9 (1976).*

1.3 Scope of Authority

1.3.1 54 U.S.C. 102701(a) et seq.

54 U.S.C. 102701(a) et seq. (commonly known as the General Authorities Act) states that officers and employees designated as a law enforcement employee by the Secretary of the Interior may:

- "Carry firearms"
- "Make arrests without warrant for any offense against the United States committed in the presence of the officer, or for any felony cognizable under the laws of the United States if the officer or employee has reasonable grounds to believe that the individual to be arrested has committed or is committing the felony, provided the arrests occur within the System or the individual to be arrested is fleeing from the System from to avoid arrest."
- "Execute any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law arising out of an offense committed in the System or, where the individual subject to the warrant or process is in the System, in connection with any Federal offense."

- "Conduct investigations of offenses against the United States committed in the System in the absence of investigation of the offenses by any other Federal law enforcement agency having investigative jurisdiction over the offense committed or with the concurrence of the other agency."

1.3.2 54 U.S.C. 102701(b) et seq.

In 54 U.S.C. 102701(b) et seq., the Secretary of the Interior (through their designated employees) is authorized to:

- "Designate officers and employees of any other Federal agency, or law enforcement personnel of any state or political subdivision thereof, when determined to be economical and in the public interest and with the concurrence of that agency, state or subdivision, to act as special police officers in System units when supplemental law enforcement personnel may be needed, and to exercise the powers and authority (delegated to Park Rangers and Special Agents) ..."
- "Cooperate, within the System, with any state or political subdivision of a state in the enforcement of the laws or ordinances of that state or subdivision."
- "Provide limited reimbursement, to a state or political subdivisions of a state…where the state has ceded concurrent legislative jurisdiction over the affected area of the System, for expenditures incurred ..."
- "[The authorities provided by this subsection] supplement the law enforcement responsibilities of the Service and do not authorize the delegation of law enforcement responsibilities of the Service to state or local governments."

2. COMMISSIONED EMPLOYEES

Only commissioned employees have delegated law enforcement authority and may perform law enforcement duties. Delegated authority ceases to exist upon separation from employment in a law enforcement position (e.g., resignation, termination, and transfer to another agency) or by administrative removal of authority through the suspension/revocation process found in Chapters 5 and 6.

2.1 Law Enforcement Commissions

Commissions are held by NPS law enforcement personnel whose primary field, supervisory, administrative, or management duties are the investigation, apprehension, and detention of individuals suspected or convicted of violating the criminal laws of the United States. Exceptions to this must be requested through the chain of command and authorized by the DCOP. Commissioned personnel are delegated law enforcement authorities as specified in *54 U.S.C. 102701 et seq.*

Law enforcement positions are designated, and the incumbents are typically covered under the enhanced law enforcement retirement provisions of *5 U.S.C. 8336(c) or 5 U.S.C. 8412(d).*

2.2 Law Enforcement Work Complexity, Assignments, and Supervision

2.2.1 Park Rangers

The GL-9 grade level, along with completion of basic training at FLETC and FTEP, is the journey-level Park Ranger position. (See Chapter 7 for training requirements.) Commissioned employees, either seasonal or permanent, who have not completed basic training at FLETC and FTEP, have less complex duties as defined in their job descriptions, or typically require closer supervision, should not be routinely assigned work that is more complex or be given independent assignments for which they have not been trained.

Employees with a Type II commission may:

- Carry firearms when off duty within the park to which they are assigned. (see Chapter 30.)
- Provide initial response to both misdemeanor and felony incidents with delegated arrest authority.
- Independently conduct investigations into misdemeanor violations.
- Under supervision of journey-level commissioned personnel, investigate felony violations and fatalities.

- Participate in the execution of planned (warrant's existence known prior to contacting) arrest and search warrants, and other processes, both inside and outside of park boundaries, when under the on-scene direction of a Type I commissioned employee. When encountered, unplanned (warrant's existence not known prior to contacting) arrest warrants may be served at the discretion of the officer based upon the totality of the circumstances.

	Type I	Type II
Arrest authority	●	●
Carry firearms off duty in park	●	●
Carry firearms off duty outside park	●	†
Fly commercial airline armed	●	†
Investigate felonies	●	○
Investigate misdemeanors	●	●
Investigate fatalities	●	○
Serve warrants w/o supervision	●	●○
Manage law enforcement programs	●	

† – Requires a signed letter from SLEO
○ – Requires direct or on-scene supervision from journey-level ranger

Employees with a Type II commission deputized by other law enforcement organizations or entities cannot use their deputation to exceed these policy restrictions. These employees must be specifically authorized to be deputized under an MOU.

Employees with a Type II commission will not manage law enforcement programs, nor act as SLEO.

All commissioned personnel must be supervised by a commissioned supervisor in a 6c enhanced retirement position, with the exception of the SLEO.

2.2.2 Special Agents

The GS-12 grade level, with Criminal Investigator Training Program basic training complete, is the journey level for Special Agent positions. Special Agents at lower grades have less complex

duties as defined in their position descriptions, require closer supervision, should not routinely be assigned more complex work, or be given independent assignments for which they have not been trained.

3. APPLICATION OF AUTHORITY

3.1 On-Duty Status

When in on-duty status, commissioned employees have an obligation to respond reasonably and appropriately within their authority and discretion to situations that involve serious threats to public safety or park resources, including violations of criminal law or NPS regulations.

3.2 Off-Duty Status

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

4. NON-COMMISSIONED EMPLOYEES

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

As found in Chapter 5, non-commissioned technical or scientific specialists who provide technical investigative support, and park managers who review law enforcement activities, will be subject to an appropriate background investigation.

3

Jurisdiction

1. INTRODUCTION
2. DEFINITIONS
3. GENERAL
4. ELEMENTS OF PROPRIETARY AND CONCURRENT JURISDICTION
5. TITLE 36 CODE OF FEDERAL REGULATIONS
6. JURISDICTIONAL INVENTORY

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1. INTRODUCTION

When Congress passed the General Authorities Act in 1976, it recognized that the NPS needed new administrative authority to meet the mandates of the 1916 Organic Act. This law (now codified in Title 54 of the US Code) represented an effort to bring the 1916 Organic Act into line with current operational realities. Increased visitor use, changes in the types of uses, and new conservation concepts and techniques all combined to indicate that more appropriate administrative mechanisms were needed if park employees were to provide effective protection to unit resources, property, and unit visitors.

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

2. DEFINITIONS

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

2.1 Authority

The lawful grant of specific powers.

2.2 Jurisdiction

The NPS's legal power to exercise civil and criminal authority over persons, property, and resources within a geographic area. For reporting purposes, jurisdiction is determined by the location where property damage or personal injury first occurs.

2.3 Legislative Jurisdiction

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

3. GENERAL

3.1 Jurisdictional Status

3.1.1 Responsibilities of the NPS

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

3.1.2 Criteria

- Law enforcement authority on federal land is directly related to:
- The authority bestowed by Congress.
- The applicable federal and state laws and local ordinances.
- The type of jurisdiction exercised by the federal government.
- Any jurisdiction ceded by the state.

3.2 Types of Jurisdiction

3.2.1 Exclusive Legislative Jurisdiction

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

3.2.2 Partial Legislative Jurisdiction

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

3.2.3 Concurrent Legislative Jurisdiction

The United States and the states jointly hold and exercise all rights accorded a sovereign, with the broad qualification that such authority is held concurrently. The United States, however, has the superior right under the Supremacy Clause of the Constitution to carry out federal functions unimpeded by state regulation. Under the Supremacy Clause of the Constitution, federal law and regulations preempt conflicting state law. Insofar as possible, the NPS will seek to acquire concurrent legislative jurisdiction for all units of the National Park System *(54 U.S.C. 100754)*.

3.2.4 Proprietary Jurisdiction

The NPS can enforce most federal laws but cannot enforce laws that specifically require the existence of special maritime and territorial jurisdiction. In proprietary jurisdiction park areas, the NPS exercises all the rights of a property owner. The United States, however, has certain other constitutional powers that a private individual does not hold. To manage its lands, Congress has delegated authority to the NPS to make and enforce regulations *(36 CFR Chapter 1)* in all NPS areas *(see 54 U.S.C. 100501, §100751, §100752, §100753, and §100755)*. While the state has the same authority and jurisdiction on NPS lands as it would normally have on any other state, local, or private lands in the state, it is also important to recognize that on federal lands, the power of the federal government is supreme, and law enforcement functions remain the primary function of the NPS. The state may not impose its regulatory power directly upon the United States without specific congressional consent, nor may it tax federal land. Neither may the state regulate in the federal area in any way that might directly conflict with the performance of a United States function, law, or regulation.

4. ELEMENTS OF PROPRIETARY AND CONCURRENT JURISDICTION

4.1 Concurrent Jurisdiction

4.1.1 Objective

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

4.1.2 Principles

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

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

4.1.3 Benefits

There are several advantages of concurrent jurisdiction to the federal government and the states.

- Acts and omissions punishable under state law are likewise punishable under federal law *(18 U.S.C. 7 and §13)* where no applicable federal law exists.

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

4.2 Proprietary Jurisdiction

4.2.1 NPS Regulations and Certain Federal Laws

Under proprietary jurisdiction, NPS rules and regulations and the vast majority of federal statutory laws are enforced by commissioned employees. Federal laws, such as destruction of federal government property, assault on a federal officer, narcotics and drugs, firearms, finance, and environmental laws describe crimes against the United States and are offenses wherever they are committed. In addition to this large collection of available federal law, commissioned employees also enforce Code of Federal Regulations (CFR) offenses inside park boundaries. As identified in CFR, commissioned employees are authorized to adopt non-conflicting state laws *(36 CFR 2.2, 3.2, 4.2)*.

4.2.2 Criminal Statutes

A limited number of federal criminal statutes (requiring Special Maritime and Territorial Jurisdiction – *18 U.S.C. 7)* that define crimes such as murder, assault, maiming, rape, robbery, and theft, do not apply to federal land unless it is held under exclusive or concurrent legislative jurisdiction. Consequently, in areas of proprietary jurisdiction, only individuals with delegated law enforcement authority from the state (or any of its political

subdivisions) have authority to enforce state criminal statutes that address such crimes. The limitations of proprietary jurisdiction are that commissioned employees: (1) cannot enforce those laws requiring Special Maritime and Territorial Jurisdiction, and (2) cannot use the Assimilative Crimes Act *(18 U.S.C. 13)*.

	Exclusive	Concurrent	Proprietary
Special maritime territorial jurisdiction	•	•	
Arrest authority	•	•	•
Enforce *36 CFR*	•	•	•
Enforce U.S.C.	•	•	•
Assimilative Crimes Act	•	•	
Reference and adopt	•	•	•

5. TITLE 36 CODE OF FEDERAL REGULATIONS

5.1 Applicability

Regulations contained in *36 CFR Part 1* apply to all persons entering, using, visiting, or otherwise within:

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

Further clarification can be found in *36 CFR 1.2* and *1.4,* and in specified 36 CFR sections that are applicable to non-federally owned lands located within NPS boundaries that are under the legislative jurisdiction of the United States *(§ 2.2(g))* and in Volume 61 Federal Register, pages 35133–37, July 5, 1996 *(see also 36 CFR Parts 6, 7, 9, 12, and 13)*.

5.2 Jurisdiction Over Non-Federal Lands

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

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

6. JURISDICTIONAL INVENTORY

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

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4

Ethics And Conduct

1. POLICY
2. PRINCIPLES
3. GOALS
4. LAW ENFORCEMENT STANDARDS
5. EXCULPATORY AND IMPEACHMENT INFORMATION
APPENDIX 4-A. DOMESTIC VIOLENCE STATEMENT
APPENDIX 4-B. LAW ENFORCEMENT CODE OF CONDUCT
APPENDIX 4-C. LAW ENFORCEMENT ADMINISTRATOR CODE OF CONDUCT

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1. POLICY

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

2. PRINCIPLES

2.1 Objectivity

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

2.2 Adaptability

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

2.3 Integrity

Public respect is essential to any law enforcement activity, and in order to earn this respect, the commissioned employee must enforce the law impartially. The employee's private life should be free from scandal and suspicion that would result in public criticism.

2.4 Versatility

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

2.5 Compatibility

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

3. GOALS

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

4. LAW ENFORCEMENT STANDARDS

4.1 Conduct

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

4.2 Ethics

The law enforcement code of conduct will be signed by each commissioned employee annually and becomes part of their official commission folder in accordance with Chapter 5 on commission procedures.

All non-commissioned law enforcement administrators will sign the law enforcement administrator Code of Conduct oath upon entry into their position, which shall be affirmed annually and maintained in their Official Personnel Folder. "Law Enforcement Administrators" includes managers that provide administrative oversight of law enforcement programs, to include Superintendents and applicable deputies, Regional Directors and applicable deputies or associates, and the ADVRP and applicable deputies.

4.2.1 Law Enforcement Code of Conduct

1. I will faithfully abide by all laws, rules, regulations, and policies governing the performance of my duties and I will commit no act that violates these laws or regulations, or the spirit or intent of such laws and regulations while on or off duty.

2. In my personal and official activities, I will never knowingly violate any local, state, or federal law or regulation, recognizing that I hold a unique position of public trust that carries an inherent personal commitment to uphold laws and the integrity of my profession. For these reasons, I understand that this code places special demands on me to preserve the confidence of the public, my peers, my supervisors, and society in general.

3. I will not knowingly commit any act in the conduct of official business or in my personal life, which subjects the Department of the Interior or the NPS to public censure or adverse criticism.

4. While a law enforcement officer, I will not accept outside employment that will in any way conflict with the law enforcement interests or jeopardize the activities or mission of the Department or the NPS or that gives the appearance of conflict.

5. As a law enforcement officer of the NPS, I will conduct all investigations and law enforcement functions assigned to me impartially and thoroughly, and report the results thereof fully, objectively, and with accuracy.

6. In the investigative process, I will be judicious at all times and I will release information pertaining to my official duties, orally or in writing, only in accordance with the law and established policy.

7. I will accept nothing, even of the slightest value, including favored treatment of any kind, from anyone on my own behalf or behalf of another person, recognizing that acceptance may result in a conflict, or give the appearance of a conflict, with my official duties or with in my effectiveness as a law enforcement officer.

8. I will abide by all rules, regulations, and policies of the Department and the NPS, including those relating to health, safety, and technical expertise requirements of my position.

9. I will use only the amount of force that is objectively reasonable to accomplish the mission of the Department and the NPS.

10. Supervisors will not give, and law enforcement personnel will not comply with, orders they know to be in violation of criminal laws. Where question or dispute exists over such an order, both the supervisor and subordinate will direct the matter to the next level of supervision for resolution.

11. I understand this Code of Conduct is in addition to requirements imposed on me and applicable to all Department of the Interior employees as cited in Department regulations governing responsibilities and conduct of employees *(43 CFR 20)*, which

I have reviewed, and that a violation of this code or provisions of the aforementioned regulations may be cause for disciplinary action or removal from the Department.

4.2.2 Law Enforcement Administrator Code of Conduct

1. I will faithfully abide by all laws, rules, regulations, and policies governing the performance of my duties and I will commit no act that violates these laws or regulations, or the spirit or intent of such laws and regulations, while on or off duty.

2. In my personal and official activities, I will never knowingly violate any local, state, or federal laws or regulations, recognizing that I hold a unique position of traditional high public trust, which carries an inherent personal commitment to uphold laws and the integrity of my profession. For these reasons, I understand that this code places special demands on me to preserve the confidence of the public, my peers, my supervisors, and society in general.

3. I will not knowingly commit any act in the conduct of official business or in my personal life, which subjects the Department of the Interior or the NPS to public censure or adverse criticism.

4. While a law enforcement administrator, I will not accept outside employment that will in any way conflict with the law enforcement interests or jeopardize the activities or mission of the Department or the NPS or that gives the appearance of conflict.

5. As a law enforcement administrator of the NPS and representative of the Department, I will conduct all law enforcement oversight assigned to me impartially and thoroughly, and report the results thereof fully, objectively, and with accuracy.

6. In the investigative process, I will be judicious at all times and I will release information pertaining to my official duties, orally or in writing, only in accordance with law and established policy.

7. I will accept no gift, gratuity, entertainment, or loan, except as provided by Departmental regulations and policy. I will not accept favored treatment of any kind, from anyone on my own behalf or on behalf of any other person, recognizing that acceptance may result in a conflict, or give the appearance of a

conflict, with my official duties, or hinder my effectiveness as a law enforcement administrator.

8. I will abide by all rules, regulations, and policies of the Department and the NPS, including those relating to ethics, health, safety, and the law enforcement administration requirements of my position.

9. I will not direct the use of force greater than objectively reasonable to accomplish the mission of the Department and the NPS.

10. Law enforcement administrators will not give, and law enforcement personnel will not comply, with orders they know to be in violation of criminal laws. Where question or dispute exists over such an order, both the supervisor and subordinate will direct the matter to the next level of supervision for resolution.

11. I understand that this Code of Conduct is in addition to requirements imposed on me and applicable to all Department of the Interior employees as cited in Department regulations governing responsibilities and conduct of employees *(43 CFR 20)*, which I have reviewed, and that a violation of this code or provisions of the aforementioned regulations may be cause for disciplinary action or removal from the Department.

4.2.3 Conduct Online and in Social Media

Commissioned employees must be aware and comply with DOI and NPS policies on the official and non-official/personal use of social media and social networking services, which have Ethics, Hatch Act, and First Amendment implications. These policies, which may be periodically updated, may be found at the NPS Office of Policy website at www.nps.gov/applications/npspolicy. By exercising discretion and common sense when employing social media for professional or personal purposes, commissioned employees will help ensure that the benefit of social media is fully realized without inadvertently compromising their professional, legal, or ethical standards.

4.2.4 Outside Employment

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

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

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

1. Any outside employment or activity that requires the exercise of police powers or is of such a nature that it may be reasonably construed by the public to be the official act of the NPS. *[5 CFR 2635.502]*

2. Outside employment of a sensitive nature for a person or enterprise that has or is seeking to obtain contractual or other business or financial relations with the NPS. *[5 CFR 3501.105]*

3. Outside employment that is substantively the same as that required by a commissioned employee's regular duties; outside employment that involves the use of federal government facilities, equipment, and supplies that are not routinely available to the public for similar use; or outside employment that involves the use of official information not available to the public.

4. Outside employment that involves active proprietary management of a business closely related to the official work of the commissioned employee.

5. Outside employment that would tend to influence the exercise

of impartial judgment of any matters coming before the Park Ranger/Special Agent in the course of their official duties. *[5 CFR 2635.502]*

6. Outside employment that would tend to impair the officer's mental or physical capacity to perform their official duties and responsibilities in an acceptable manner.

7. Outside employment that would reflect discredit on the United States or the NPS. *[5 CFR 735.203]*

8. Generally, a commissioned employee may not receive compensation from a source other than the federal government for teaching, speaking, or writing activity that relates to the Park Ranger/Special Agent's official duties. Outside employment or activities engaging in speaking, writing, or teaching, will be considered on a case-by-case basis. Requests should be submitted to their supervisor for consideration. *[5 CFR 2635.807]*

9. Outside employment as an expert witness, other than on behalf of the United States, before a federal court or agency in which the United States is a party or has a direct and substantial interest, requires prior approval by the Designated Agency Ethics Official in the Office of the Solicitor. Requests should be submitted to their supervisor. *[5 CFR 2635.805]*

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

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

- Is seeking official action by the NPS.
- Does business or seeks to do business with the NPS.

- Has interests that may be substantially affected by the performance or non-performance of the employee's official duties.
- Is an organization a majority of whose members are described above.

4.3 Oath of Office

4.3.1 Administration

A federal judge, magistrate, NPS Director, or designee will administer the oath of office. The CLESES; Superintendent, NPS-LETC; Park Superintendents; DCOP; DCISB; and DCOPR are designated as administrators of the oath of office.

4.3.2 Oath

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

4.4 Violations of Standards

4.4.1 Reporting

- Whenever a commissioned employee observes any action by another commissioned employee that may constitute misconduct, such activity will be reported to the employee's supervisor. Failure to report misconduct may be grounds for removal of law enforcement authority, and may have other penalties. Supervisors should act promptly, reasonably, and according to policy to ensure investigation of reported misconduct.
- If a commissioned employee feels that their performance of duty or appropriate presentation of a court case has been interfered with by another in violation of the provisions of this chapter, the matter will be reported to a supervisor.
- Whenever a commissioned employee physically interferes in the actions of another commissioned employee or an officer of

another organization, they will, as soon as possible, notify their immediate supervisor of the incident and submit a memorandum documenting the incident.

- All administrative complaints alleging interference with a commissioned employee's actions or court case will contain only the facts and circumstances of the incident and will not contain any determination of misconduct. Such reports will be submitted following NPS policies and procedures for administrative complaints.

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

5. EXCULPATORY AND IMPEACHMENT INFORMATION

Government disclosure of material exculpatory and impeachment evidence is part of the constitutional guarantee to a fair trial *[Brady v. Maryland, 373 U.S. 83, 87 (1963); Giglio v. United States, 405 U.S. 150, 154 (1972)]*. Prior to providing a sworn statement or testimony in any federal case or investigation, each officer is obliged to inform the assigned prosecutor of any potential impeachment information as soon as possible. In addition, each officer is responsible for informing the assigned prosecutor if any potential impeachment information develops during the duration of the case or investigation.

For information on releasing exculpatory or impeachment information, refer to Chapter 16.

APPENDIX 4-A. DOMESTIC VIOLENCE STATEMENT

UNITED STATES
DEPARTMENT OF THE INTERIOR
National Park Service

LAUTENBERG CERTIFICATION
FOR OFFICIAL USE ONLY

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

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

Please complete the following certification:

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

Yes_____ No_____ Initial & Date_____

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

Court /Jurisdiction: _____

Docket / Case No.: _____

Statute / Charge: _____

Date of Disposition: _____

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

Yes_____ No_____ Initial & Date_____

If you answered "yes" to this question, please provide documentation of the expungement, set aside, or pardon.

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

_____ _____
Signature Date

APPENDIX 4-B. LAW ENFORCEMENT CODE OF CONDUCT

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

_____ _____

Signature Date

APPENDIX 4-C. LAW ENFORCEMENT ADMINISTRATOR CODE OF CONDUCT

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

_____ _____

Signature Date

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5A

Hiring And Commissioning

1. INTRODUCTION
2. DEFINITIONS
3. POLICY
4. OBTAINING A COMMISSION
5. MAINTAINING COMMISSIONS
6. REMOVAL OF COMMISSION & LAW ENFORCEMENT AUTHORITY
7. RETIREMENT CREDENTIALS

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1. INTRODUCTION

The selection of qualified candidates to serve as law enforcement officers for the NPS is a significant responsibility. The Department, OPM, and the NPS have numerous policies in effect to ensure that only qualified individuals are appointed to these positions of public trust. Failure to adhere to these policies may result in hardship to the employee, liability to the agency, or lack of effciency of the Service.

This chapter is broken into three sections:

- Obtaining a Commission explains all the requirements for appointment to a position and all the requirements to receive a Type I or Type II commission.
- Maintaining a Commission explains the requirements for continued commissionability, including commission lifespan, commission file requirements, and physical control of credentials and shields.
- Removing a Commission outlines how delegated law enforcement authority may be temporarily suspended or permanently revoked.

2. DEFINITIONS

2.1 Lateral Transfer

A commissioned employee from any federal agency besides the NPS.

2.2 Rehire

An employee who was previously employed and commissioned by the NPS.

2.3 Temporary Medical Condition

A medical condition that prevents a commissioned employee from performing their duties for up to one year.

3. POLICY

The following requirements are considered conditions of employment in order to provide the NPS with the most qualified employees: favorable background and suitability determinations, favorable medical and physical fitness determinations, and maintenance of a law enforcement commission. It is the responsibility of the hiring official in conjunction with the servicing human resources office to ensure that all pre-employment requirements are met prior to appointing a candidate to a position. Failure to meet these conditions of employment may result in a removal from federal service.

Supervisors and program managers are responsible for ensuring procedures are followed and for examining any situation where these policies are not followed and taking corrective measures.

4. OBTAINING A COMMISSION

All commission requests will be sent to the Commission Office. Applications and directions are found on the Commission Office website on InsideNPS.

4.1 Hiring Prerequisites – All Commissions

Prior to hiring or appointing any candidate to a permanent law enforcement position, the selecting official will contact the Commission Office to verify eligibility for a law enforcement

commission and ensure compliance with existing policies and law. Certain cases may require consultation with the DCOP to prevent ineligible candidates from entering law enforcement positions.

All applicants will require:

- A review of records to search for previous revocation of an NPS law enforcement commission.
- A review for domestic violence convictions, misdemeanor or felony convictions, or any other information that could affect the ability to possess a law enforcement commission.
- Successfully pass the PEB (see Chapter 7).
- Pre-employment medical screening (see RM-57A).
- Pre-employment background check (see Chapter 5B).
- Pre-employment drug testing.
- Verify age requirements have been met per federal law.

4.2 Commission Standards (Essential Job Requirements)

Type I and Type II commissions are issued by the NPS Director. Credentials and shields are processed through the Commission Office. To receive a commission, employees must:

- Successfully pass approved training (see Chapter 7).
- Successfully pass the PEB (see Chapter 7).
- Successfully pass the firearms qualifications (see Chapter 8).
- Receive a favorable adjudication of the background investigation.
- Receive a rating of medically qualified consistent with RM-57A.
- Pass a pre-employment drug screen.

4.2.1 Lateral Transfers/Rehires

Refer to Chapter 7 for training requirements for lateral transfers and rehires. The SLEO must consult with the DCOP prior to making job offers to determine if an employee is commissionable. If a lateral transfer or rehire does not meet the training requirements

to receive a commission, submit a Policy Waiver (see Chapter 43) to the DCOP 30 days prior to the employee's EOD to determine what training will be required for commissioning. All other commission standards (Type I or Type II, as applicable) are still required for lateral or rehire positions.

4.2.2 Prior Type II Commission

Employees who held a seasonal Type II commission and are hired into permanent law enforcement positions must meet all eligibility and training standards required for a permanent Type II commission (see Chapters 5 and 7). They may continue to work under a permanent Type II law enforcement commission for up to two years. The agency may issue waivers to employees who cannot meet these standards due to space availability at the NPS-LETC.

If no waiver is issued, the employee's commission will proceed toward revocation.

4.3 Special Commission Circumstances for NPS-LETC

Once commission requirements have been met, the employee will be issued a "conditional" Type I Commission. The employee will then complete the NPS FTEP. Provided that the employee successfully completes the performance elements of the FTEP, the "conditional" provision of the Type I Commission will be dropped.

Employees who have previously held a Type II commission and have completed the DHS-FLETC basic academy but are unable to directly attend FTEP due to agency constraints may have their Type II commissions reinstated during the interim.

Trainees who experience an interruption to field training prior to completion, but are fully successful to that point for a period of greater than one week, may be required to turn in their Conditional Type I commission and be reissued a Type II at the direction of the FTEP Program Manager.

4.4 Commission Photo Appearance Standards

All photos should be submitted in digital format.

4.4.1 Appearance Standards Commission Photos for Uniformed Personnel

Employees must be in a service uniform shirt, neck tie, shield, and name tag. No jackets, hats, visible body armor, lapel pins or lapel microphones, or other accoutrements will be worn. Photos will be taken against a white background.

4.4.2 Appearance Standards for Special Agents Commission Photos

Employees must be in appropriate business attire (e.g., dress shirt/ blouse, tie, and suit coat or blazer). Photos will be taken against a red background.

4.4.3 Appearance Standards for Retirement Credential Photos

Photos will be taken against a white background, showing the top of the shoulders, full face, and facing square to the camera.

5. MAINTAINING COMMISSIONS

5.1 Lifespan of Commissions

5.1.1 Type I Commissions

A new commission card with a current photograph will be issued every five years.

5.1.2 Type II Commissions

Twenty-four months or the length of the appointment, whichever comes first.

5.2 Standards for Maintaining Commissions

The following are required:

- Annual training requirements (see Chapter 7).
- Firearm qualifications (see Chapter 8).
- Medical Review Officer approval (see RM-57A).
- Favorably adjudicated background (updated as required in Chapter 5B).

- Annual PEB (see Chapter 7).
- Annual signing of the Code of Conduct (see Chapter 4).
- Annual signing of the Domestic Violence affidavit (Refer to Appendix 4A – Lautenberg Certification).

5.3 Requirements for Commission Records

5.3.1 Oversight Responsibility

DOI mandates semi-annual reporting of commissioning requirements. The SLEO is responsible for ensuring that commissioned employees meet training and qualification standards as set forth in RM-9. Superintendents are responsible for ensuring the data is entered into the approved database. Regions are responsible for ensuring parks are meeting this requirement, conducting checks, and overall accountability.

The DCISB or DCOPR is responsible for ensuring that commissioned Special Agents meet training and qualification standards as set forth in RM-9.

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

5.3.2 Commission/Training Records

The official commission folder will be maintained at the Commission Office. The SLEO or SAC is responsible for establishing and maintaining a park commission file for each commissioned employee that will contain at a minimum the following:

- Annual training documentation
- Firearms qualification documentation
- Physical Fitness testing documentation
- Background Investigation status and results
- Medical Review Officer approval

- Copy of current commission
- Oath of Office signature page
- Domestic Violence affidavit (annually and on transfer/reassignment)
- Code of Conduct signature page (annually and on transfer/reassignment)

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

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

5.4 Procedures for Transferring Employees

In a transfer between parks without a break in service, the SLEO of the receiving park will notify the Commission Office of the transfer in writing, with a copy to the Regional Chief. The park will forward the park commission file to the receiving park.

The SLEO will also move the employee into the park employee roster (positions page) in the T3 System (or its successor) in coordination with the SLEO of the former park (the former park must release the employee prior to the new park adding the employee).

5.5 Procedures for Employees Leaving NPS Law Enforcement

Any employee who leaves an NPS law enforcement position must immediately relinquish their shields, firearm, and commission cards to the SLEO. The SLEO will return the shields, firearms, and commission cards to the Commission Office.

Special Agents who leave an NPS law enforcement position must relinquish their shields, firearms, and commission cards to the

DCOPR, DCISB, or appropriate SAC, who, in turn, will forward them directly to the Commission Office.

Seasonal employees with Type II commissions will immediately relinquish their shields, firearm, and commission cards to the SLEO at the end of appointment, who will forward them to the Commission Office.

5.6 Remediation Process for Failure to Meet In-Service Training Requirements

Supervisors will review employee training records by the end of the calendar year to ensure employees have met training requirements. If the employee fails to meet training requirements by December 31, their commission will be automatically suspended. A plan to complete the required training will be developed and immediately executed. This training will count only toward the previous year's training requirement, and will not apply toward the current year's requirement. Appropriate supervisory action will be taken regarding failure to maintain training hours.

If the training is not completed within 60 days of the suspension, the SLEO will notify the DCOP to initiate the revocation process.

Waivers or extensions to this time period can be obtained from the DCOP based upon circumstances that make completing training impossible (medical incapacity, etc.).

5.7 Accountability for Shields and Commissions

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

Commissions will be retained by employees who remain in commissioned positions with the NPS without a break in service. Commissions will be retained by employees in part-time status. Subject-to-furlough employees in non-work/non-pay status are authorized to retain their law enforcement credentials and weapon, providing that all in-service training and firearms qualification requirements are satisfied.

Employees in intermittent status are required to safekeep their credentials and defensive equipment with the SLEO.

5.7.1 Unauthorized Possession of Law Enforcement Commissions and Shields

Commission documents and law enforcement shields remain federal government property and may not be possessed by unauthorized individuals.

5.7.2 Procedures for Lost/Stolen Commissions and Shields

Law enforcement commissions and shields are accountable property and must receive the same degree of control that is provided other sensitive items of law enforcement equipment. In the event of a lost or stolen commission and/or shield, the employee must immediately notify an appropriate law enforcement supervisor. The supervisor will ensure an investigation is conducted.

If retirement credentials are lost or stolen, the issuing park's SLEO should be notified by the retiree who will notify the Commission Office.

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

- The loss or theft will be reported immediately to the Emergency Incident Coordination Center (EICC) by using the Serious Incident Notification System, by email to nps_eicc@nps.gov, or by calling 888-246-4335. EICC will immediately advise the DCOP and the Commission Office (see Chapter 36).

- The shield number and identifying information from the credential and/or shield will be entered into NCIC as soon as practical, but within 24 hours. All missing, lost, or stolen credentials are presumed stolen and will be entered into NCIC.
- An investigation will be initiated by the SLEO, SAC, or RCR. The results will be submitted to the DCOP through the Regional Office within 30 days of the initial report, including the Survey of Property forms.

6. REMOVAL OF COMMISSION & LAW ENFORCEMENT AUTHORITY

Delegated law enforcement authority may be temporarily suspended or permanently revoked if there is reason to believe that the commissioned employee's conduct, abilities, or qualifications affect their suitability to perform law enforcement. This section outlines the procedures for handling these situations.

6.1 Duty Status

The duties of a commissioned employee may be restricted for administrative purposes without affecting the delegation of law enforcement authority.

6.1.1 Full Duty

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

6.2 Restricted Duty

6.2.1 Light Duty

Light duty is a temporary medical condition certified by a physician (e.g., recovery from surgery, sprain, broken bones) in which the employee is restricted from participating in potentially hazardous or arduous law enforcement activities. As a result, the supervisor may administratively restrict the law enforcement duties and assignments. However, statutory law enforcement authorities are not necessarily restricted or affected. Access to or use of defensive equipment will not be restricted unless the medical condition specifically impacts upon such use, safety, or meeting standards set forth in RM-57A.

6.2.2 Pregnancy Light Duty

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

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

6.2.3 Administrative Light Duty

Administrative Light Duty is a temporary assignment whereby the supervisor or others authorized in policy restricts a commissioned employee's law enforcement duties and responsibilities, or a temporary restriction on commission status where specific authorities (e.g., authority to carry firearms) may be restricted due to issues relating to performance or training. Administrative Light Duty may also be utilized for administrative purposes (e.g., immediately following an officer involved shooting, or at the request of the commissioned employee).

6.2.4 Position Requirements Still in Effect

Being on restricted duty does not exempt an employee from meeting job requirements such as training and firearms qualifications. Failure to meet these requirements may result in commission suspension. When an employee is medically or administratively cleared to complete these requirements, they must be completed before the employee is reinstated to full duty.

6.3 Suspension of Law Enforcement Commissions

A suspension is the temporary removal of all law enforcement authorities (e.g., carry firearms, make arrests, conduct investigations, serve warrants, etc.), pending the outcome of an investigation or medical review and subsequent decisions on commission revocation, or completion of remedial action needed to restore the commission. Persons with suspended commissions are retained in covered 6c enhanced retirement positions pending adjudication of the suspension.

6.3.1 Suspensions

Mandatory Suspensions

Law enforcement authority will be suspended if any of the following exist. If a commissioned employee knows that such a condition exists, they shall immediately notify their supervisor and consider their law enforcement authority suspended forthwith:

- Suspension from employment for disciplinary reasons.
- Felony conviction (prior to revocation).
- Inability to legally possess firearms (prior to revocation).
- Failure to meet training requirements.
- Unsuccessful completion of FTEP (prior to revocation).
- Failure to initiate a background investigation renewal prior to commission expiration.
- Failure to meet firearms qualification standards (see Chapter 8).
- Positive urinalysis for controlled substances, or refusal to submit to such a screening.

- Failure to meet medical standards as determined by NPS Medical Review Officer.

Actions that may justify suspension of a commission include, but are not limited to:

- Failure to comply with Departmental law enforcement policies or provisions of RM-9.
- Failure to comply with the tenets of the law enforcement code of conduct.
- Insubordination, disobedience, or failure to obey a lawful order.
- Knowingly making an untruthful verbal or written statement or communication pertaining to actions while on duty, deliberately omitting information, or knowingly making an untruthful statement before any court or any government official.
- Excessive use of force (using greater than reasonable force).
- Verbal abuse or discourtesy, or failure to exercise reasonable and prudent judgment.
- Gross neglect of duty (i.e., any unwarranted action or lack of action that may be injurious to oneself, an employee, or the public).
- Involvement in criminal activity, being under investigation for criminal activity, or conviction of any criminal offense.
- Drinking alcoholic beverages on duty, being under the influence of alcohol or illegal drugs on duty, habitual use of intoxicating beverages to excess, or illegal use of a drug or other controlled substance.
- Involvement in conduct that impairs the efficiency of the Service or causes the loss of public confidence in the Department or the NPS.
- Conduct or actions demonstrating emotional instability.
- Determination of psychological or medical unfitness for law enforcement duty, based upon a professional examination, made at the request of the supervisor, pursuant to approval by the Medical Standards Program Manager.

The suspension of a law enforcement commission will not prevent the NPS from pursuing additional administrative actions, as appropriate to the circumstances.

6.3.2 Persons Authorized to Initiate a Suspension

A commissioned supervisor or law enforcement program manager may suspend the employee's law enforcement commission for up to 30 calendar days. Suspensions also may be initiated by the DCOP or higher level authority in LESES.

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

Upon successful resolution, the suspension may be lifted by the Superintendent with law enforcement authority reinstated.

At the request of the Superintendent, the Regional Director or Director (DCISB or CLESES for Special Agents) may extend the suspension for an additional 30 calendar days, based upon a determination that additional time is needed for investigation, medical evaluation, and/or treatment. It cannot be extended for disciplinary reasons.

or

Proceed to the revocation process (see Chapter 5 Section 6.4, Chapter 6, and Chapter 16, as applicable).

The CLESES must be consulted for any suspension extending beyond 60 days.

6.3.3 Required Notification and Review

The person initiating the suspension must immediately notify their own supervisors, as well as the Superintendent and Regional Office, in writing (including email), of any commission suspension, with a brief summary explaining the circumstances leading to the suspension.

A notice of suspension must be provided in writing to the affected employee within two working days. The SLEO and Superintendent will review the suspension within three working days and either

terminate it or allow it to continue in force pending further investigation.

In cases where the suspension is made by the DCOP, DCISB, DCOPR, or higher level authority in LESES, the ADVRP will perform the review of the suspension.

The DCOP, Commission Office, RCR, and DCOPR will be notified of all changes in commission status.

A copy of the suspension notice will be forwarded to the DCOP, Commission Office, and DCOPR. For Special Agents, notification will follow the chain of command up to the DCISB and include the DCOP.

If appropriate, an OPR investigation will be initiated consistent with Chapter 16.

6.3.4 Surrender of Equipment

The employee whose commission has been suspended must surrender all law enforcement credentials without delay (including credentials issued by other agencies on the basis of the agency's commission, such as deputations from other agencies), all government-issued defensive equipment, and other sensitive law enforcement-related equipment (e.g., keys to law enforcement vehicles) to their supervisor. Personally owned firearms authorized for use will be retained by the employee unless voluntarily surrendered by the employee or seized via due process. The credentials and equipment will be retained by the supervisor pending final action.

6.4 Suspension/Revocation Adjudication Process

There are four categories for the removal of a commission and law enforcement authority:

- Law Enforcement Standards (Essential Job Requirements)
- Suitability – medical, background, fitness
- Commission Standards
- Disqualifying Per Se

All revocations begin with an initial investigation or fact finding, and are reviewed by another official, before being referred to the appropriate revocation official as outlined below (see at-a-glance table).

All revocation appeals are submitted to the ADVRP within 15 days of the revocation.

6.4.1 Law Enforcement Standards (Essential Job Requirements)

Law Enforcement Standards (essential job requirements) are outlined in Chapter 4.

Ethics and Conduct allegations are investigated through the OPR (see Chapter 16). The dispositions are received by the Park Superintendent who convenes a Board of Inquiry (see Chapter 6). The Superintendent will conduct an objective and impartial review of the BOI findings and recommendations. The Superintendent will transmit in writing their commission revocation request along with the recommendations of the BOI to the Regional Director for review.

Revocations based upon performance are determined by the commissioned employee's supervisor, via an Employee Performance Appraisal Plan (EPAP) and Performance Improvement Plan (PIP) where applicable. The determination is reviewed by human resources. The recommendations are submitted to the Regional Director via the Superintendent for proposed revocation.

6.4.2 Suitability

All suitability revocations originate at the WASO-LESES level.

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

Medical suitability is processed consistent with RM-57A. The findings are forwarded to the CLESES for possible revocation.

Failure to pass a mandatory PEB at NPS-LETC is investigated by the DHS-FLETC PEB Administrator. The findings are reviewed by the Superintendent, NPS-LETC. The findings are forwarded to the CLESES for revocation. An employee who is unable to attend DHS-FLETC due to failure to pass the PEB in the home park 30 days prior to the commencement of NPS-LETC will be investigated by the SLEO. Findings will be forwarded to the Superintendent, NPS-LETC. The CLESES will maintain final revocation authority.

The inability to successfully adjudicate a background investigation will be investigated by WASO-LESES. The findings will be forwarded to DOI and OPM. Final revocation authority rests with the CLESES.

Academic failure from DHS-FLETC will be investigated by DHS-FLETC. The findings are reviewed by the Superintendent, NPS-LETC. The findings are forwarded to the CLESES for revocation.

6.4.3 Commission Standards

Any commission standard revocation (failure to meet training requirements, failure to qualify, or failure to participate annually in the PEB) will be investigated by the SLEO. The findings are reviewed by the RCR. The findings are forwarded to the Regional Director for possible revocation.

6.4.4 Disqualifying Per Se

For revocations stemming from a felony conviction or the inability to possess a firearm, the investigation will be conducted by the OPR. The findings will be reviewed by the DCOP. The findings will then be forwarded to the CLESES for revocation.

A removal from Basic Academy for conduct will be investigated by NPS-LETC or the OPR. The findings will be reviewed by the Superintendent, NPS-LETC. The findings will be forwarded to the Regional Director (via the Park Superintendent) for revocation.

A removal from FTEP for any reason will be investigated by the FTEP Program Manager or the OPR. The findings will be reviewed by the Superintendent, NPS-LETC. The findings will be forwarded to the Regional Director (via the Park Superintendent) for revocation.

Revocations					
	Process		Revocation Official		Appeal
Category	Investigation	Review	Regional Director	CLESES	
LAW ENFORCEMENT STANDARDS (ESSENTIAL JOB REQUIREMENTS)					
Ethics	OPR	Superintendent	w/ DCOP Review		15 Days
Conduct	OPR	Superintendent	w/ DCOP Review		15 Days
Performance (EPAP)	EPAP	HR	w/ DCOP Review		15 Days
SUITABILITY					
Medical	Medical Review Officer	Medical Review Board		X	15 Days
PEB (mandatory pass)	SLEO or FLETC	Supt, NPS-LETC		X	15 Days
Background Investigation	WASO	DOI/OPM		X	15 Days
Removal from Basic Academy (academic)	FLETC	Supt, NPS-LETC		X	15 Days
COMMISSION STANDARDS					
Failure to Meet Training Requirements	SLEO	RCR	w/ DCOP Review		15 Days
Failure to Qualify	SLEO	RCR	w/ DCOP Review		15 Days
PEB (annual participation)	SLEO	RCR	w/ DCOP Review		15 Days
DISQUALIFYING PER SE					
Convicted of a Felony	OPR	CLESES		X	15 Days
Inability to Possess a Firearm	OPR	CLESES		X	15 Days
Removal from Basic Academy (conduct)	FLETC	Supt, NPS-LETC/ OPR	w/ DCOP Review	X	15 Days
Removal from FTEP	FTEP Program Mgr.	Supt, NPS-LETC	w/ DCOP Review	X	15 Days

6.4.5 Resignation While Under Investigation

If an employee resigns while under investigation, the investigation should proceed to a logical conclusion. In addition to the procedural outcomes outlined above, the CLESES may indefinitely suspend the commission of an employee who resigns. Where the case cannot be resolved due to incomplete information, a letter will be placed in the employee's commission file at the Commission Office directing that a commission will not be re-issued to the employee until information is obtained to complete the investigation and a final determination on revocation is made.

6.4.6 Withdrawal of Suspension in Ethics/Conduct/Performance

When circumstances that resulted in suspension of law enforcement authority have been resolved, the commissioned employee, Superintendent, DCOP, DCISB, RCR, and Regional Director will be notified. Law enforcement credentials, shields, and equipment will be returned to the employee. This may occur when:

- All administrative or criminal allegations are favorably resolved, the case is dismissed from court, or if the employee is cleared of charges, and/or
- With the concurrence of WASO Human Resources, the employee completes a substance abuse rehabilitation program, if offered. Any other actions which have arisen during the suspension must be resolved in favor of the commissioned employee, or penalties have been satisfied according to appropriate rules and regulations.

6.4.7 Suspension Records Management

All records with results affecting commission status will be kept in the Commission Office.

7. RETIREMENT CREDENTIALS

In compliance with the provisions of *18 U.S.C. 926C*, the Law Enforcement Officers Safety Act of 2010, the following policy and procedures have been adopted for the NPS.

7.1 Requirements

When a commissioned Park Ranger or Special Agent retires from active NPS law enforcement duties, he or she may be presented with a retirement shield and commission card, in a credential case. This may occur whether or not they are retiring from federal service. Retirement credentials will be issued when a Park Ranger or Special Agent no longer has law enforcement authority in the NPS and eligibility requirements are met. This presentation is discretionary on the part of the NPS and is considered a part of the Awards and Recognition Program in that it recognizes honorable service as a commissioned officer. It is analogous to the presentation of a Meritorious Service or other award upon retirement from federal service.

Retirement credentials will be issued only to commissioned employees and Special Agents who have at least 10 years of federal law enforcement service *(18 U.S.C. 926C)*. The only exception is a disability retirement where the 10-year requirement may be waived. This disability must be a medical condition sustained while on the job and not a pre-existing condition. Requests for waivers must be addressed to the DCOP.

Retirement credentials will not be awarded to individuals who do not retire in good standing (i.e., those who are/were under investigation or those with pending disciplinary actions).

Retirement shields will indicate the highest commissioned position achieved. For example, an employee who worked as a commissioned Chief Ranger would receive a retired Chief Ranger shield. Shields are available for Park Ranger, Chief Park Ranger, Special Agent, and RCR. The shield will clearly designate "Retired" below the respective title on the shield.

The Commission Office will maintain a supply of retirement shields, commission cards, and leather cases, and will coordinate issuance.

Costs for retirement law enforcement credentials will be borne by the benefiting account and processed via awards procedures.

7.2 Procedure

1. Requests for retirement credentials will be made by the retiring ranger's park to the respective RCR or designee. The RCR or designee will verify that the Park Ranger/Special Agent meets eligibility standards and then submit the request to the Commission Office using the "Request for Retirement Credentials and Shield" form and the Department of the Interior Award Certification form, DI-451. For Special Agents, the request will come from the SAC to the DCISB.

2. Requests for retirement credentials and shields will only be accepted from an RCR, RLES, SAC, or the DCOP. However, the CLESES reserves the right to make a final determination. The DI-451 should be marked as a Non-Monetary Recognition and submitted with the completed and signed request form at least one month prior to the retirement date.

3. A digital photograph and signature card is required to process the cards.

4. Upon receipt of the signed forms, the Commission Office will process the cards and ship them to the requesting official with a DI-105 for signature of the retiring individual.

5. Retirement credentials do not have an expiration date.

It is the responsibility of the requesting official to arrange for an appropriate presentation ceremony of the retired credentials. The retiree must sign the property receipt and return it to the Commission Office.

The Commission Office will maintain a log of retirement shields and credentials issued and receipts will be included in the employee's permanent law enforcement commission file.

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5B

Background Investigation Procedures

1. BACKGROUND INVESTIGATION PROCEDURES

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1. BACKGROUND INVESTIGATION PROCEDURES

1.1 Type Required

The following types of favorably adjudicated investigations are required:

Special Agreement Checks (SAC) – allow the agency to obtain limited background information in certain areas while waiting for a full background investigation to be completed.

- Required for pre-employment initial background checks, which apply to all seasonal/temporary law enforcement employees, support personnel, and trainees.
- An SAC must be favorably adjudicated prior to an initial appointment of any seasonal/temporary law enforcement employee, support personnel, and trainees.
- SACs should not be initiated for permanent employees.

Access National Agency Check and Inquiry (ANACI) Coding the FIPC section (P) in e-QIP:

- All Permanent Law Enforcement Positions and others not specified
    - Employees must have a favorably adjudicated ANACI-(P) (or equivalency) prior to entrance on duty and commissioning.

- A favorably adjudicated ANACI-(P) is also a pre-requisite for attendance at the Basic Law Enforcement Training Program or the Criminal Investigator Training Program at FLETC.

- All "First Time" Seasonal/Temporary Law Enforcement Positions
  - Employees may enter on duty with a favorably adjudicated SAC.
  - Employees may not be commissioned until the ANACI-(P) has been initiated.
- All "Returning" Seasonal/Temporary Law Enforcement Positions
  - Returning seasonal/temporary employees may not enter on duty or be commissioned without a favorably adjudicated ANACI-(P) (or equivalency).
  - Returning seasonal/temporary employees who have a break in service greater than 60 days must have a new SAC favorably adjudicated prior to entrance on duty.
  - For returning seasonal/temporary employees who have a break in service of less than 60 days, a new SAC is not required, but they must sign an affidavit (Form SF-86C) certifying they have not been engaged in any disqualifying activities since their last certification.
  - If disqualifying activities are noted or detected through the affidavit or pre-employment checks, suitability for employment must be further investigated. A new SAC must be initiated and favorably adjudicated prior to entrance on duty.
- All Superintendents and Deputy Superintendents with direct oversight of law enforcement programs must have an ANACI-(P) initiated (or possess an equivalency) prior to entrance on duty.

The periodic re-investigation requirement for all employees within the ANACI-(P) category consists of a new ANACI-(P), and is required each succeeding five years.

Single Scope Background Investigation (SSBI):

- All Chief Rangers at Icon Parks.
- All Park Superintendents at Icon Parks.
- All Deputy Superintendents with direct oversight of law enforcement programs at Icon Parks.
  - The following have been designated as Icon Parks:
    - Mount Rushmore National Memorial
    - Independence National Historic Park
    - Boston National Historic Park
    - Jefferson National Expansion Memorial
    - The National Mall in Washington, DC
    - Statue of Liberty National Monument
- All Regional Directors.
- All Deputy or Associate Regional Directors with direct oversight of law enforcement programs.
- All Special Agents within the ISB.
- All Commissioned Staff within the OPR.
- All RCRs and Commissioned Regional Law Enforcement Staff.
- All WASO-LESES Commissioned Law Enforcement Staff.
- An SSBI may be appropriate for other Chief Rangers, Superintendents, and Deputy Superintendents who have direct oversight of law enforcement programs. The Personal Security and Suitability Specialist (PSSS) and the DCOP are responsible for review and approval for additional Chief Rangers. The Deputy Director for Operations, Regional Director, or ADVRP is responsible for review and approval of requests for additional Superintendents and Deputy Superintendents. The criteria below list some, but not all examples where an SSBI may be appropriate:
  - The park has been designated as a national critical infrastructure.
  - The park is in close proximity to an international border

and has significant involvement and interest in cross-border illegal activity.

- The park is actively participating in a High Intensity Drug Trafficking Area (HIDTA) Program or similar initiatives.
- Other unique requests on a case-by-case basis.

The periodic re-investigation requirement for all employees within the SSBI category consists of a Phased Periodic Reinvestigation (PPR) and is required each succeeding five years.

Access National Agency Check and Inquiry (ANACI):

- All permanent non-commissioned law enforcement support personnel, such as:
  - Dispatchers
  - Records clerks, including paralegals and court clerks
  - Security guards
  - Other personnel with access to controlled law enforcement materials (case reports, NCIC, etc.) or communications, including radio or computer technicians
- Prior to initial appointment, an ANACI must be favorably adjudicated.

The periodic re-investigation requirement for all employees with an ANACI consists of National Agency Checks, Credit Checks, Law Checks (NACLC), and is required every five years.

- All Seasonal/Temporary non-commissioned law enforcement support personnel, such as:
  - Dispatchers
  - Records clerks, including paralegals and court clerks
  - Security guards
  - Other personnel with access to controlled law enforcement materials (case reports, NCIC, etc.) or communications, including radio or computer technicians

- Prior to initial appointment, employees may enter on duty with a favorably adjudicated SAC, so long as the ANACI has been initiated.
- All "Returning" Seasonal/Temporary non-commissioned law enforcement personnel
  - Returning seasonal/temporary employees may not enter on duty without a favorably adjudicated ANACI.
  - Returning seasonal/temporary employees who had a break in service greater than 60 days must have a new SAC favorably adjudicated prior to entrance on duty.
  - For returning seasonal/temporary employees who had a break in service of less than 60 days, a new SAC is not required, but they must sign an affidavit (SF-86C) certifying they have not been engaged in any disqualifying activities since their last certification.
  - If disqualifying activities are noted or detected through the affidavit or pre-employment checks, suitability for employment must be further investigated. A new SAC must be initiated and favorably adjudicated prior to entrance on duty.

The periodic re-investigation requirement for all employees with an ANACI consists of National Agency Checks, Credit Checks, Law Checks (NACLC), and is required every five years.

Compartments:

- Top Secret Clearance – may be appropriate for special circumstances and requires approval of the DCOP and the PSSS. Having a favorably adjudicated SSBI is a pre-requisite, and approved Top Secret Clearances will be based upon a necessity of job function.
- Sensitive Compartmented Information (SCI) – may be appropriate in very unique circumstances and requires approval of the CLESES or the ADVRP. Having a favorably adjudicated SSBI is a pre-requisite, and approved SCIs will be based upon a necessity of job function.

1.2 Backgrounds from Other Agencies

Employees transferring from other federal agencies may be eligible for reciprocity if their current and favorably adjudicated background is commensurate with the NPS suitability requirements. The PSSS is responsible for making reciprocity determinations. Supervisors and managers should proactively communicate with the PSSS for recognition and approval in these scenarios, prior to formal job offers or entry on duty dates being established.

1.3 Investigations of Incumbent Employees Experiencing a Change in Position Sensitivity

- All employees moving to a position, which is at a higher sensitivity designation than the position previously occupied, must have the appropriate background check initiated prior to entering on duty, and continued employment is conditional upon receiving a favorably adjudicated background.
- If the sensitivity level of the position itself is changed, the incumbent may remain in the position, but the investigation required by the new sensitivity designation must be initiated within 14 working days after the re-designation is final.

1.4 Determination of Suitability

The following process will be followed in determining suitability:

- Upon completion of its investigation, OPM will forward its findings to the PSSS.
- The PSSS will make a final determination as to suitability.

Based upon findings of investigation, the PSSS will certify adjudication and transmit the signed Certificate of Investigation (COI) [favorable or unfavorable] to each respective Regional Law Enforcement Office. Regional Law Enforcement Offices are responsible for forwarding the COI to the appropriate SHRO, who in turn will forward the COI to HROC for inclusion in the employee's OPF.

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

1.5 Background Investigation Forms Required

Initial investigations and periodic re-investigations for all SSBIs, ANACIs using FIPC code (P) in e-QIP system, and ANACI will be initiated on Form SF-86, using OPM's e-QIP automated system or successor program.

In addition, the following will be submitted:

- An SF-171, OF-612, or resume with an original signature (initial investigation only)
- Electronic Fingerprints submission follow-up with (1) SF-87 fingerprint card on file (initial investigation only)

Special Agency Checks (SACs) require:

- OFI-86C Form (includes a credit release)
- Electronic Fingerprint Submission follow-up with (1) SF-87 fingerprint card on file

NOTE: It is the responsibility of the initiating office to ensure that the paperwork is complete. Submitting Electronic Fingerprints to OPM may lessen the possibility of the prints being returned as unclassifiable.

1.6 Periodic Updates

Local Servicing Human Resource Offices (SHROs) are responsible for initiating, reviewing, and approving the e-QIP applications for every commissioned employee, dispatcher, or other law enforcement support employee. The PSSS (or their designee) is responsible for final adjudication.

The responsibility for ensuring that all background investigations are current and updated every five years rests with the SLEO or other appropriate supervisor. Periodic updates should be initiated six months prior to the commission expiration date to allow adequate time for the investigative process. Employees who have not initiated periodic background updates prior to their commission expiration may have their commission placed into an "invalid status."

6

Boards Of Inquiry And Review

1. POLICY
2. BOARDS OF INQUIRY
3. BOARDS OF REVIEW
4. BOARDS OF REVIEW FOR OFFICER INVOLVED SHOOTING AND SERIOUS USE OF FORCE INCIDENT (OIS-BOR)

1. POLICY

Boards of Inquiry and Boards of Review will be conducted in accordance with the procedures specified in this chapter, as well as Departmental regulations and policies. The requirements to conduct such Boards, under specific circumstances, do not relieve supervisors or managers of their responsibilities to provide ongoing review of NPS law enforcement programs and the individual actions of commissioned employees.

2. BOARDS OF INQUIRY

2.1 Mission of a Board of Inquiry (BOI)

BOIs are convened to make recommendations relating to whether a commissioned employee should be allowed to maintain an NPS law enforcement commission. They are to evaluate whether the facts related to allegations of misconduct on the part of one or more individuals, or other on- or off-duty behavior, impairs operational efficiency or causes the loss of public confidence in the NPS. It is not the function of a BOI to make recommendations relating to any disciplinary action. Any disciplinary action, or proposed disciplinary action, shall be the responsibility of the employee's supervisor, human resource division, and park management.

2.2 Convening a BOI

2.2.1 Authority to Convene

A BOI may be assembled by one of the following convening officials:

- Director
- Regional Director
- ADVRP
- CLESES or DCOP
- DCISB
- Superintendent
- RCR
- SLEO

2.2.2 Membership

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

- A commissioned chairperson (the Chair) will be appointed by the DCOP in consultation with the RCR.

Additional members will be appointed by the chairperson and will include the following:

- A second commissioned employee.
- One member will be a qualified personnelist not involved in the present disciplinary action specifically.
- One member will be a recognized training specialist selected by the Superintendent, NPS-LETC, if training is an issue, or a SLEO.
- One of the members will be an NPS manager; prior LE experience is preferred.

Remaining members of the BOI will consist of the above mentioned.

For complex BOIs, additional members may be appointed at the discretion of the chairperson so long as an odd number of voting members is maintained.

2.2.3 Employee Representative

The employee whose actions are being scrutinized may select one other NPS employee to present information or pertinent circumstances on their behalf. This employee may be anyone not involved directly in the incident and within a reasonable travel distance, as approved by the park manager. The employee representative is not a voting member of the Board.

2.3 Functions and Procedures of a BOI

2.3.1 Functions of Board

At a minimum, the functions of a BOI include the following:

- Evaluating the facts and circumstances of the incident, situation, or conduct being reviewed, and contributing factors.
- Identifying ethical and policy requirements that apply to the facts of the incident, situation, or conduct, and determining adherence to those requirements by the individual in question. Any legal requirements may merit Solicitor consultation and/or involvement. The bureau ethics official should be consulted for advice in appropriate circumstances.
- Conducting an objective review of the incident, situation, or conduct, including applicable operational procedures.
- Provide recommendations to the convening official in the following areas:
    - Commissioned employees: return to full-duty status, continuation of the suspension of a commission, or the revocation of a commission.
    - Non-commissioned employees (dispatchers and law enforcement managers): the employee's ongoing oversight and/or involvement as part of a law enforcement program.

- If applicable, make written findings to the DCOP, recommending improvements to NPS policies and procedures to ensure high professional and ethical standards. This shall be a separate report from the recommendation on commissioning, and may recommend calling for a BOR for in-depth analysis of complicated cases.

2.3.2 Preliminary Arrangements

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

2.3.3 Scheduling and Location

The Chair is responsible for scheduling the Board as soon as practical, generally within 30 days. Boards will be held in locations that ensure the availability of witnesses, as much as possible. However, there may be situations where the Board members, witnesses, and/or other attendees may be able to convene and participate telephonically, via video conference, or any combination thereof, with the approval of the Chair.

2.3.4 Consultation

In a case where there is a reasonable likelihood of criminal prosecution or tort claim action as a result of the incident, the Regional Solicitor's Office, the US Attorney's Office, and local prosecutors will be consulted by the Chair before the Board is convened. The directions of the Solicitor or US Attorney may, as necessary, affect adherence with other sections of this chapter (especially with respect to timelines).

2.3.5 Record Keeping

The Chair is responsible for ensuring that a record is maintained of all information gathered by the Board and transmitted to the Office of Record (DCOP), including all testimony presented and all written material reviewed by the Board. Oral testimony will be recorded for the Board's later use in its deliberations and for the record. Recording may be audio, digital, or transcription. The record must reflect the issues, findings, rationale for findings, and recommendations of the Board.

2.3.6 Notification to Employee

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

2.3.7 Witnesses

The Board will review the OPR report and any other investigative report and the employee's response to the report.

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

2.3.8 Employee Rights

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

- The employee may be present during Board fact finding meetings but not during deliberations.
- The employee may be accompanied by an attorney, provided at the employee's expense, during all meetings of the Board. The attorney's role, however, is limited to that of an observer and an advisor to their client. The attorney may not question witnesses, may address the Board only with the consent of the Chair, and may be present during Board fact finding meetings, but will not be present during the Board deliberations.
- If the employee is covered by a bargaining unit, a representative of that organization may be present during all meetings of the Board. The representative's role, however, is limited to that of an observer and an advisor to the employee. The representative may not question witnesses, may address the Board only with the consent of the Chair, and may be present during Board fact finding meetings, but will not be present during the Board deliberations.

- As part of the Board fact finding, the employee may request the statement of any individual who has personal and direct knowledge of facts related to the case being reviewed. The Chair ordinarily shall accommodate such requests, unless, in the judgment of the Chair, the employee fails to demonstrate the relevancy of any testimony of a requested witness regarding the facts of the case. The Board, at the discretion of the Chair, will not consider duplicative testimony and may rely upon teleconference testimony when an employee witness is unable to appear before the Board in person.

Failure to answer questions, disclose material information, or provide truthful testimony by the employee or witness may be grounds for terminating the examination of the employee or witness and not considering the testimony in the Board's deliberations.

2.3.9 Past Record

When considering the employee's commission status in a Board of inquiry, the Board will consider the employee's past record of performance and professional conduct, including previous performance appraisals, awards, disciplinary actions, and OPR investigations received.

2.3.10 Reporting

Within 30 days of concluding, the Chair will submit a final report to the following:

- Convening official
- DCOP (as the office of record)
- Courtesy Copy: RCR, SLEO

When a Chair cannot submit a final report within 30 days, the Chair will submit a status report with any necessary supporting documentation to the DCOP every 30 days until such time as the final report is provided.

BOI final reports will include sections addressing each of the following:

- The identification of the BOI panel members.

- A summary of the actions under review.
- Scope of employment of involved persons.
- Authority and jurisdiction.
- An incident analysis (presentation of facts).
- Conclusions (to include observations relevant to procedure, training, and policy as applicable).
- Final recommendation regarding the retention of the employee's law enforcement commission.
- Final recommendations for oversight or involvement in the law enforcement program for non-commissioned employees.

Although a BOI may address issues involving actions or decisions made by individuals, the BOI does not have the authority to, and may not make, disciplinary recommendations specific to NPS employees involved in the action under review.

All information relevant to the action under review will be included within the BOI report. This information may include, but not be limited to, the following:

- Investigative reports.
- If an outside agency conducts an investigation but declines to provide copies of its reports, the declination will be documented in the BOI report.
- Signed witness statements and interviews.
- Description of weapons, ammunition, vehicles, and personal protective equipment used by NPS personnel involved in the incident.
- Firearms qualification and training records of NPS personnel involved in the incident.
- Relevant medical records of NPS personnel involved in the incident (obtained and secured according to policy to ensure privacy protection).
- Description of associated property damage.
- Declination of prosecution or other relevant communications.

2.3.11 Disclosure

Internal deliberations of a Board are confidential, consistent with Exemption 7 of the Freedom of Information Act (FOIA) and other administrative procedures designed to protect all employees. The Board's open record and final report, however, are public documents and should be prepared for release to the employee following an FOIA request, excluding material covered by Privacy Act exemptions, including law enforcement sensitive material covered by Exemption 7 of the FOIA.

3. BOARDS OF REVIEW

3.1 Mission of a Board of Review (BOR)

A BOR is a fact-finding body that objectively reviews significant law enforcement actions or incidents. It serves the same function (and may otherwise be known) as an "incident critique," "incident review," or "after-action review." The primary purpose of the review is to identify organizational strengths and weaknesses, to recommend corrective program action where appropriate, and to build upon successes.

Although a BOR may address issues involving actions or decisions made by individuals, BOR does not have the authority to and may not make administrative or disciplinary recommendations specific to NPS employees involved in the incident under review.

The BOR shall independently assess the significant law enforcement actions or incidents. Its conclusions may or may not be consistent with administrative or criminal investigations. The BOR will examine circumstances as they relate to the effectiveness of the policies, equipment, and training practices of the agency.

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

- Policies
  - Were the policies effective at the time of the incident?
  - Do policies require modification?

- Equipment
  - Was the equipment available?
  - Was equipment utilized effectively?
  - Were commissioned employees properly trained on the equipment?
  - Is there better technology (equipment) that may have made handling the incident safer and more effective?
- Training
  - Was the training, firearms, control tactics, verbal skills, etc., current and effective?
  - Is additional training needed?

BORs may proceed during ongoing criminal investigations under circumstances outlined below. BORs conducted under RM-9 will be related to the law enforcement program.

A template detailing information that should be included in the documentation of both BOIs and BORs can be found on the WASO LESES RM-9 website.

3.2 Convening a BOR

3.2.1 Authority to Convene

A BOR may be assembled by one of the following convening officials or their designees:

- Director
- ADVRP
- CLESES or DCOP
- Regional Director
- RCR
- Superintendent
- SLEO

- DCISB
- SAC

3.2.2 Membership

The convening official will designate the membership of the BOR. The BOR will consist of a minimum of five members. All BOR members will be commissioned NPS employees or specific subject matter experts. At least one member will be a training specialist selected or approved by the Superintendent, NPS-LETC, if a training issue may exist.

To avoid any appearance of conflict of interest and ensure objectivity is maintained, a BOR panel will not include persons involved in the incident, immediate supervisors of the persons involved in the incident, or witnesses to the incident.

3.3 Functions and Proceedings of a BOR

3.3.1 Functions of a BOR

At a minimum, the functions of a BOR include the following:

- Finding the facts and circumstances of the incident, situation, or actions being reviewed and those that may have contributed to it.
- Identifying policy requirements that apply to the facts of the incident, situation, or action and evaluating compliance with those requirements by all individuals involved. Legal requirements or determinations should be made in consultation with the appropriate Solicitor's Office attorney.
- Conducting an objective critique of the incident, situation, or conduct, including a review of applicable operational procedures.
- The BOR will make written findings and recommendations to the convening official for the purpose of recommending corrective action to the areas of policy, procedures, equipment, training, or other general law enforcement program issues.

- If the BOR fact finding reveals details which, in its determination, are beyond the scope of the review, the BOR will report those findings to the convening official in writing for appropriate action or referral. Activities of the BOR should proceed while appropriate action is considered by the convening official in the absence of extenuating circumstances.

3.3.2 Incidents Requiring a BOR

- Any vehicle pursuit involving NPS law enforcement personnel, including security guard and detention personnel, that results in death or serious injury to an individual or significant property damage.
- Any police canine deployment when a bite occurs.
- The discharge of a firearm or use of force by any NPS law enforcement officer during the course of a multi-agency task force that results in serious injury or death. Only the actions of bureau law enforcement personnel, including security, guard, and detention personnel will be the subject of the BOR (see Section 4 of this chapter).
- Any intentional or unintentional discharge of a firearm by NPS law enforcement personnel, including security guards, either on or off duty. (For the purposes of this policy, the term "firearm" shall include firearms issued and approved by the agency for use in official capacity or personally owned firearms in the possession of the employee at the time of the incident.)

  Intentional Discharge of a Firearm

  The following exceptions apply to the intentional discharge of a firearm:

  - Training where there is no injury or unintentional property damage.
  - The authorized destruction of animals or other resource management activities, where no human injury is involved.
  - Recreational activities, such as hunting or sport shooting, where there is no human injury involved.

Unintentional Discharge of Firearm

The unintentional discharge of a firearm that occurs in an authorized training exercise, that does not involve an injury, will be immediately reviewed by the on-site training staff in lieu of a BOR. The review will be documented and reported through the appropriate chain of command to the Superintendent, NPS-LETC.

- Any incident deemed appropriate for review by the SLEO, RCR, or DCOP.

3.3.3 Preliminary Arrangements

The convening official is responsible for coordinating and making all necessary arrangements for the BOR.

A BOR may convene in person, via teleconference, via video conference, or any combination thereof, as deemed appropriate by the convening official.

The convening official will contact the DCISB and DCOPR, prior to convening the BOR to ensure that there are no impacts to ongoing investigations.

3.3.4 Scheduling

The convening official will schedule the BOR as soon as practical, considering the circumstances of the incident, situation, or action, but no later than 45 days from completion of an investigation or other matter delaying the BOR.

3.3.5 Consultation

In a case where there is reasonable likelihood of tort claim or criminal action as a result of the incident, the convening official will consult with the Solicitor's Office, the US Attorney's Office, and the state prosecuting attorney's office (if that office is to assume jurisdiction) before the BOR is convened.

3.3.6 Chairperson

When convening a BOR, the convening official will appoint a chairperson who will serve as the primary point of contact and be responsible for administering all BOR functions.

3.3.7 Record Keeping

The Chairperson is responsible for ensuring that a record is maintained of all information gathered by the BOR, including all testimony presented and all written material reviewed by the BOR. Oral testimony may be recorded for the BOR's later use in its deliberations and for the record.

3.3.8 Witnesses

The BOR is authorized to require the appearance of any NPS employee who has knowledge of facts related to the case or the incident being reviewed. The BOR is also authorized to bring in subject matter experts to assist in its review. All testimony by the employee or witnesses shall be taken either under oath or under penalty of perjury. Failure to answer questions, disclose material information, or provide truthful testimony by the employee or witness may be grounds for terminating the examination of the employee or witness and not considering the testimony in the Board's deliberations.

3.3.9 Reporting

Within 30 days of concluding, a Chair will submit a report and Management Report to the following:

- Convening official
- DCOP (as office of record)
- Courtesy Copy: Superintendent, NPS-LETC; RCR; SLEO

When a BOR cannot submit a final report within 30 days, the BOR will submit a status report with any necessary supporting documentation to the DCOP every 30 days until such time as the final report is provided.

3.3.10 BOR Reports

BOR reports will include sections addressing each of the following:

- The identification of the BOR panel members.
- A summary of the serious incident under review.
- Scope of employment of involved persons.
- Authority and jurisdiction.
- An incident analysis (presentation of facts).
- Conclusions (to include observations relevant to procedure, training, and policy as applicable).
- Recommended corrective actions specifically in the areas of policy, equipment, training, and any other areas as appropriate.

3.3.11 Disclosure

Except where otherwise directed by the Regional Solicitor or the US Attorney's Office, deliberations, conclusions, and records of a BOR are considered internal deliberative documents and confidential during the review. The BOR's final report, which is intended to identify organizational strengths and weaknesses and recommend corrective program actions, is not considered a public document and need not be prepared for public release, insofar as material is expected to be covered by FOIA and Privacy Act exemptions, including law enforcement sensitive material covered by Exemption 2 of the Privacy Act at *5 U.S.C. 552a(k)(2).*

The CLESES may extract and utilize selected materials from the BOR to develop summaries for distribution in training and corrective program action applications. The BOR report that receives Servicewide distribution for training and corrective program action purposes will be released only with the approval of the CLESES in concurrence with the ADVRP. All BORs will be released Servicewide within 30 days of receiving approvals.

The final BOR report that receives Servicewide distribution for training and corrective program action purposes will be redacted of employee names to the greatest extent possible, unless their absence greatly hinders context or understanding of the facts.

3.3.12 Safety Alert

If a safety hazard or action item is identified during the course of the BOR that requires immediate action, a Safety Alert will be developed to address the concern and recommend corrective action. It will be sent by the Chair to the SLEO for consideration in scope of release (e.g., Park or Servicewide).

4. BOARDS OF REVIEW FOR OFFICER INVOLVED SHOOTING AND SERIOUS USE OF FORCE INCIDENT (OIS-BOR)

Boards of Review (OIS-BOR) that stem from a serious use of force and/or officer involved shooting as identified in Chapter 11 have special requirements due to the nature of these incidents.

OIS-BOR must be convened for any incidents involving death or serious injury resulting from:

- Any use of force resulting in death or serious injury.
- Any incident, in the performance of official duties, that results in the death or serious injury of NPS law enforcement personnel, including security guards.
- Any incident that involves the death or serious injury to anyone in the custody or detention of NPS law enforcement personnel, including security guard and detention personnel.

All Board of Review policies listed in Section 3 of this chapter apply to OIS-BORs unless otherwise specified in this section.

4.1 Convening a Board

4.1.1 Authority to Convene

An OIS-BOR may be convened by one of the following or their designees:

- Director
- ADVRP
- CLESES or DCOP

- Regional Director
- RCR
- Superintendent
- DCISB
- SAC

4.1.2 Membership

The DCOP, in consultation with the RCR, will designate the Chairperson of the OIS-BOR. The Board will consist of a minimum of five members.

OIS-BOR will consist of:

- Chairperson selected by the DCOP and RCR
- CLESES
- RCR or designee
- NPS-LETC representative, approved by the Superintendent, NPS-LETC
- Park manager, LE experience preferred

Additional Membership may consist of:

- Use of force instructor
- Outside law enforcement agency
- Technical advisor
- NPS commissioned employee

To avoid any appearance of conflict of interest and ensure objectivity is maintained, a BOR panel will not include persons involved in the incident, immediate supervisors of the persons involved in the incident, or witnesses to the incident.

4.1.3 Scheduling

The convening official will schedule the OIS-BOR as soon as practical, considering the circumstances of the incident, situation, or action, but no later than 45 days from completion of the adjudication of the criminal prosecution of the suspect.

4.1.4 Reporting

Within 30 days of concluding, the Chair will submit a report and Summary Report to the convening official and DCOP (as the office of record).

The convening official will develop a Corrective Action Plan (CAP) within 30 days of receiving the OIS-BOR report. The convening official will forward the OIS-BOR report, Management Report, and CAP to the following:

- Regional Director
- ADVRP
- Courtesy Copy: Superintendent, NPS-LETC; DCOP; RCR; SLEO

The OIS-BOR Summary Report will include sections addressing each of the following:

- The identification of the OIS-BOR panel members.
- A summary of the serious incident under review.
- Scope of employment of involved persons.
- Authority and jurisdiction.
- An incident analysis (presentation of facts).
- Conclusions (to include observations relevant to procedure, training, and policy as applicable).
- Recommendations and corrective actions.

4.1.5 OIS-BOR Reports

All information relevant to the serious incident under review will be included within the OIS-BOR report. This information may include, but not be limited to, the following:

- Investigative reports.
- If an outside agency conducts an investigation but declines to provide copies of its reports, the declination will be documented in the OIS-BOR report.
- Signed witness statements and interviews.
- Description of weapons, ammunition, vehicles, and personal protective equipment used by NPS personnel involved in the incident.
- Firearms qualification and training records of NPS personnel involved in the incident.
- With employee consent, relevant medical records of NPS personnel involved in the incident (obtained and secured according to policy to ensure privacy protection).
- Description of associated property damage.
- Declination of prosecution or other relevant communications.

4.1.6 Disclosure

Except where otherwise directed by the Regional Solicitor or the US Attorney's Office, deliberations, conclusions, and records of an OIS-BOR are considered internal documents and confidential during the review. The OIS-BOR's final report, which is intended to identify organizational strengths and weaknesses and recommend corrective program actions, is not considered a public document and need not be prepared for public release after the criminal and administrative investigations are completed. Such an OIS-BOR's final report is expected to be covered by FOIA and Privacy Act exemptions, including law enforcement sensitive material covered by Exemption 2 of the Privacy Act at *5 U.S.C. 552a(k)(2)*.

The CLESES may extract and utilize selected materials from the OIS-BOR to develop summaries for distribution in training and corrective program action applications. The OIS-BOR report that receives Servicewide distribution for training and corrective program action purposes will be released only with the approval of the AUSA and ADVRP. All OIS-BORs will be released Servicewide within 30 days of receiving approvals.

The OIS-BOR Management Report that receives Servicewide distribution for training and corrective program action purposes will be redacted of employee names unless their absence greatly hinders context or understanding of the facts.

4.1.7 Safety Alert

If a safety hazard or action item is identified during the course of the OIS-BOR that requires immediate action, a Safety Alert will be developed to address the concern and recommend corrective action. It will be sent by the Chair to the CLESES for consideration in scope of release (e.g., Park or Servicewide).

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Law Enforcement Training Standards

1. POLICY
2. BASIC TRAINING
3. TRAINING REQUIREMENTS
4. ANNUAL LAW ENFORCEMENT REFRESHER TRAINING (ALERT)
5. MANAGEMENT AND OVERSIGHT OF TRAINING
6. DOCUMENTATION OF TRAINING

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1. POLICY

The NPS will provide law enforcement training in conformance with laws and Departmental policy and will ensure that all NPS commissioned employees meet these requirements. Commissioned employees will begin their careers in NPS law enforcement with an approved basic training program designed to meet the basic training needs of their positions. Employees that leave law enforcement for more than three years will need to repeat the basic training program for their positions.

Continued training is required on an annual basis to ensure skills proficiency and current knowledge of law enforcement issues, and to provide additional skills needed for career advancement in the complexity of higher graded positions.

Oversight and management of law enforcement training in the NPS is the responsibility of the Superintendent, NPS-LETC.

2. BASIC TRAINING

Basic training is the minimum training required to obtain an NPS commission. Satisfactory completion of the DHS-FLETC Land Management Police Training (LMPT), Field Training Evaluation

Program (FTEP), and Ranger Pre-Basic Training Program are the minimum training requirements for a Type I Commission. Satisfactory completion of an NPS-LETC approved seasonal academy and the Ranger Orientation and Evaluation Program (ROE) are the basic training requirements needed for a Type II Commission.

See Chapter 5 for additional commissioning requirements.

2.1 Permanent Employees

2.1.1 Core Requirements

The basic law enforcement training requirement for permanent US Park Rangers is successful completion of the Land Management Police Training Program (LMPT) at DHS-FLETC, plus successful completion of the Ranger Specific Basic Training Program (RSBTP) and NPS Field Training and Evaluation Program (FTEP).

The basic law enforcement training requirement for Special Agents is the Criminal Investigator Training Program (CITP) or the DOI Investigator Training Program (DOI-ITP). LMPT or a predecessor program is required if the Special Agent is attending the DOI-ITP in lieu of CITP.

2.1.2 Prior Approved Training

This section does not disqualify or decertify current commissioned employees who obtained their law enforcement commissions and positions based upon previously approved basic training requirements.

2.2 Seasonal Employees

2.2.1 Core Requirements

A seasonal NPS employee may qualify for a law enforcement commission upon graduation within the past three years from a seasonal law enforcement training program recognized by the Superintendent, NPS-LETC, or by meeting the basic training requirements for permanent commissioned employees.

Seasonals are required to complete the Ranger Orientation and Evaluation Program.

2.2.2 Prior Approved Training

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

2.3 Evaluation of Equivalent Training for Applicants with Law Enforcement Experience (Lateral Re-assignments from outside the NPS)

The DCOP, in conjunction with the Superintendent, NPS-LETC, will establish the DHS-FLETC basic training programs that fulfill the basic academies' training requirements. The list of DOI approved DHS-FLETC basic academies of equivalent training is posted on the NPS-LETC website. A variety of conditions, including previous training and FTEP, type of law enforcement agency and length of employment with that agency, time elapsed since attending basic training and FTEP, and agency in-service training, are considered when approving training waivers. The DCOP will consult with the Superintendent, NPS-LETC on all waiver requests for basic academy and FTEP.

Parks should submit waiver applications prior to making job offers to ensure employees and parks clearly understand what type of training will be required for commissioning. The DCOP will process requests as outlined in Chapter 43. Employees who receive approval to waive basic training under this section may still be required to successfully complete the Ranger Pre-Basic Training Program (RPBTP) and FTEP within the first year of hire. Employees required to complete the RSBTP and FTEP will attend the next available session.

Special Agents lateralling into the NPS may be required to attend RSBTP.

3. TRAINING REQUIREMENTS

	LMPT (or equivalent)	FTEP	Ranger Specific Basic Training Program	Seasonal Academy	ALERT
Employee has never held an LE commission.	•	•	•	○	
Employee held a Type I commission within the past 3 years.		†	†		•
Employee held a Type I commission more than 3 years ago.	†	†	•	○	†
Employee held a Type II commission within the past 3 years.	•	•	•		○
Employee held a Type II commission more than 3 years ago.	•	•	•	○	
Prior federal commission (Non-NPS)	†	•	•	○	
Prior state/ Local commission	•	•	•	○	

• Required for Type I

○ Required for Type II

† May be Required, consult with DCOP

3.1 Seasonal Academy Attendance for Permanent Employees

Permanent employees will not attend a seasonal law enforcement academy on federal government time without authorization from the DCOP in consultation with the Superintendent, NPS-LETC. Training obtained without such authorization will not qualify an employee for a commission. Attendance at a seasonal law enforcement academy does not satisfy the requirement to attend LMPT.

3.2 Selection Process for Basic Training (Academy and Field Training)

The Superintendent, NPS-LETC, will continue scheduling basic training attendance in accordance with class availability and the new employee's entry date into a law enforcement position. Assignment to DHS-FLETC is at the discretion of the Superintendent, NPS-LETC. Newly hired permanent rangers are expected to attend basic training at the first available opportunity, even during busy times of the year at home units. The NPS-LETC will continue to work with home units to minimize any negative impacts of basic and field training.

RCRs will be responsible for providing updated listings of all commissioned career employees performing law enforcement, regardless of the type of commission they are carrying, who have not attended the required basic training for a law enforcement field ranger or criminal investigator at DHS-FLETC.

The Superintendent, NPS-LETC will notify the parks and RCRs, in a timely manner, when an employee is scheduled to attend the basic law enforcement training at DHS-FLETC as classes are placed on the DHS-FLETC calendar. The Superintendent, NPS-LETC will notify parks with lateral hires when employees are expected to attend FTEP.

Supervisors must fill out the Request for Placement in Basic Training form to place newly hired permanent employees on the NPS-LETC waiting list. The form and instructions are located on the NPS-LETC Basic Training website. Submit forms to the NPS-LETC Basic Program Manager as soon as possible to ensure timely attendance at DHS-FLETC.

3.2.1 PEB Requirement for Basic Training

Employees must pass the Physical Efficiency Battery (PEB) at DHS-FLETC immediately prior to beginning the DHS-FLETC basic program (LMPT, CITP, or DOI-ITP). This PEB occurs during the Ranger Specific Basic Training Program (RSBTP), or, if a course does not include the RSBTP, the DHS-FLETC pre-PEB administered the first week of the DHS-FLETC basic training program will stand. The NPS-LETC website links information on passing the PEB, including required elements and scoring tables.

The home park will administer the PEB one month preceding the start of DHS-FLETC training and must certify recent successful PEB completion to the Superintendent, NPS-LETC before the candidate arrives. A one-time deferral may be granted to employees who are unable to produce a passing PEB score.

Employees who fail the DHS-FLETC or NPS-LETC administered PEB may remediate one time. Employees who fail to pass the PEB prior to the commencement of the basic training program will immediately return to the home park. Employees may re-apply to the NPS-LETC one time after a PEB failure. Re-admission is at the discretion of the Superintendent, NPS-LETC.

Employees must pass the PEB during the basic training program. It is the intent of this policy that students will improve their fitness during basic training (see HR Bulletin 10-04).

3.2.2 Re-admission to Basic Training

Employees who have been removed from the NPS basic law enforcement training program for conduct will not be allowed to re-apply for training at a later date.

Students who have been removed from basic academy training for academic purposes may only be re-admitted at the discretion of the Superintendent, NPS-LETC. Students who fail a second time may not be re-admitted.

3.3 Field Training and Evaluation Program Management

The FTEP Program Manager administers FTEP per the FTEP Manual, including the process by which employees are assigned to field training parks.

Commissioned employees must attend FTEP at the time and location provided by the FTEP Program Manager.

The FTEP provides training and evaluation to employees following basic training or laterally transferring into the NPS. Employees not in these categories may not attend FTEP.

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

3.4 Ranger Orientation and Evaluation Program

Beginning in calendar year 2016, all Type II commissioned employees must complete the Ranger Orientation and Evaluation Program (ROE) at the beginning of their first appointment before they may engage in solo officer patrol. The ROE curriculum will be provided by the Superintendent, NPS-LETC. The amount of time the ROE takes will vary depending on demonstrated competency. In addition, commissioned employees must complete park-specific training and orientation, as deemed appropriate by the SLEO.

SLEO may require employees to re-complete the ROE prior to achieving solo patrol status at the beginning of any new appointment.

Completion of the ROE does not meet the training requirements of FTEP.

3.5 Reinstatement

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

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

Individuals who surrender their law enforcement commission for any non-law enforcement position and wish to return from an inactive status:

- May be reinstated within three years without having to re-attend basic training. Attending in-service training and seasonal appointments less than four months in length do not extend the three-year restriction.

- Prior to having their NPS law enforcement commission reinstated, they must meet all current applicable NPS commissioning requirements, including FTEP (where applicable), and a commission file with the NPS Commission Office.
- Individuals who initially received their law enforcement credentials prior to establishment of the FTEP, who return to law enforcement within three years, must seek a waiver for FTEP from the DCOP.

4. ANNUAL LAW ENFORCEMENT REFRESHER TRAINING (ALERT)

4.1 General

4.1.1 Coordination with DHS-FLETC

Use of instructors and facilities of DHS-FLETC, Department of Homeland Security (DHS), for NPS training will be coordinated through the Superintendent, NPS-LETC. In an effort to ensure consistency, parks considering contracting with private training companies should coordinate with the NPS-LETC Advanced Training Program Manager prior to finalizing the contract.

4.1.2 Annual Requirement

Each commissioned employee must successfully complete a minimum of 40 hours of in-service law enforcement training every calendar year. Failure to meet annual requirements is addressed in Chapter 5. In-service training is not required for commissioned employees in the calendar year of the graduation date from DHS-FLETC; however, two firearm qualifications and a PEB are still required. DHS-FLETC firearms training can only account for one firearm qualification for the year.

Seasonal employees are not required to attend a 40-hour refresher if they graduated from an approved seasonal academy within the previous six months.

Seasonal and newly hired commissioned employees must successfully complete all required firearms qualifications, as well as pass a PEB, after entering on duty but before the commission documents are issued.

4.1.3 Instructional Media

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

4.2 Content Requirements

4.2.1 Time Requirements and Training Plans

Employees may complete the 40-hour training requirement in a single session or increments throughout the year.

4.2.2 Training Topics

The following subjects are required in annual training for nonsupervisory commissioned employees:

- Legal Basics – A review of basic search and seizure and Miranda, REP, as well as video and recording devices, where applicable (1 hour minimum).
- Legal Update – Recent changes in the laws affecting the NPS and law enforcement, and recent cases affecting the law enforcement community (2 hours minimum).
- Vehicle Safety – Review of law enforcement vehicle safety, including pursuit policy, vehicle handling, and vehicle operations. This may apply to operations of any type of vehicle or vessel used in law enforcement. (1 hour minimum).
- Use of Force – A review of NPS and DOI policy on the use of force, including case law and current issues, and techniques directly affecting officer safety and survival. Topics include participation in scenario-based force-on-force training that requires demonstration of decision-making skills. This may be simulator-based training, judgment pistol shooting, etc. (2 hours minimum).
- Victim-Witness (1 hour minimum)
- NPS Policy Training Update (1 hour minimum)
- Defensive Tactics and Arrest Techniques (6 hours minimum)

- Participation is required in:
  - Expandable Baton and OC, Taser (if carried in unit)
  - Officer safety and survival
  - Handcuffing and Search Incident to Arrest
  - Control Tactics
    - Takedown
    - Ground Escape
    - Weapon Retention
- Firearms – A minimum of eight hours of firearms skills training will be provided annually, only four of which may be from firearms qualifications. Topics include weapons tactics and other weapons skills not requiring actual firing of firearms. Training should include both day and night training (see Chapter 8 for qualification requirements).
- Electronic Control Device (ECD) Training is required for ECD users and those who work with them (see Chapter 32).

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

Content	Hours
Legal Basics	1
Legal Update	2
Vehicle Safety	1
Use of Force	2
Victim-Witness	1
NPS Policy Update	1
Defensive Tactics and Arrest Techniques	6
Firearms	8
Total	22

- Optional Training – Parks will target knowledge and skills relevant to NPS law enforcement and criminal investigation for the remaining training requirements.

4.2.3 Training Topics – Supervisory and Administrative Personnel

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

4.2.4 Training Topics – Special Agents

In addition to training topics identified in 4.2.2, Special Agents should annually receive advanced training in topics related to advanced investigatory techniques and use of other specialized law enforcement equipment.

4.2.5 Excluded Topics

First aid, CPR, Search and Rescue (SAR), fire suppression, credit card and privacy act tests, and other subjects not specifically related to law enforcement may not be credited toward the 40-hour training requirement.

No training hours for participation in the PEB may be credited.

4.2.6 Testing (Standards and Written Exams Provided by the NPS-LETC)

Required Testing:

- ECD (if carried) – Written exam plus proficiency testing provided by the NPS-LETC (see Chapter 32)
- Firearms Qualification (see Chapter 8)
- Use of Force – Written exam provided by the NPS-LETC

Optional Testing

In-service curricula may include written or practical testing to evaluate competency in other skills.

5. MANAGEMENT AND OVERSIGHT OF TRAINING

The Superintendent, NPS-LETC, is responsible for the development and management of basic and advanced training Servicewide. This official is also responsible for developing procedures and guidelines for Servicewide training and certification in law enforcement topics, and of law enforcement training instructors.

5.1 Instructor Certification

The Superintendent, NPS-LETC, currently certifies and tracks instructors in the following law enforcement training disciplines. Instructor certifications require refreshers every five years. Training refresher documentation must be submitted to the Commission Office by January 31 of each year. The Superintendent, NPS-LETC, will provide annual distance training for each of the following approved instructors:

- Active Shooter
- Basic Tactics
- Control Tactics and Arrest Techniques
- Driving
- ECD
- Firearms
- Use of Force/NLTA
- Physical Fitness

NPS instructors in these disciplines, in order to maintain instructor certification, must maintain current registration and log the training they provide on the Law Enforcement Instructor Tracking System (T3), including the classes, the participants, and the training requirements.

5.2 Force-on-Force Training: Use of Non-Lethal Training Ammunition

Force-on-force or scenario-based training, including use of projectile firing training weapons (e.g., NLTA/Airsoft) or blank-firing weapons, will be managed under conditions and procedures set by the Superintendent, NPS-LETC.

6. DOCUMENTATION OF TRAINING

Employees must retain training documentation annually. The SLEO will maintain a record of law enforcement training for each commissioned employee in their park. At a minimum, these records must document completion of 40-hour in-service requirements as prescribed in this chapter. Documentation will include topic, hours, instructor and co-instructor, students in attendance, scoring of testing (if applicable), and course syllabus for each topic. Employees will retain their training records as per Records Management Guidelines for a minimum of five years. SLEOs will submit the records to the employee's commission file at the Commission Office by January 15 of each calendar year (see Chapter 5).

6.1 Reporting of Training Accidents and Near Misses

SLEO will report all accidents or incidents occurring in training resulting in injuries or near misses (defined as unplanned events that did not result in injury, illness, or damage, but had the potential to do so) to the Superintendent, NPS-LETC, within 72 hours.

6.2 Failure to Meet In-Service Training Requirements

For failure to complete required annual training requirements, see Chapter 5.

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8

Firearms Training And Qualifications

1. POLICY
2. DEFINITIONS
3. DIRECTIVES
APPENDIX 8-A. FIREARMS QUALIFICATION COURSES

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1. POLICY

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

2. DEFINITIONS

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

2.1 Practice

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

2.2 Primary Sidearm

The pistol worn by all commissioned employees, not to be confused with a secondary or "backup" pistol (see Chapter 30).

2.3 Qualification

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

2.4 Required Long Gun

Rifles and/or shotguns that are required by the SLEO to be used and carried on duty, in addition to the primary sidearm (which is required for all commissioned employees).

2.5 Training

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

3. DIRECTIVES

3.1 General Procedures

3.1.1 Instructor Qualifications

All firearms training will be conducted by qualified firearms instructors.

NPS Firearms Instructors:

NPS employees serving as firearms instructors will be commissioned employees, trained and certified to standards established and approved by the Superintendent, NPS-LETC. Instructors must supervise or instruct/co-instruct no fewer than two separate firearms training or qualifications sessions per year in order to maintain their instructor certification. Instructors will also be able to demonstrate their own proficiency with the NPS-authorized firearms they instruct, and demonstrate proficiency as

an instructor. All NPS firearms instructors must attend NPS-LETC approved firearms instructor update/refresher training every five years following initial certification.

Non-NPS Instruction:

Commissioned employees may participate in firearms exercises that are sponsored by local, state, or federal law enforcement agencies or private training facilities approved by their supervisor. Approved firearms may be used on or off duty for such training when approved by the supervisor. Supervisors will consider the qualifications of the instruction provider prior to approving such training, and may wish to consult with the Superintendent, NPS-LETC to ensure training consistency.

Commissioned employees participating in non-NPS instruction must receive supervisor approval prior to attending if NPS-approved weapons will be used.

3.1.2 Range Procedures

Range Safety Officer:

A Range Safety Officer will be designated at each NPS-operated range session. Range Safety Officers are responsible for the overall range safety.

- Other firearms instructors may assist in range operations, but the Range Safety Officer has final say in all range safety matters.

Range Rules

The following rules will apply on all ranges:

- Body armor is required during all firing exercises.
- During all firing exercises, eye and ear protection will be in place. Eye protection designed to protect the eyes from falling brass and other debris should be utilized. A cap with its bill extending over the eye protection should be worn during all firing exercises to deflect hot, ejected brass from falling between the face and eye protection. Goggles or eyewear that seals against the brow may be used in lieu of a cap.

- Unless otherwise indicated, all shooting begins with firearms and all magazines fully loaded or charged.
- Unless otherwise indicated, all shooting begins with firearms and magazines holstered with available safety straps and snaps secured.
- Unless otherwise indicated, all firing is from the two-handed position (i.e., from the strong hand, supported by the support hand).
- After each stage/firing string, shooters must de-cock their firearms and assume scan positions before holstering. Firearms will not be immediately holstered after firing without de-cocking, coming to scan positions, and re-evaluating threats/targets.
- The shooter must keep their finger off the trigger until the firearm is on target. All movement with firearms drawn and all firearms manipulation will be accomplished with fingers off triggers.
- It is the shooter's responsibility to maintain magazines and firearms loaded throughout the course without prompting from the instructor, unless the given training scenario dictates otherwise.
- The instructor/Range Safety Officer to student ratio on the line of fire should be no greater than 1:6.
- Only frangible ammunition will be used when shooting at steel targets.
- All training incidents resulting in injury, and major malfunctions such as a round exploding within the weapon damaging the weapon, and "near miss" safety incidents will be reported by the Range Safety Officer to the SLEO and the Superintendent, NPS-LETC. Accidental/unintentional discharges will be reported for incidents involving serious property damage or injury per Serious Incident Reporting procedures.

3.2 Specialized Training

3.2.1 Stress, Tactical, and Judgment Courses

Stress, tactical, and judgment shooting courses are authorized as an important supplement to, but not in lieu of, qualification courses. Shooters participating in these courses must first be currently qualified in standard NPS-approved qualification courses.

3.2.2 Free Movement/Live-Fire Courses

In all live-fire (vs. simulated fire) courses where the shooter has free movement on the range, the instructor/shooter ratio will be 1:1. Free movement is described as movement in more than one direction, or when the student has a choice in direction or speed of movement. Only one shooter will be on the course at a time. This does not include controlled movement in one direction when the entire line moves at the same time and speed. Any deviation from this policy will be approved by the DCOP and Superintendent, NPS-LETC.

3.2.3 Additional Drills

Firearms instructors and other individuals responsible for developing and staging training will incorporate drills and exercises that incorporate a range of judgment shooting decisions ranging from verbal compliance to use of deadly force firing drills and exercises. Qualified instructors are authorized to use available technology and techniques, such as non-lethal training ammunition and simulator exercises, in addition to live fire, to meet these standards. In accordance with the NPS-LETC NLTA procedure, found on the NPS-LETC website, current certified UOF or NLTA instructors are authorized to use NLTA, blank-firing weapons, and UOF simulators in lieu of live fire to meet these requirements.

3.2.4 Practice

Practice is critical to maintaining firearms proficiency. Practice is encouraged, on and off duty. Practice is allowed with NPS-approved firearms. Off-duty practice is allowed, subject to conditions placed by the SLEO. Commissioned employees will follow established firearms and firing range safety procedures at all times.

3.3 Initial Training Requirement for Firearms

Commissioned employees are not authorized to carry any firearm for duty until they have completed a training course for that firearm approved by the Superintendent, NPS-LETC, that meets DOI policy requirements.

3.4 Qualification Standards

Commissioned employees must demonstrate proficiency in firearms skills by meeting the firearms qualifications standards contained in this chapter. Firearms qualification requires passing scores.

All qualifications will be conducted on courses of fire approved in this chapter. Qualifications may be administered by NPS firearms instructors or qualification administrators, or by firearms instructors of other federal agencies.

Qualifications sessions will be conducted without prior warm-up or practice shooting at that range session.

Commissioned employees must qualify with the same make, model, and caliber of handgun they carry, and must qualify with the same variant and caliber of the authorized long guns they will use prior to assuming law enforcement duties.

Commissioned employees must qualify with all required firearms, including their primary sidearm, and all long guns required for use as determined by the SLEO. Both day and reduced-light qualifications are required for pistols.

Commissioned employees must qualify with any other firearm they optionally carry or use.

3.4.1 When to Qualify/Resumption of Duties

New employees will qualify with all required firearms on all required courses prior to assuming law enforcement duties. New employees entering the NPS after the first six months of the year are required to qualify once that year. Firearms qualifications conducted during the Land Management Training Program at FLETC are authorized in lieu of NPS qualifications.

Commissioned employees with a break in active law enforcement duty status of more than four months must qualify with all required firearms on all required courses prior to resumption of law enforcement duties.

For ongoing employees, qualifications must occur at least two times a year – once January through June and once July through December – with all required firearms on all required courses. The minimum qualification sessions must be held at least three months apart.

Commissioned employees must qualify on demand of their supervisor with any or all firearms they are authorized to use in Service applications, at any time.

3.4.2 Targets and Scoring

Qualification courses of fire must be shot on TRANSTAR II targets, unless otherwise specified. Scoring is indicated by the specific course of fire. Scores are recorded as pass or fail only.

[redacted]

3.4.3 Equipment and Ammunition Used During Qualification

Qualifications must be conducted using the holsters or other carrying devices, and reloading devices or methods actually used in the field, both on and off duty, using NPS-approved ammunition (as noted in Chapter 30).

Primary Handgun and Primary Holster

Qualifications will be conducted with the primary duty pistol from the primary holster. For uniformed personnel, this will be from the duty belt holster. For Special Agents, this will be with the primary handgun from the primary holster from a concealed position. These qualifications will use both the day and reduced-light qualification courses.

Primary Handgun and Alternative Holster

If other holsters will be used for the primary handgun, such as specialized carry while on-duty, or off-duty use, the standard pistol qualification course, both day and reduced light, are required for each alternative holster.

Secondary Handgun and Holster

Qualifications will be conducted with the secondary duty pistol from the secondary duty pistol holster from a concealed position. The NPS secondary weapon qualification course will be used. There is no reduced-light qualification course required for a secondary handgun.

3.4.4 Rounds Allowed

Only the prescribed number of rounds in a given stage of a given qualification course will be fired. Rounds not fired within prescribed time limits during one stage will not be made up or fired as extra rounds during subsequent stages of fire. In the event of an empty firearm occurring during a course of fire, emergency reload is expected without command. An empty firearm is not considered a valid reason for failure to qualify.

3.4.5 Documentation of Qualifications and Training

All firearms qualifications will be documented by the firearms instructor providing the qualification. The SLEO or Supervisory SAC, whichever may be appropriate, will maintain a record of all firearms qualifications for their employees. Such records will also be retained in the employee's official commission file and documented in the Test, Track, and Train Database (T3).

All other firearms training will also be documented.

3.4.6 Multiple Sighting Systems

Users of firearms with multiple sighting systems must qualify with each sighting system.

3.4.7 Authorized Courses of Fire

The NPS handgun qualification course (day and reduced light), the NPS shotgun qualification course, the NPS rifle qualification course, and the NPS secondary weapon qualification course are authorized as the standard qualification courses.

Any employee receiving an NPS commission for the first time must qualify on the NPS-authorized qualification courses. Any subsequent remediation qualifications must also be on the NPS-authorized course.

At least one of the two semi-annual handgun qualifications for ongoing employees will be performed on the NPS Qualifications Course (day and reduced light).

A second handgun qualification using any of the following qualifications courses is allowed, at the choice of the SLEO:

[redacted]

All shotgun, rifle, and secondary handgun qualification will be held using the NPS qualification course.

Day and reduced-light courses of fire each comprise a complete primary handgun qualifications session. They may be held on different days within the qualification period.

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

3.5 Failure to Qualify and Remediation

3.5.1 Primary Sidearm and Required Long Guns

Only two attempts at qualification may be made during any one, same-day range session for each firearm. The second attempt, if held, will follow the first without additional practice shooting. Any shooter unsuccessful in attaining a qualifying score on these two attempts may continue with remedial exercises or practice on any given day, but may not utilize subsequent scores attained during that same range session for purposes of qualification.

Individuals failing to qualify after two consecutive attempts with the primary sidearm or required long gun will be placed on Administrative Light Duty (see Chapter 5). They will not be permitted to perform duties requiring the use of any firearm, and may not perform field law enforcement duties until able to meet the minimum qualification standard. This temporary duty restriction does not in and of itself constitute suspension or revocation of a commission, and the affected individual may continue to perform administrative duties relating to law enforcement, such as appearing in court, preparing reports, conducting telephone interviews, etc.

3.5.3 Optional Firearms and Alternative Holsters

Employees who fail to qualify with an optional firearm (shotgun, or rifle not required by the SLEO, or secondary handgun) or holster may not carry or use the affected class of firearm or optional holster until able to qualify and meet the minimum standard.

3.5.4 Frequent or Repeated Failures to Qualify

Employees who frequently or repeatedly fail to qualify, but are able to successfully remediate according to policy, are best addressed by supervisors in the performance evaluation process and put on a performance improvement plan if necessary.

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APPENDIX 8-A. FIREARMS QUALIFICATION COURSES

1. [redacted]

2. [redacted]

[redacted]

3. [redacted]

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4. [redacted]

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9

Law Enforcement Canine Programs

1. PURPOSE
2. DEFINITIONS
3. PROCUREMENT, SELECTION, AND RETIREMENT OF DOGS
4. KENNELING AND EQUIPMENT
5. ANIMAL CARE AND MEDICAL SUPPORT
6. TRAINING STANDARDS AND AIDS
7. CANINE TEAM OPERATIONS
8. RECORDS MANAGEMENT
9. REPORTING REQUIREMENTS

---

1. PURPOSE

This chapter provides information concerning the overall administration, selection, training, use, care, and documentation of canines used by the NPS. Techniques specific to the use of patrol and/or detection canines are also addressed. Canines utilized by the NPS will have one or more of the following capabilities: ability to search for evidence (including, but not limited to: narcotics, explosives, wildlife, accelerants, and currency), tracking of criminal suspects and lost persons, apprehension of suspects, searches for narcotics, and searches for explosives and explosive devices.

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

2. DEFINITIONS

2.1 Bite

Any incident in which a service canine inflicts or is alleged to have inflicted physical injury by biting another person (or animal) other than the service canine handler or service canine instructor. This will typically result in a skin wound or puncture produced by the canine's teeth.

2.2 Canine

A canine trained and certified in duties such as patrol, tracking, narcotics, explosives, wildlife, search and rescue, cadaver, or other detection duties in accordance with current law and policy.

[redacted]

2.3 Canine Apprehension

Any law enforcement activity in which a canine is on scene and plays a well-documented role in the capture of a wanted suspect.

2.4 Canine Deployment

A law enforcement activity in which a canine team is on scene and plays an active role in law enforcement action(s).

2.5 Canine Detection

Use of a trained canine to search for and locate evidence.

2.6 Canine Handler

A law enforcement officer trained to work with a canine in standard police duties, detection, or other disciplines.

2.7 Canine Program Manager

For parks with more than one canine asset, the SLEO may designate a "lead handler" who manages and oversees the canine program.

2.8 Canine Team

A canine handler and their assigned police canine that have successfully completed an approved canine training program together and are currently certified in their area of expertise.

2.9 National Canine Program Manager

A commissioned NPS law enforcement officer with at least three years of experience as an LE K-9 handler, appointed by the DCOP, who serves as a single point of contact and "subject matter expert" for the canine program within the agency. Responsibilities include, but are not limited to: maintaining a database of training records and significant incidents, assisting in distributing program updates and case law, producing yearly reports and summaries, and program development.

2.10 Release Warning

A verbal announcement that a canine handler is about to release their canine and anyone in the search area should surrender immediately.

2.11 Canines

3. PROCUREMENT, SELECTION, AND RETIREMENT OF DOGS

3.1 Selection

All law enforcement canines must be owned by the federal government. The NPS may purchase a service canine or have one donated to them from a private individual or organization.

Personally owned canines that were trained and deployed prior to implementation of this policy may continue to be used until they are retired from service.

In the event of a donation, each park should have a written agreement with the donor in the event the program becomes obsolete, the canine is determined to be unsuitable for work, there are no handlers for the dog, or the dog needs to be retired due to age, illness, or serious injury.

Dogs must be sound of body, physically fit, with a good temperament, neither too aggressive nor shy, and preferably between 12 months and two years of age. A specific breed is not required, but dogs in the retriever or herding breeds are preferred, and must be approved by the National Canine Program Manager prior to being purchased or acquired.

Demonstrated signs of friendliness, intelligence, and alertness, identified by the evaluating officer, are indications that a dog may make a good candidate.

3.1.1 Canine Types

3.2 Rejected Canines

If an accepted canine subsequently fails training and it is determined to be a problem with the dog, the canine may be offered back to the original donor, returned to the vendor for replacement or refund, or the park may attempt to place the canine with another law enforcement agency. If the park cannot place the canine, the canine shall be given to a local no-kill animal shelter or equivalent facility. This placement recommendation shall be made by the SLEO and all applicable property regulations shall be in compliance.

3.3 Retired Canines

Federal law regarding the donation of federal government canines is governed by *40 U.S.C. 555*, which provides that: The head of a federal agency having control of a canine that has been used by a federal agency in the performance of law enforcement duties and that has been determined by the agency to no longer be needed for official purposes may donate the canine to an individual who has experience handling canines in the performance of those duties. Therefore, with approval from the National Canine Program Manager, the SLEO from the park in which the canine is stationed may retire an NPS canine under one or more of the following circumstances:

- The canine can no longer perform the functions required due to age, illness, or injury.
- The canine can no longer perform and pass the training requirements.
- The canine is no longer needed for official purposes.

A canine handler may apply to take possession of their assigned canine if:

- The canine is retired for any of the above reasons, or
- The officer is transferred, promoted, or retires and a decision is made to not retrain the dog with another canine handler.

A canine handler may request to bring their assigned canine to a change of station. The request must be approved by the SLEOs at both park units.

In the event of a serious injury to a canine where the injury, treatment, and recovery will not allow the canine to return to government service, the canine handler, canine program manager (if applicable), and SLEO will arrive at a mutually agreed upon decision whether to obtain government-sponsored medical care in lieu of euthanasia.

A canine that is killed in the line of duty will be given full honors consistent with the industry standard.

4. KENNELING AND EQUIPMENT

4.1 Kenneling

The park shall ensure that canines are provided with appropriate housing both at the handler's place of residence as well as temporary kennels, such as at the office. Canine housing must provide safety, security, a proper kennel floor, and other essentials such as: shade, water, heat, air conditioning, and an overall sanitary environment.

4.2 Equipment

4.2.1 Standard Equipment for Each Canine Handler Includes:

Patrol Lead	1	
Tracking Lead	1	
Restraining or training lead strap	1	(only needed for patrol canines)
Choke or pinch collar (fur saver)	1	
Tracking harness	1	(optional for EDC)
Muzzle	1	
Food and water bowl	1	
Water bucket	1	
Undercoat rake	1	
Grooming brush	1	
Flat leather collar	1	
Protective foot wear	1	set (optional)
Canine first aid kit	1	
NPS mini-shield	3	(may be available through the NPS Canine Program Manager)

The park is responsible for purchasing and issuing all standard equipment and any specialized equipment necessary, depending on the capabilities of the dog and the local environment. The canine handler is responsible for the cleanliness and care of equipment at all times, and must report when an item becomes unserviceable for any reason.

4.2.2 Vehicles

- A vehicle specially equipped for safely transporting canines will be assigned to each canine team.
- The vehicle should be clearly marked as a canine unit (see Chapter 34).
- The vehicle must be equipped with heat sensors and automatic fans.
- Vehicles transporting canines trained for the patrol function shall be equipped with a remotely operated door popper system.
- The vehicle shall also be maintained and operated according to the approved procedures consistent with agency policy.
- The interior of the vehicle shall be kept as clean and sanitary as possible by the canine handler.
- In some locations, marking canine vehicles puts the officer and canine at unnecessary risk. Waivers can be obtained through the DCOP for vehicle markings.

5. ANIMAL CARE AND MEDICAL SUPPORT

[redacted]

5.2 Veterinary Service

Veterinary services should be approved by the SLEO in consultation with the canine handler.

5.3 Yearly Examinations

All canines shall be examined annually by the approved veterinarian.

5.4 Costs

The park shall cover all costs associated with food purchase, veterinary care, and medical care expenses.

6. TRAINING STANDARDS AND AIDS

6.1 Canine Team Training and Qualifications

Applicants for canine teams must have:

Two years of continuous service as a Type I commissioned ranger with the NPS

or

One year of continuous service with the NPS as a full performance permanent commissioned ranger and two years of continuous service with another municipal, county, state, or federal law enforcement agency as a full-time sworn officer.

6.2 Periodic Maintenance Training

[redacted]

6.3 Certification

Each canine team shall certify with an outside agency or certifying body at a minimum of annually in accordance with a nationally accredited police canine training organization or industry standards.

6.4 Parkwide Training

All park law enforcement officers in a park with a canine unit should be educated in the capabilities and limitations of canines and in the special requirements of preserving a crime scene that necessitates a canine team response.

6.5 Training Aids

The SLEO will develop SOPs for appropriate handling and safe storing of training aids.

7. CANINE TEAM OPERATIONS

7.1 Search and Apprehension of Suspects

Prior to the use of a canine to search for or apprehend any individual, the canine handler and/or supervisor on scene shall carefully consider all pertinent information reasonably available at the time. The decision to deploy a patrol canine shall be consistent with the agency use-of-force policy. A standard of objective reasonableness shall be used when deciding to use a patrol canine in view of the totality of the circumstances.

7.1.1 Buildings or Residences

[redacted]

[redacted]

Apprehended suspects shall be released to the requesting or originating officer, who shall make the arrest and complete all the necessary reports. When a canine handler observes a criminal violation and makes the arrest, the handler shall complete all the necessary reports.

7.2 Aviation

Both fixed-wing and rotor-wing aircraft can be an effective tool to expedite the deployment of canine assets. The following will used to determine the suitability of an aviation asset:

- At a minimum, all canines will be properly muzzled when transported within an aircraft, unless they are placed in a kennel.
- Requirements will be consistent with those outlined in the Interagency Helicopter Operations Guidebook (IHOG).
- SLEOs shall develop procedures that are consistent with their local Aviation Management Plan and with solicited input from local aircraft vendors.

Prior to deployment of a canine asset by aircraft, the canine team will complete exposure training for the animal, which will minimally include at least one flight evolution. Any abnormal behavior or reactions by the animal will be corrected within the controlled training environment before the canine is authorized for deployment by an aircraft.

7.3 Interagency Requests

[redacted]

7.4 Canine Bites and Injuries

When a canine is deployed and a bite occurs, the handler will call off the canine when the suspect has been controlled and the canine can be safely removed. Consideration should also be given for the overall safety of the handler, other officers, and any person(s) at the scene.

- Submit a notification through the Serious Incident Notification System.
- Submit a report for review through the chain of command to the DCOP and the National Canine Program Manager.
- The DCOP is responsible for submitting a report to the Interior Operations Center in accordance with the Serious Incident Reporting policy (DM-446, Chapter 17).
- Consistent with Chapter 6, any police canine bite will require a Board of Review.

7.5 Emergency Procedures

SLEOs shall develop a Canine Emergency Plan, which establishes local procedures should one of the following situations occur:

- The canine fails to respond to the handler's commands during a deployment.
- The handler becomes incapacitated or unconscious and is not able to provide the canine with commands.
- The canine has run away, or becomes lost or missing.

Plans shall be approved by the SLEO and archived consistent with the Records Management section of this chapter.

8. RECORDS MANAGEMENT

Records on each canine shall be kept regarding the canine's performance in training as well as its performance on the street. All canine training records will be kept in the canine handler's training records, in compliance with Chapter 7.

8.1 Original Training Records

The original training records (to include lesson plans of courses) presented by the agency, and copies of certificates of completion, shall be forwarded by the SLEO or canine program manager to the DCOP and National Canine Program Manager.

8.2 Periodic Maintenance Training Records

Training records shall be completed by the trainer in charge and a copy shall be maintained by canine handler and the SLEO or National Canine Program Manager.

8.3 Archiving

All Case Incident Reports shall be maintained in compliance with Chapter 37.

9. REPORTING REQUIREMENTS

9.1 General Reporting

Documentation of each deployment will be maintained by the handler. The number of deployments, which result in nothing more than the canine being utilized to determine the presence or absence of a trained odor, will be submitted at the completion of each shift. Deployments in which the canine performs its trained behavior will have a Case Incident Report completed.

9.2 Use-of-Force Reporting

Deployment of a patrol canine is a use of force and must be reported as stated in Chapter 10.

Any dog bite, regardless of the canine's intended use, is a use of force and must be reported as stated in Chapter 10.

9.3 Significant Incident Notification

Consistent with the Serious Incident Reporting policy (DM-446, Chapter 17), all canine deployments that result in a bite or accidental bite, resulting in injury or alleged injury, shall be reported as prescribed in Chapter 36.

9.4 Archiving Deployments

All Case Incident Reports shall be maintained in compliance with Chapter 37.

10

Use Of Force

1. USE OF FORCE POLICY
2. DEFINITIONS
3. PRIMARY CONSIDERATION
4. USE OF INTERMEDIATE DEFENSIVE EQUIPMENT
5. REPORTING, SUPERVISORY REVIEW, AND INVESTIGATION
6. EXCESSIVE FORCE

---

1. USE OF FORCE POLICY

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

2. DEFINITIONS

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

2.1 Deadly Force

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

2.2 Discharge

Pulling the trigger of a firearm or ECD, intentionally or unintentionally, and expelling a round or probes.

2.3 Display

The term "display" means the removal of a weapon from its holster, case, locking mount, or other normally stored location or position in anticipation of its use in a potential conflict. Weapons used in Patrol Carry are not considered a "display" unless the weapons is discharged, pointed, or used.

2.4 Intermediate Weapons

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

2.5 Objective Reasonableness

The facts and circumstances, including the reasonable inferences drawn therefrom, known to a commissioned employee at the time of the use of deadly or other force that would cause a reasonable officer to conclude that the use of force used by the commissioned officer was reasonable based on the totality of circumstances known to the commissioned employee at the point in time the force was used. The reasonableness of a belief or decision must be viewed from the perspective of the commissioned officer on the scene, who may often be forced to make split-second decisions in circumstances that are tense, unpredictable, and rapidly evolving. As such, the Supreme Court has stated that objective reasonableness "is not capable of precise definition or mechanical application." In the context of this section, reasonableness will not be viewed from the calm vantage point of hindsight.

2.6 Patrol Carry

Regular patrol details, including poaching patrols and border patrols, that commonly require the carrying of long guns in addition to sidearms. These regular patrols will not require use of force reporting if the long guns are not discharged, pointed, or used.

2.7 Physical Control Techniques

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

2.8 Pointing

The directing of the barrel of the firearm or ECD in such a manner that a discharge would likely impact a targeted individual, animal, or object.

2.9 Use of Force

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

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

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

For reporting purposes, all incidents involving the **unintentional** discharge of a firearm (either on duty or off duty) are considered uses of force.

3. PRIMARY CONSIDERATION

The primary consideration in the use of force for commissioned employees is the timely and effective application of an objectively reasonable level of force required to establish and maintain lawful control. Commissioned employees are authorized to use a wide

variety of defensive equipment and force options in response to various threats and other enforcement situations. These options are provided in order to permit commissioned officers to select the defensive equipment or tactics, so long as they are objectively reasonable based upon the totality of the circumstances.

3.1 Use of Force

Other than deadly force is any type or level of force that does not create a significant risk of death.

Justifications for the use of force may include:

- To defend self.
- To defend others.
- To effect an arrest or investigatory Terry stop when lesser force is or would be insufficient.
- To restrain or control violent, threatening, or resistive behavior.
- To disperse an unlawful group.
- To prevent prisoner escape.
- To stop a riot/civil unrest.
- To defend property.
- To prevent destruction of evidence.
- Other circumstances when objectively reasonable.

3.2 Use of Deadly Force

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

3.3 Fleeing Subject

[redacted]

3.4 Verbal Warnings

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

3.5 Warning Shots

Warning shots are not permitted.

3.6 Vehicles

[redacted]

4. USE OF INTERMEDIATE DEFENSIVE EQUIPMENT

4.1 Impact Defensive Equipment

[redacted]

4.2 Chemical Agents

[redacted]

Once the situation is controlled and it is safe to do so, begin decontamination process according to manufacturer recommendations.

4.3 Electronic Control Devices

Policy and procedures for the use of Electronic Control Devices can be found in Chapter 32.

5. REPORTING, SUPERVISORY REVIEW, AND INVESTIGATION

5.1 Notification and Reporting Requirements

Commissioned employees will notify their immediate supervisors and prepare reports regarding the following incidents involving the use of force except in training or practice. The SLEO may implement more stringent reporting and notification requirements.

- The discharge, pointing, or use of a firearm or any attempted use of deadly force.
- Any use, threatened use, or attempted use of force including but not limited to: personal weapons, batons, OC spray, ECD, or any other intermediate defensive equipment.
- Discharge means the actual discharge of ammunition within a firearm or cartridge from an ECD, whether deliberate or not.
- The routine inspection, maintenance, qualification, carrying, patrol, transport, and safekeeping/securing of a firearm/ECD, for the purposes of this chapter, do not constitute use.

NOTE: Use of Force incidents may be covered by the Serious Incident Reporting Protocols (Chapter 36) or Serious Use of Force Incidents (Chapter 11).

5.2 Supervisory Review Requirement

Use of force incidents in the above section will undergo supervisory review. Investigations are required when use of force causes injuries requiring professional medical care (other than removal of ECD probes) or death, and will be managed as specified in Chapter 11. Investigations regarding allegations of excessive force shall be conducted according to Chapter 16.

5.3 Investigation

See Chapter 11, as applicable.

See Chapter 16, as applicable.

6. EXCESSIVE FORCE

All commissioned employees will intervene, if a reasonable opportunity exists, when they know or should know that another commissioned employee is using unreasonable force.

11

Management Of Officer Involved Shooting

1. INTRODUCTION
2. DEFINITIONS
3. PURPOSE
4. POLICY
5. SCOPE
6. INVESTIGATION TYPES
7. ROLES AND RESPONSIBILITIES
8. CRITICAL INCIDENT STRESS MANAGEMENT

APPENDIX 11-A. INVESTIGATION FLOW CHART

APPENDIX 11-B. FIRST SUPERVISOR ON SCENE CHECKLIST FOR MANAGING A USE OF DEADLY FORCE INCIDENT

APPENDIX 11-C. SLEO CHECKLIST FOR MANAGING A USE OF DEADLY FORCE INCIDENT

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1. INTRODUCTION

An officer involved shooting or significant use of force can be a complex and difficult incident to manage. The intent of this chapter is to provide the framework and process for managing an officer involved shooting or significant use of force by providing involved commissioned employees a better understanding of the process, giving direction to park managers, and outlining the procedures for the investigations.

Officer involved shootings have several separate investigations, including a criminal investigation of the incident, an administrative investigation, and a civil investigation. These investigations may occur concurrently. They are conducted with the utmost thoroughness, professionalism, and impartiality to determine if the officer actions conform to the law and this agency's policy, procedures, and training.

RM-9 chapters on Boards of Inquiry (BOIs) and Boards of Review (BORs), Use of Force, Investigations Management, Cooperation with Other Law Enforcement Agencies, Internal Investigations, Firearms, and Employee Health also have relevance to the management of officer involved shootings and significant use of force incidents. The policies established in this chapter are designed to be consistent with and augment those chapters.

Officer involved shootings (OIS) are the primary focus of this chapter. However, other incidents with serious or significant uses of force, or the death of an individual in the custody of commissioned NPS personnel, will also follow this policy.

Throughout this policy, the term OIS will include officer involved shootings, as well as any other significant use of force.

2. DEFINITIONS

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

2.1 Administrative Review

Administrative reviews are generally comprised of an IA, BOR, and BOI (when applicable). They address matters related to agency policy, procedures, and civil liabilities involving the agency and NPS personnel. Administrative reviews are generally conducted under the direction of the park Superintendent as outlined in Chapter 6.

2.2 Case Agent

A criminal investigator from the ISB in the NPS possessing the expertise to investigate a particular use of force or criminal incident. The Case Agent is responsible for overseeing the criminal investigation of the incident, including directing the activities of the investigative personnel, communicating with the prosecuting body, and reviewing the activities of the other investigations so as to avoid conflicts. The Case Agent will have training and experience in:

- Use of Force investigations
- Firearms

- Criminal Death Investigations
- Experience with the administrative process

2.3 Criminal Investigation

The criminal investigation of the suspect(s) whom force was used upon, including the initial violation(s) that resulted in law enforcement involvement and the actions that resulted in the use of force. This investigation will be conducted by ISB or an outside agency with jurisdiction, and may culminate in criminal proceedings for the suspect(s).

2.4 Deadly Force

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

2.5 External Investigation

The external investigation focuses on the criminal investigations, including an investigation into the use of force, crime scene, and the suspect(s).

2.6 First-on-Scene Officer

[redacted]

2.7 Initial Interview

[redacted]

[redacted]

2.8 Internal Investigation

See Chapter 16.

2.9 Involved Commissioned Employee(s)

A ranger, Special Agent, other NPS law enforcement commissioned person, or LEO from another agency acting under the authority of a Special NPS Police Deputation, who uses force or is directly involved in an incident involving the use of force that results in serious bodily injury or death.

2.10 Medical Professional

A physician, psychiatrist, or PhD psychologist with appropriate subject matter expertise in law enforcement and is approved by the WASO Medical Standards Program Manager.

2.11 Use of Deadly Force

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

2.12 Use of Force/Crime Scene Investigation

Conducted by ISB or an outside agency, a Use of Force/Crime Scene Investigation is fact-finding and examines the *Graham* factors and their applicability to the use of force and the constitutionality of the use of force. The investigator will also process the scene for any evidence surrounding the use of force. The generated report is submitted to the Case Agent.

3. PURPOSE

This policy provides commissioned employees direction in the management and investigation of incidents involving the occurrence of deadly force, including post-incident counseling.

4. POLICY

The NPS, regardless of jurisdiction, will investigate all incidents where deadly force is used by NPS commissioned personnel, regardless of whether or not death or serious injury occurs.

The NPS, regardless of jurisdiction, will investigate all incidents of actual or attempted assaults or any event that results in the death of a commissioned employee (as it relates to their employment), and the potential cause of that death is the result of criminal conduct.

SLEO will strive to return involved commissioned employees to full-duty status as quickly as reasonably possible.

5. SCOPE

This policy applies to all commissioned NPS employees. At the direction of the SLEO, and with the notification of the RCR and the SAC, the procedures established in this policy shall be applied to the following incidents:

- Commissioned employee use force, or attempt to use force, resulting in serious bodily injury or death.
- A subject attempts to or actually assaults or murders a commissioned NPS employee as it relates to their employment.
- Death of an individual in the custody of the NPS.

The NPS will investigate incidents occurring outside NPS jurisdiction. These investigations may only be administrative and/or OPR.

Wherever the SLEO or RCR is noted, if the involved commissioned employee(s) is/are ISB or OPR personnel, as appropriate, substitute ASAC or DCOPR.

5.1 References

- Department of the Interior Law Enforcement Handbook DM-446
- RM-9, Chapter 6
- RM-9, Chapter 10
- RM-9, Chapter 15
- RM-9, Chapter 16
- RM-9, Chapter 24
- RM-9, Chapter 30
- NPS DO 9 and RM-9, Chapter 41 (Section 1.2, Critical Incident Stress Management)

6. INVESTIGATION TYPES

There are several different investigations conducted simultaneously after an officer involved shooting or serious use of force incident. These investigations are categorized as External Investigations and Agency Investigations. These investigations are simultaneous and may be dependent on each other. The same Case Agent may investigate them, where applicable. However, each investigation serves a unique purpose (see Appendix 11-A).

6.1 External Investigations

External Investigations focus on the criminal investigations.

- Use of Force/Crime Scene Investigation

  The NPS, FBI, or an outside agency with jurisdiction or special NPS deputation may conduct this investigation. The investigation examines the crime scene and any associated evidence as well as the constitutionality of the use of force. The investigator will forward any reports generated to the Case Agent. The Case Agent will submit the report to the US Attorney's office (or other prosecutors) for review and probable declination of charges against involved commissioned employees.

- Criminal Investigation (of the suspect)

  The NPS, FBI, or an outside agency with jurisdiction or special NPS deputation may conduct this investigation. The Case Agent will conduct a criminal investigation of the suspect(s) in the OIS including the facts leading up to the law enforcement contact as well as any violations of law thereafter. The Case Agent receives reports from the Use of Force/Crime Scene Investigation and the OPR Investigation, and serves as the contact point with the prosecuting office.

6.2 Agency Review

Agency reviews focus on policy, training, and involved commissioned employees.

- OPR Investigation

  See Chapter 16.

- Administrative Review

  Boards of Review and Boards of Inquiry address matters related to agency policy, procedures, and civil liabilities involving the NPS and NPS personnel. The Superintendent generally convenes the Administrative Review in conjunction with the OPR. The Superintendent or their designees will:

  - Through the Case Agent, receive the US Attorney's Office's or prosecutor's office's written determination regarding prosecutorial actions concerning the involved commissioned employees.
  - Make recommendations to the involved commissioned employees' duty status to the RD or designee.
  - Convene a BOR.
  - Maintain ongoing communication and promptly inform SLEO, RCR, and SAC of significant findings or information.

7. ROLES AND RESPONSIBILITIES

The below positions and functions are listed in the general sequence in which they will likely become involved in the management of a use of deadly force incident.

7.1 Involved Commissioned Employee

An involved commissioned employee, whether on or off duty, who is involved in a deadly force incident, unless incapacitated, when feasible will:

[redacted]

While at the scene, the involved commissioned employee will not discuss the incident beyond that which is necessary to secure the scene, ensure officer safety, and communicate pertinent details, such as description of fleeing suspects.

The involved commissioned employee will limit any discussion of the incident to the appropriate US Attorney or other prosecutor (e.g., state, county), a representative of the Solicitor's Office, the NPS, and other agency investigators assigned the case. This does not preclude the commissioned employee from discussing the incident with legal, medical, and spiritual counsel.

7.2 First-on-Scene Officer

The first NPS commissioned employee to arrive on scene, not involved in the use of deadly force, shall assume the role and responsibilities of First-on-Scene Officer until relieved by a higher qualified authority. First-on-Scene Officer responsibilities include establishing and maintaining investigative and crime scene integrity by:

[redacted]

7.3 SLEO

SLEO responsibilities include:

- Ensuring prompt notification of the incident following established NPS Serious Incident Notification Procedures and appropriate park and Regional Office protocols.
- Ensuring an on-scene supervisor is present on scene as quickly as possible, and has sufficient knowledge, personnel, and resources to maintain investigative and crime scene integrity.
- Ensuring Case Agents and/or the OPR conduct the appropriate level of investigation.
- Consulting with the RCR and the SAC regarding the designation and supervision of a Case Agent.
- Ensuring the names of involved commissioned employees are not released to the public until approved by the ADVRP and the US Attorney's Office. If the incident is being investigated by other agencies, request they withhold release of commissioned employee names. To the extent possible, provide involved commissioned employees advance notice of any release.

[redacted]

[redacted]

[redacted]

- Providing each involved commissioned employee the opportunity to privately speak with spouse, other family, or friends as quickly as reasonably possible. The exception to this allowance is if there is reason to believe such calls could potentially impede the investigation.
- Providing involved commissioned employees with information pertaining to privileged conversations with spouses, clergy, attorneys, and medical professionals.
- Immediately placing the involved commissioned employees in Administrative Light Duty status.

[redacted]

- Assisting families of involved commissioned employees with post-incident counseling referrals, if requested. The NPS will also provide for the safety of involved commissioned employees' families if needed.

- After consulting with the Case Agent to ensure no conflicts with the investigation, providing NPS Critical Incident Stress Management (CISM), Employee Assistance Program (EAP), or similar peer support opportunities to all employees who, although not directly involved in a use of deadly force incident, may have been adversely affected by the incident.
- Striving to return involved commissioned employees to full duty as soon as reasonably possible, absent extenuating circumstances, by:

[redacted]

- Protecting involved commissioned employees from attendance at any of the suspects' preliminary hearings or similar court proceedings. Arrange for the Case Agent or designee to represent the involved commissioned employees at such proceedings.

7.4 RCR

- Make initial notification to NPS officials through EICC.
- Ensure timely and accurate updates through established reporting protocols to the Superintendent, Regional Director, SAC, LESES, OPR, ISB, and EICC.

- Ensure continuity of park operations, requesting and deploying SET and IMT as needed.
- If an involved commissioned employee is a Chief Ranger, assume the roles and responsibilities listed for a SLEO.
- Work with the Case Agent or SLEO to ensure that media coverage is appropriate, and arrange for media relations to occur at the appropriate park, regional, or national level.
- Assist the SLEO in creating a referral list of medical professionals who specialize in law enforcement available to assist involved commissioned employees.

7.5 SAC

- Provide guidance to the SLEO, RCR, and Case Agent.
- Consult with the SLEO and RCR regarding the designation of a Case Agent.
- If the designated Case Agent is a Special Agent, provide supervision or designate a supervisory Special Agent for the investigation.
- Ensure the investigation is conducted according to applicable policy and professional standards.
- Review the Case Agent's final report prior to approval. If supervising the Case Agent, also approve the report.
- If the incident occurs outside a park and the involved commissioned employee is an ISB Special Agent, assume the roles and responsibilities listed for the SLEO and RCR.

7.6 DCOPR

- Review each involved commissioned employee's official personnel file and training records.
- Determine whether there are significant disciplinary issues that would delay or prevent the return of the involved commissioned employee to full duty.
- If the incident occurs outside a park and the involved commissioned employee is an OPR Special Agent, assume the roles and responsibilities listed for the SLEO and RCR.

7.7 Case Agent

The Case Agent (or SAC) responsibilities include the following:

[redacted]

[redacted]

7.8 Superintendent

- Convene a Board of Review as described in Chapter 6.
- Convene a Board of Inquiry, if appropriate, as described in Chapter 6.
- Ensure the SLEO completed all necessary steps outlined in Section 7.3.

7.9 CLESES

- If involved commissioned employees are indicted or criminally charged, determine whether the OPR will become the lead investigative unit.

7.10 ADVRP

- Authorize release of names of involved commissioned employees to the public.

8. CRITICAL INCIDENT STRESS MANAGEMENT

Because involvement in a use of deadly force incident can cause varying degrees of post-traumatic stress, the NPS will ensure that post-traumatic incident counseling is available to all involved commissioned employees in such incidents.

8.1 Medical Treatment

A commissioned employee directly involved in a use of deadly force incident shall receive post-traumatic counseling, regardless of the individual's perceived need for it, from licensed professionals experienced in law enforcement critical incident stress management. The Medical Standards Program Manager can assist in locating an appropriate licensed professional who meets these standards.

[redacted]

[redacted]

8.2 CISM

The park will provide CISM opportunities to all employees who, although not directly involved in a use of significant force incident, may have been adversely affected by the incident. Such resources will be made available through the NPS CISM or similar programs.

Employees who are not comfortable participating in this process will receive information about EAP and Responder 9-1-1.

The Case Agent (criminal investigation and/or OPR) will be consulted prior to arranging the CISM to ensure there are no conflicts with the investigation.

8.3 Administrative Leave

From the Department of Interior 2011 Absence and Leave Handbook:

An employee should only be placed on administrative leave with pay when immediate action must be taken to remove an employee from their work site because of a disruption, threat to the health and/or safety of an employee, person or property entrusted to that employee and no other viable leave options are available.

Each situation will differ and will require a case-by-case determination. When an official believes that an employee should be placed on administrative leave, management must consult with the servicing SHRO who will consult with the Office of the Solicitor as appropriate. Only bureau/office heads, their deputies, or the DOI Director of the Office of Human Resources may authorize the placement of an employee on administrative leave for an extended period of time (i.e., beyond 45 days); this authority may not be re-delegated.

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Arrest And Prisoner Transport

1. RESTRAINT
2. PRISONER TRANSPORT

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1. RESTRAINT

In addition to the guidance below, parks will address park-specific issues via local SOP, including handling prisoners with disabilities and those requiring medical treatment.

1.1 Arrests

[redacted]

1.2 Restraint Prior to Search

[redacted]

1.3 Procedures

[redacted]

[redacted]

1.4 Reporting and Investigation

1.4.1 Non-Arrest Use

The use of a restraining device to control or restrain a person in a situation other than an arrest will be documented.

1.4.2 Review and Action

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

2. PRISONER TRANSPORT

2.1 Procedures

[redacted]

2.2 Reporting

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

2.3 Vehicle Prisoner Security Screen

[redacted]

2.4 Prisoner Escort on Commercial Airlines

See Chapter 21.

2.5 Prisoner Escort on Agency Owned or Leased Aircraft

[redacted]

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13

Evidence Management

1. POLICY
2. DIRECTIVES

1. POLICY

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

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

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

2. DIRECTIVES

2.1 Responsibilities

2.1.1 Certification

A physical inventory of all evidence will be conducted by [redacted] and by [redacted] of each year. Such inventories will comply with the provisions outlined in the Personal Property Management Handbook #44, including, but not limited to sections 3.1 (Annual Physical Inventories) and 9.9 (Inventories of Firearms and Ammunition). Each SLEO will certify and reconcile that an inventory of all evidence and custody property has been completed, and that the commissioned employee has complied with approved evidence management procedures. Certification and support documentation (including inventory) will be retained in the park for at least five years. It is the responsibility of the SLEO to notify the Park Superintendent and the RCR or the DCISB of any unaccounted for items.

2.1.2 Evidence Custodian

The SLEO of each park must designate at least one park evidence custodian. [redacted]

2.1.3 Secure Facility

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

[redacted]

2.2 Evidence Management

2.2.1 Assumption of Custody

Property taken into NPS custody will be properly inventoried and documented. Closed containers will be opened, examined, and identified when, in the judgment of the commissioned employee, the contents cannot be determined from outward examination (see also Chapter 14). A National Crime Information Center (NCIC) check will be conducted on all firearms or serial numbered items of property/evidence. All firearms will also be submitted to eTrace (www.atfonline.gov/etrace) in compliance with the January 16, 2013 Presidential Memorandum on Tracing of Firearms in Connection with Criminal Investigation.

2.2.2 Management Procedures

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

- Separate log documenting entry into evidence storage area
- Chain of custody
- Measuring and quantifying
- Marking
- Packaging
- Tagging
- Testing and analysis
- Storage
- Accessing
- Retention
- Disposal

2.2.3 Forms

Evidence report forms should be acceptable to the local Assistant US Attorney (AUSA) or prosecutor.

2.3 Evidence Disposal

[redacted]

[redacted]

2.4 Firearms

[redacted]

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Impoundment Of Property

1. POLICY
2. DIRECTIVES

1. POLICY

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

2. DIRECTIVES

The SLEO will develop local procedures that govern the impoundment of property that will be consistent with applicable state/federal laws, federal regulations, and take into consideration local judicial direction and US Attorney guidance. These procedures will include:

- A mandatory requirement to inventory the contents of impounded vehicles, vessels, aircraft, and personal property. Closed containers will be opened and examined when, in the judgment of the commissioned employee, the contents cannot be determined from outward examination. Closed compartments will be opened and examined.
- The use of a standard form or report, including IMARS, to record the necessary information concerning the impound.

- A required NCIC check on any vehicle, vessel, or aircraft impounded and a follow-up NCIC check (made as appropriate).
- A required NCIC check on any firearm or serial numbered item of value impounded.
- All firearms will also be submitted to eTrace (www.atfonline.gov/etrace) in compliance with the January 16, 2013 Presidential Memorandum on Tracing of Firearms in Connection with Criminal Investigation.
- Methods for securing impounded property and protecting it from damage or theft.
- Procedures for releasing impounded property and a requirement to obtain a signed receipt for released property.
- Means of disposing of impounded property of all types in accordance with *36 CFR, 41 CFR*, and DO 44, Personal Property Management procedures.

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Investigations Management

Chapter 15: Investigations Management

Chapter 15: Investigations Management

[redacted]

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Internal Investigations

1. INTRODUCTION
2. DEFINITIONS
3. POLICY
4. SCOPE
5. AUTHORITY/REFERENCES
6. ROLES AND RESPONSIBILITIES
7. CRIMINAL OFFENSES
8. COMPLAINT PROCESS
9. INVESTIGATION
10. EMPLOYEE RIGHTS
11. REVIEW AND APPROVAL PROCESS
12. AUDITS
13. RELEASE OF INFORMATION
14. COMPLAINT DATABASE
15. RECORDS MAINTENANCE
16. TRAINING
17. FUNDING

APPENDIX 16-A. ALLEGATION CATEGORY – INVESTIGATION TIER – DEFINITIONS

APPENDIX 16-B. OPR DECISION TREE

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1. INTRODUCTION

This policy is intended to provide direction on the acceptance, classification, investigation, and processing of complaints against NPS employees with law enforcement responsibilities. The ADVRP has designated the OPR as the primary office responsible for internal affairs. Internal investigations extend beyond employee conduct and complaints, to include use of force (UOF) and officer involved shootings (OIS). They are often part of an administrative investigation, as described in Chapter 11. The assignment of a Case Agent after a UOF or OIS incident is to provide a competent, fair, thorough, and impartial investigation.

2. DEFINITIONS

2.1 Administrative Investigation

An internal investigation related to the non-criminal conduct, actions, or performance of an employee to determine whether such conduct, actions, or performance is in compliance with Departmental, Bureau, or unit/park policies or codes of conduct.

2.2 Allegation

An assertion or accusation of employee misconduct received by the NPS, regardless of complainant source (i.e., identified or anonymous) or method of submission (e.g., in person, written, telephonic, electronic, or referred from another agency/department).

2.3 Approving Official

The Approving Official is the DCOPR for Tier I investigations; RCR or designee for Tier II investigations; and the park/unit SLEO for Tier III investigations. The Approving Official will review and approve final dispositions for all allegations.

2.4 Case Agent

The Case Agent is the individual assigned to develop an investigative plan, conduct the investigation, and submit a final report.

2.5 Category of Complaint (Category I, II, III)

The agency process of grouping allegations for consistency in reporting, that provides an organized means for the agency to track and monitor allegations. The categorization of a complaint is based upon the nature/type of allegation.

2.6 Complaint

A complaint is an allegation of employee misconduct. Such allegations may include on-duty or off-duty conduct that affects NPS programs and operations.

A table of complaints is provided at the end of this chapter for general guidance (see Appendix 16-A).

Note: Service complaints address problems in the provision of service not linked in any way to an employee's misconduct and therefore are best addressed by the park/regional office, not the internal affairs process (e.g., a complaint that alleges the agency's response times are routinely too long).

2.7 Conflict of Interest

A real or perceived incompatibility between one's interests and investigative responsibilities that could materially limit that individual's impartiality or be perceived to materially limit the individual's impartiality.

2.8 Disposition(s)

The final determination of an allegation based upon the facts found during the investigation.

2.9 Investigative Plan

A pre-planned approach to conducting an internal investigation (allegation, UOF, OIS) involving an employee(s). The investigative plan may or may not be in writing. It may contain a list of evidence witnesses to be interviewed, available documentation, specific details surrounding the allegations, steps to be taken, expected timelines, and costs. An investigative plan will describe cost sharing options other than that provided in this policy. It should be broad enough to encompass changing priorities and new allegations that may arise throughout the investigation.

2.10 Misconduct

Misconduct is a specific act or omission by an employee that is in violation of NPS or Departmental policy, procedure, rule, regulation, or law that could result in disciplinary or administrative action.

2.11 Office of Law Enforcement and Security (OLES)

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

2.12 OPR

The internal affairs program of the NPS. This office functions under the ADVRP and CLESES. It is managed by a Supervisory Criminal Investigator designated as the DCOPR.

2.13 Office of Record

For the purpose of this policy, the OPR is the Office of Record.

2.14 Office of the Inspector General (DOI-OIG)

The Department of Interior office responsible for conducting or arranging for the conduct of investigations regarding the appearance of fraud, waste, abuse, or mismanagement in Departmental programs or operations. The DOI-OIG has right of first refusal to investigate allegations of misconduct by OPR investigators or alleged misconduct by an NPS employee during the course of conducting an investigation under this policy.

2.15 Recommending Official

The designated individual who receives completed investigations and initiates the disposition process.

2.16 Responsible Manager

The Responsible Manager is the DCOPR or the RCR. The Responsible Manager has overall responsibility for the investigation.

2.17 Tier of Investigation (Tier I, II, III)

The agency process of evaluating the complexity, nature, severity, and scope of a complaint to determine where, when, and how the complaint will be investigated and managed. The severity of the allegation and the circumstances surrounding the allegation is used to determine the Tier (I, II, or III) of investigation.

3. POLICY

The intent of this policy is to provide an avenue and structured process for investigating serious allegations of misconduct committed by employees, serious use of force, and officer involved shootings. This policy is not intended to require referral of all issues of conduct that arise in the day-to-day relations between employees and supervisors to the OPR. Workplace conduct issues falling within the span of normal supervisory responsibilities do not require reporting to the OPR and should be handled per standard human resource management policies and guidelines. Examples include: time and attendance, leave issues, internal discourtesy, appearance, annual training requirements, and purchase card monitoring.

Cases in which it is unclear if routine workplace issues rise beyond normal and expected supervisory action to the level of the OPR should be reported to the RCR, who will consult with the DCOPR on determining appropriate process.

This policy provides a common process for all OPR investigations to be conducted in a fair and impartial manner and promotes transparency throughout the investigative process. It also provides a means of monitoring employee conduct with the public, as they expect only the highest standards from our employees. Furthermore, the public must have faith that the NPS accepts and investigates complaints in an unbiased manner.

Our guiding principle is that all complaints made by members of the public and all internal complaints of a serious nature must be investigated. The extensiveness of the investigation may vary from complaint to complaint commensurate with the seriousness and complexity of the case. Complaint investigations will not be terminated without the concurrence of the DCOPR.

This policy sets forth classification of complaints by Category I, II, and III, and investigations by Tier I, II, and III. The category of an allegation is used for the purpose of grouping similar issues. The allegation is best matched to the appropriate description and then categorized; Category I being the most serious, such as allegations of criminal conduct. This conduct is described as any act involving an arrest or a criminal investigation, regardless of duty status, as compared to Category III generally being the least serious allegations, such as unprofessional behavior. This conduct is described as rude, intimidating, aggressive, and disrespectful conduct that reflects negatively on the organization/profession toward the public, employees of the NPS, partner organizations, or other agencies.

The complexity, nature, severity, and scope of the allegation determine where, when, and how it will be investigated and managed. These factors associated with the allegation are used to determine the Tier (I, II, or III) of investigation. Tier I investigations are the responsibility of the WASO-OPR. Tier II and III investigations are delegated to regions and parks that will provide competent and consistent investigations; however, the OPR will monitor such investigations for quality and due diligence, and take appropriate action if either is lacking. The DCOPR or Responsible Manager may remand investigations to the Case Agent for further work until they have determined that the investigative report standards have been met.

Appendix 16-A is a sampling of issues with their respective description, category, and Tier of Investigation. An allegation not listed is routed through the RCR to the OPR for assignment of a Category (I or II) and Tier of Investigation (Tier I or II).

The rights of officers under law or pursuant to union contracts should be carefully observed. The Responsible Manager will ensure these rights are upheld as the investigation is conducted in a timely and proper manner. The role of the Case Agent is to produce a neutral, objective, and accurate factual investigative report. The approving official will render a disposition of the allegations. The disposition is transmitted electronically to the appropriate region and then to the SLEO. The OPR plays a role in ensuring the consistency, accuracy, and appropriateness of the investigatory process through oversight, review, and analysis.

4. SCOPE

This policy applies to all commissioned personnel and non-commissioned personnel, excluding the US Park Police, with law enforcement responsibilities. For the purposes of this policy, the term "employee" relates to those with direct or indirect law enforcement responsibilities including:

- Commissioned employees.
- Non-commissioned employees who supervise or manage law enforcement personnel. They will be investigated under this policy if the alleged wrongdoing pertains to or impacts management of the law enforcement program.
- Support personnel with specific law enforcement responsibilities, including communications, record keeping, and training.

5. AUTHORITY/REFERENCES

- DM-446, Chapter 26, Interim Policy, Internal Affairs (August 16, 2012).
- Department of the Interior (DOI): Recommendations to the Secretary for Implementing Law Enforcement Reforms (Directive 18) – Relating to Internal Affairs.
- Council of the Inspectors General on Integrity and Efficiency, Quality Standards for Investigations (see www.ignet.gov/pande/standards1.html).

6. ROLES AND RESPONSIBILITIES

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

6.1 ADVRP

The ADVRP has the ultimate oversight responsibility over the OPR.

Any deviation from this policy must be approved by the ADVRP. The DOI-OIG will be requested to investigate allegations of misconduct by OPR investigators or alleged misconduct by an NPS employee during the course of conducting an investigation under this policy.

6.2 OPR Responsibility

The OPR has oversight responsibility over all aspects of internal investigations. This includes complaint receipt, classification, investigative management, disposition, and records management. This office functions under the ADVRP.

The appropriate program manager will be notified of all complaints: DCOPR for OPR Personnel; DCISB for ISB Personnel; CLESES for WASO Personnel; and RCR for employees in their respective regions.

The DCOPR will notify the DOI-OIG of all complaints of fraud, waste, abuse, or mismanagement involving monetary losses or complaints involving GS-15 employees or higher.

The OPR will develop a Chapter 16 handbook which provides standard operating procedures, field guidance, and standardized forms/reporting in support of best practices.

The DCOPR is responsible for assigning an OPR case number, entering the allegation into the NPS Internal Reporting and Tracking System, and entering the allegation into DOI Internal Affairs Case Tracking System (IACTS) for all complaints regardless of category.

The OPR staff is available to mentor and consult with parks and regions in investigation management and developing an investigation plan.

The DCOPR will make requests for investigative assistance from the ISB through the DCISB. Requests for investigative assistance from other regions will be made through the respective RCR.

The OPR will assign the appropriate investigation tier in circumstances in which the DOI-OIG does not accept an investigation and returns/refers it to the NPS.

The OPR will consult with the affected/requesting region prior to their accepting a Tier II investigation.

The DCOPR will be responsible for:

- Maintaining an electronic copy of all completed case files.
- Approving all forms and report format used for internal affairs investigations.
- Final complaint classification and investigation tier designation.
- Examining internal investigations and findings for relevant trends and indicators of possible training needs or policy revisions.
- Notifying the ADVRP or designee of investigations addressed in this policy as appropriate.
- Coordinating with the Solicitor's Office and FOIA office prior to release of information.
- The OPR as the Office of Record will receive and coordinate the response to Giglio requests for internal investigations in consultation with the appropriate prosecutor, including disclosing potential impeachment information.

6.3 Regional Responsibility

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

Category I complaints will be reported to the OPR within 48 hours. Intake forms for Category I and II complaints are to be forwarded to the OPR within seven days. The RCR is responsible for notifying the Regional Director of all Category I and Category II complaints as appropriate. The RCR will consult with the Regional Director and park management regarding the appropriate actions to be taken, if necessary.

The RCR will consult with the DCOPR regarding classification of all potential Category I complaints.

The RCR is the Recommending Official for Tier I investigations, with the OPR serving as the Approving Official. The RCR will serve as Responsible Manager and Approving Official on all Tier II investigations.

The RCR has responsibility for receipt and classification of all Category II complaints. They are also responsible for all aspects of Tier II investigations, including investigative management, disposition, and transmittal of records to the OPR.

Regions are to ensure that parks comply with this policy to include appropriate classification of Category III complaints, completing Tier III investigations and submitting appropriate documentation.

The RCR is responsible for sending an electronic copy of all completed OPR case files to the DCOPR (email address: OPR@nps.gov)

Regions that receive FOIA requests should direct the inquiry to the online FOIA office. www.nps.gov/foia

Regions are subject to audit and review for conformity with this policy.

Where RCR is used, it also means their designee.

The RCR can delegate their responsibilities to a Deputy Chief, RLES, or a similar graded commissioned position within their supervision. Overall management and accountability of the program at the regional level cannot be delegated and remains the responsibility of the RCR.

6.4 Park Responsibility

The Park/Unit Superintendent has responsibility for ensuring that the SLEO functions within the parameters of this policy, including reporting all complaints to the respective RCR.

The SLEO is responsible for reporting all complaints to the OPR and their respective RCR. The SLEO is responsible for notifying the Park/Unit Superintendent of all complaints and investigations.

The SLEO will ensure their park conducts Tier III investigations as a result of a Category III allegation.

The SLEO has responsibility for receipt and classification of all Category III complaints. They are also responsible for all aspects of Tier III investigations, including investigative management, disposition, and transmittal of records through the RCR to the OPR. All Category III complaints will be documented and forwarded to the OPR with a courtesy copy to the RCR, utilizing the Tier III investigation/reporting form within 15 days.

The SLEO will be responsible for ensuring investigative procedures are followed if assigned/referred a Tier II investigation by the region.

The SLEO is the Recommending Official for Tier II investigations, with the RCR serving as the Approving Official. The RCR will serve as Responsible Manager and Approving Official on all Tier II investigations.

Parks that receive FOIA requests should direct the inquiry to the online FOIA office. www.nps.gov/foia

Parks are subject to audit and review for conformity with this policy.

6.5 Responsible Manager

The DCOPR or the RCR as the Responsible Manager, has overall responsibility for the investigation, which includes defining the scope of the investigation and serving as the Approving or Recommending Official as outlined in this policy.

The Responsible Manager has overall responsibility for the investigation, which includes defining the scope of the investigation and ensuring case closure. Duties and responsibilities include:

- Ensure a timely and proper investigation.
- Uphold the rights of employees under law or pursuant to union contracts.
- Intake and categorizing complaints.
- Assign a Case Agent and oversee that investigation.

- Approve added allegations.
- Review report.
- Render a disposition of the allegation(s).
- Communicate disposition(s) to the SLEO or appropriate Supervisor.
- Notify parties.
- Forward findings to the OPR to include disposition form or Tier III Investigation form.
- Recommend termination of case investigation to the DCOPR.
- Refer duplicative or no-basis-in-fact complaints to the OPR for closure.

6.6 Approving Official

This individual will review and approve final disposition of all allegations. For Tier I investigations, the DCOPR will be the Approving Official. For Tier II investigations, the RCR is the Approving Official. For Tier III investigations, the SLEO is the Approving Official.

6.7 Case Agent

The primary responsibility of the Case Agent is to gather and report facts pertaining to the allegations and to generate investigative reports. The Case Agent reports to their line supervisor. When the supervisor is not a commissioned law enforcement officer, supervision should be accomplished through a SLEO.

As a best practice, Tier II investigations should not be conducted by the direct supervisor of the subject of the complaint.

6.8 Office of Record

As the Office of Record, the OPR is responsible for maintaining the record copy of the entire original case file in accordance with applicable standards for governing records retention. They will be responsible for preparation of documents for release after consultation with the Office of the Solicitor and FOIA office.

6.9 Public Information Office

The public information office is responsible for disseminating information relative to investigations that generate public or media interest. They will coordinate with the Case Agent and appropriate Responsible Manager (DCOPR or RCR) prior to the release of information.

6.10 Recommending Official

The Recommending Official is responsible for reading/reviewing the investigative report, analyzing the report for facts and evidence associated with the allegations, and providing a technically sufficient draft disposition. They are the initial signature on dispositions for Tier I and II investigations.

6.11 Servicing Human Resource Office (SHRO)

The affected manager/SLEO will consult with the Servicing Human Resource Office (SHRO) at the park, regional, or Washington Office (WASO) level prior to personnel action(s) being proposed for sustained allegations.

7. CRIMINAL OFFENSES

Where misconduct involves a potential criminal offense, the criminal investigation will take precedence. In the event that evidence is developed in an administrative investigation of possible criminal violations, the Case Agent for the administrative investigation will immediately cease the investigation to consult with the Responsible Manager regarding appropriate action. Depending on the circumstances, the administrative investigation will either proceed concurrently with the criminal investigation or will be initiated at the conclusion of the criminal process. This decision will be made in consultation with the individuals responsible for the criminal investigation and/or the prosecuting attorney.

7.1 Outside NPS Jurisdiction

Alleged misconduct of an employee that occurs outside the National Park System, that reveals that a criminal offense may have been committed, will be immediately reported to the agency having

criminal jurisdiction over the matter. An employee who has been charged with a criminal offense or witnessed a criminal offense by an employee covered under this policy must notify their supervisor as soon as possible of the alleged criminal offense.

The NPS will consult with the agency having jurisdiction over the criminal investigation and/or the prosecuting attorney to determine whether to proceed with the administrative investigation concurrently with the criminal investigation or at the conclusion of the criminal process. In the event the two investigations proceed simultaneously, interviews for an administrative investigation may not be compelled without notification to the Case Agent for the criminal investigation.

If the agency with criminal jurisdiction or prosecuting attorney requests that an NPS investigation or interview not be conducted, advice will be requested immediately from the DCOPR, who will then coordinate a final decision with the Solicitor's Office and/or DOI-OIG.

7.2 NPS Jurisdiction

When alleged misconduct of an employee reveals that a criminal offense may have been committed within the National Park System, separate criminal and administrative investigations will be conducted until the criminal case is either adjudicated or declined by the US Attorney's Office.

Reports or information developed from the criminal investigation will be included in the administrative case file.

If there are to be concurrent separate criminal and internal administrative investigations, two separate Case Agents (criminal and administrative) are recommended to maintain case integrity.

During the criminal investigation, the employee who is a suspect may be subject to the appropriate criminal interrogation admonishments. If the employee exercises their right of refusal, an administrative interview of the suspect employee will not be conducted until after consulting with the prosecuting attorney.

The decision whether criminal charges are filed or declined by the prosecuting authority will be documented in the administrative

investigation file, together with the name of the person authorizing or declining criminal prosecution and the date and time of the decision.

7.3 Civil Rights Violations

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

8. COMPLAINT PROCESS

The flow charts illustrate the required exchange of information and the actions to be taken when a complaint is received (see Appendix 16-B).

The process includes appropriate categorization of an allegation. The allegation is then evaluated and classified for a Tier of Investigation. The Tier of Investigation determines who is responsible for case management. The Responsible Manager then assigns a Case Agent for the investigation. Complaints are categorized (Category I, II, III) and then classified for investigative assignment (Tier I, II, III).

8.1 Case Management

Case management aligns with the investigation Tier (I, II, III) as delineated in the table below.

Allegation type	Investigation	Responsible Manager	Case Agent
Category I or II	Tier I	OPR/OPR Chief	Special Agent
Category I or II	Tier II	Regions/RCR	Assigned Investigator
Category III	Tier III	Park Unit/SLEO	Supervisor

8.2 Receiving Complaints

All complaints received by the agency will be accepted and reviewed regardless of complainant status (i.e., identified or anonymous) or submission method (e.g., in person, written, telephonic, electronic).

The agency or an employee has a duty to initiate a complaint when facts and circumstances indicate possible misconduct by employees covered under this policy. Failure to report misconduct or appropriately manage a complaint will be treated as a Category I complaint.

Category I complaints will be reported to the OPR within 48 hours. Intake forms for Category I and II complaints are to be forwarded to the OPR within seven days. Category I and II complaints will be documented and forwarded to the respective RCR utilizing the OPR complaint intake reporting form. The RCR will forward the reporting form to the OPR within seven days of receipt in the regional office.

Category III complaints will be documented and investigated within 15 calendar days. The park SLEO is responsible for submitting the completed investigation file to the OPR and their respective RCR.

The DCOPR will assign an OPR case number, and within five days, enter complaint data into the NPS Internal Reporting and Tracking System, as well as the DOI Internal Affairs Case Tracking System, for all complaints, regardless of category.

Cases in which it is unclear if routine workplace issues rise beyond normal and expected supervisory action to the level of the OPR should be reported to the RCR, who will consult with the DCOPR on determining appropriate process.

8.3 Complaint Categorization and Investigation Classification

There are two steps necessary prior to assigning an investigation. The first is categorizing an allegation by type and then determining the tier of an investigation.

Complaints are categorized based upon the allegation as Category I, II or III. The OPR will review all complaints for appropriate categorization and proper investigation classification, and will consult with the respective region as necessary.

After an allegation has been assigned a category, it is then assigned a Tier of Investigation. The severity of the allegation and the circumstances surrounding the allegation are used to determine the Tier (I, II, or III) of investigation. This classification will be completed with the best available information and concurrence between the OPR and the RCR for Category I and II complaints. The Chief, LESES, has final decision on investigation classification as a Tier I or II. All Category III complaints are assigned as Tier III investigations and are the responsibility of the park SLEO (see Appendix 16-A).

Complaints with multiple categories of allegations will be evaluated by the OPR and the RCR to ensure that appropriate investigation management is completed based upon the most serious allegation. For example, a complaint with both Category I and II allegations could be investigated as a Tier I due to its nature and severity, or referred to a region as a Tier II investigation. Similarly, a Responsible Manager could evaluate multiple Category II and III allegations and determine to investigate them as a Tier II or Tier I.

An allegation not listed in Appendix 16-A is routed through the RCR to the OPR for assignment of a Category (I, II, III) and Tier of Investigation (Tier I, II, III). In this circumstance, classifying the investigation will be completed with the best available information and concurrence between the RCR and OPR.

8.4 Investigation Assignment (Tier I, II, III)

8.4.1 Tier I Investigation

Content: Complaints that concern criminal activity and serious misconduct. Also, incidents involving a significant use of force or deadly use of force. Criteria for assigning a Tier I investigation includes the likelihood an allegation results in criminal charges, the permanent revocation of a law enforcement commission, civil litigation, officer involved shootings, serious use of force, incidents involving person of significance, incidents having significant media interest, or as directed by the CLESES.

Category Assignment: Category I or II

- Examples include, but are not limited to violations of criminal statutes, excessive use of force with injury, sexual harassment, waste, fraud, abuse, and any allegations involving dishonesty or falsification, racial profiling, DOI/NPS ethics violations, failure to report misconduct, unauthorized dissemination of information, or any other types of misconduct deemed to be serious in nature.
- OPR acceptance of a Tier II investigation will result in re-classification of that allegation as a Tier I investigation.

Responsible Manager: The OPR will serve as Responsible Manager on Tier I investigations. A full-time internal affairs investigator will be assigned as the Case Agent for Tier I investigations. As necessary, the DCOPR can utilize Special Agents to conduct and/or assist in Tier I investigations.

Special Circumstances: In addition, Tier I investigations will be assigned in the following circumstances:

- GS-15 and above employee is the subject of the complaint.
- The RCR has a conflict of interest in managing the case or is the subject of the complaint.
- As otherwise directed by the ADVRP or designee.

8.4.2 Tier II Investigation

Content: Complaints that are less serious in nature in comparison to a Tier I Investigation.

Category: Category I or II

- Examples may include allegations of use of force without significant injury, use of excessive tactics, misconduct, complaints alleging problems with performance of duty, refusal or failure to follow procedures, or other matters related to an employee's conduct not covered in Category I.

Responsible Manager: The respective RCR is the Responsible Manager for all Tier II investigations, except those involving the RCR or in which the RCR has a conflict of interest. These complaints will be managed by either the OPR or another RCR.

Special Circumstances:

- The RCR may assign Tier II investigations to the home unit of the affected employee in appropriate circumstances.
- Any Category I complaint that is referred to a region is assigned a Tier II investigation.

8.4.3 Tier III Investigation

Content: Complaints that include only allegations of unprofessional behavior and enforcement validity to include rude, intimidating, aggressive, and disrespectful conduct.

Category: Category III

Responsible Manager: The SLEO has responsibility for receipt and classification of all Category III complaints. They are also responsible for all aspects of Tier III investigations, including investigative management, disposition, and transmittal of records to the OPR.

All Category III complaints will be documented and forwarded to the OPR, with a copy to the RCR, utilizing the Tier III investigation/reporting form within 15 days. Upon receipt of the completed investigation file by the OPR, a case number will be assigned.

8.5 Rescinded Complaints

The Responsible Manager may elect to accept or decline a request by a complainant to withdraw their complaint. This decision should be based on the reasons for the request and the circumstances of the complaint known at that point. Some complaints, because of their nature or sensitivity, should be continued to their normal conclusion despite a request to rescind. However, if the decision is made to agree to rescind a complaint, closing correspondence to the complainant will articulate the complainant's desire to rescind the complaint.

8.6 Notification to Affected Parties

All correspondence pertaining to complaints covered under this policy will be coordinated through the Responsible Manager. The Responsible Manager ensures that the complainant is notified of the receipt of the complaint in a timely manner. The Responsible Manager with the approval of the Case Agent ensures that affected employees are notified as soon as appropriate.

9. INVESTIGATION

A complete investigation is one that includes all relevant information required to achieve the purpose of the inquiry. A complete investigation is not necessarily exhaustive. There are many inquiries where a good faith professional judgment determines that sufficient relevant evidence of all points of view has been acquired, and where collecting more information merely would be cumulative. A complete investigation enables an individual to make a final disposition without resorting to surmise, prejudice, or assumption of facts at issue.

The Responsible Manager will define the scope of the investigation, which shall be limited in scope to activities, circumstances, or acts pertaining to the specific allegations being investigated.

In consultation with the Case Agent, the Responsible Manager will approve the investigative plan, which may include other NPS personnel with specific qualifications such as control tactics instructors, use of force instructors, etc., to provide expert opinion or analysis.

The Case Agent should attempt to gather sufficient information and evidence to make findings of fact that will be documented in writing in a standardized format and be approved by their supervisor.

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

After acceptance of an investigation by the Responsible Manager, requests for a Case Agent to modify a report are limited to those instances where the evidence does not support the initial finding. Supplemental reports should be used to introduce additional information. In the event of a disagreement on the findings of fact, the Case Agent can appeal to either the respective RCR or the DCOPR.

10. EMPLOYEE RIGHTS

The employee has a right to a timely notification of the complaint and to as expeditious a resolution as possible. Prior to being questioned, the employee has the right to be informed of their involvement concerning an investigation and given the appropriate notification of rights (see Section 10.2).

The employee should be informed that they may obtain access to information regarding the investigation by filing a request under FOIA, *5 U.S.C. 552*, and/or the Privacy Act of 1974, *5 U.S.C. 552a*. Disclosure of information obtained in an investigation is subject to these statutes and procedures. Any questions on information release or procedures should be directed to the DCOPR.

10.1 Collective Bargaining Considerations

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

10.2 Uniform Advice of Rights

[redacted]

[redacted]

11. REVIEW AND APPROVAL PROCESS

11.1 Investigative Report Standards

To achieve the investigative mission, each investigative report should meet these minimum standards:

1. All allegations are clearly stated and clearly answered.
2. Where special terms or acronyms are used, they are defined.
3. All relevant facts bearing on the truth of each allegation are clearly stated.
4. All evidence (e.g., photos, recordings, etc.) is included or its means of retrieval specified.
5. Contact and identification information for all persons interviewed and for the investigator(s) is included.
6. All complainants should be interviewed unless they refuse or are anonymous.
7. The report is impartial; statements describe facts and not personal opinion, with no bias for or against any party.

For Tier I and Tier II investigations, the Case Agent will submit the investigative report to the Responsible Manager within 80 days of being assigned the case. The Responsible Manager has 10 days to transmit the completed case file, including disposition, to the DCOPR. A case status report and justification for an extension beyond 90 days will be submitted by the Responsible Manager to the DCOPR, who will confer with and update DOI-IA or the DOI-OIG as appropriate. The DCOPR has authority to extend investigations up to 180 days.

Tier III investigations are to be completed and transmitted to the DCOPR within 15 days of receipt utilizing the Tier III investigation/reporting form and include any other supporting documents.

11.2 Disposition

For Tier I investigations, the RCR will be the Recommending Official and the DCOPR will be the Approving Official. In the event the RCR requires clarification on information or facts contained in the case report, the Responsible Manager will facilitate the necessary meetings or briefings upon request.

For Tier II investigations, the SLEO will be the Recommending Official and the RCR will be the Approving Official.

The Recommending Official will recommend to the Approving Official a disposition for each allegation in accordance with the definitions below. The disposition is documented separately from the investigative report using the appropriate form. For Tier III investigations, the disposition is included as part of the Tier III Investigative Activity Report.

Sustained	There is sufficient evidence to justify a reasonable conclusion of misconduct.
Not Sustained	This finding should be used only in cases after all reasonable investigative leads have been exhausted and there is not sufficient evidence to prove or disprove the allegation.
Exonerated	An incident occurred but was lawful and within policy.
Unfounded	Incident or allegations are false or not factual or the employee was not involved.
Other	There is an administrative or legal justification for the incident. This label is used when no other disposition applies.
Suspended	All reasonable investigative leads are exhausted and sufficient information is not available to proceed.

In the event of a disagreement between Recommending and Approving Officials, the DCOPR will make the final disposition on Tier II and III investigations. With respect to disagreements regarding Tier I investigations, the CLESES will make the final disposition with ADVRP concurrence.

11.3 Closing

Upon completion of the case, an electronic copy of the case file and OPR complaint closing form will be transmitted to the OPR. A copy of any administrative action will be forwarded to the OPR when available. The Office of Record will maintain the record copy of the entire case file, including all supporting evidence.

At the conclusion of the investigation, the Responsible Manager will coordinate closing correspondence, ensuring notification is made to the employee, complainant(s), and appropriate managers.

An investigation is not complete until all phases of the case are complete. This includes criminal or administrative determinations.

11.4 Amending a Closed Complaint

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

To amend a completed case file:

- The original investigation file will not be altered.
- Additional supplemental reports will be created as necessary.
- Any requisite changes will be made by memorandum, referencing what specifically is being changed.
- The reason for the complaint being amended will also be included. All requests to amend/change complaints must be approved by the DCOPR.

12. AUDITS

The Department, WASO, and respective region are responsible for program inspections or audits, to ensure the integrity and uniformity of the complaint process.

13. RELEASE OF INFORMATION

13.1 General

Any release of information pertaining to an internal investigation should be guided by the high priority the NPS places on protecting privacy interests of those involved (including employees, witnesses, and complainants), the integrity of any corresponding legal or administrative proceedings, and the investigative procedures utilized.

The Privacy Act and FOIA apply to any internal affairs matters. A case file is considered an extension of the employee's personnel file, is confidential, and is to be released only by the Office of Record in accordance with the procedures in this chapter.

General Public and Employee FOIA requests should be directed to the online FOIA office. www.nps.gov/foia

Documents will be reviewed and released in coordination with the Solicitor's Office and WASO FOIA office.

13.2 Responsibilities

As the Office of Record, the OPR is the primary office responsible for retaining and releasing internal affairs records subject to the Privacy Act and Freedom of Information Act.

13.3 Releasing Information

Additional guidance on release of information is available in Chapter 39.

13.3.1 Release to the Employee

The employee investigated has a right to request access to specific information about the complaint at the conclusion of the investigation

and/or for a Board of Inquiry (see Chapter 6). The employee is also entitled to receive all information used by their supervisor in determining whether to take a disciplinary action. At minimum, the employee will receive the complaint disposition form.

Any release of information is subject to proper redaction/withholding by the Office of Record in consultation with the Office of the Solicitor.

13.3.2 Release to Agency Officials

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

13.3.3 Release to the Public

Requests for information from the public or other individuals involved in the complaint will be handled through the FOIA process, subject to appropriate redactions/withholding. An employee may elect to waive confidentiality of an internal investigation that pertains only to him or her, including the findings and any discipline associated with the investigation. Acceptance of this waiver is to be done in writing with the assistance of the Office of the Solicitor.

13.4 Information Withheld

Pursuant to *43 CFR §2.21(d) (5)*, the Office of the Solicitor will be consulted regarding any proposed withholding or redaction of responsive documents.

While the disposition is subject to release, the investigative report and documentation are considered confidential internal documents, which generally are not subject to release under FOIA pursuant to exemptions 6 and/or 7 and other applicable laws.

Other information that is ordinarily withheld includes:

- All personally identifiable information for anyone other than the requester. This includes, but is not limited to place and date of birth, Social Security number, military service number, age, marital status, home address, and telephone numbers.

- Matters such as that pertaining to an employee's personal life and family status.
- Matters capable of causing undue embarrassment or harassment of any person involved in the complaint.
- Information that would constitute an unwarranted invasion of a person's privacy.
- Statements of confidential sources or confidential information.
- Medical records.
- The substance of promotion recommendations.
- Assessments of professional conduct and ability.
- Information concerning or provided by relatives and references.
- Prior employment not related to the employee's occupation.
- Primary, secondary, and collegiate education.
- Allegations of misconduct or arrests other than those included in the complaint that is the subject of the request.

13.5 *Giglio* Requests

Giglio v. United States. 405 U.S. 150 (1970) provides a constitutional obligation for prosecutors to disclose potential impeachment information concerning law enforcement agency witnesses. As detailed in the US Attorney Manual Criminal Resource Manual 165 Guidance for Prosecutors Regarding Criminal Discovery, the exact parameters of potential impeachment information are not easily determined, may vary according to Circuit and District Court precedent and local practice, and may allow prosecutors to seek from a court an in camera ex parte examination if it is unclear whether information should be disclosed or even a protective order allowed. Given these complexities, responding to a *Giglio* request requires close coordination with local prosecutors. The OPR, as the Office of Record, will receive and coordinate the response to *Giglio* requests for internal investigations in consultation with the appropriate prosecutor. The DCOPR will coordinate disclosing potential impeachment information.

14. COMPLAINT DATABASE

14.1 General

The OPR maintains the Internal Reporting and Tracking System by entering data from all complaints. All complaints and DOI-OIG referrals must be entered into the DOI-OLES database within five days of receipt of the intake form by the OPR.

14.2 Employee Trend Analysis

[redacted]

15. RECORDS MAINTENANCE

All internal investigative files and related information will be kept physically separated from other investigative records. Information in these files is considered confidential and must be retained in a secured area with access limited for official purposes.

16. TRAINING

Special Agents assigned full time to the OPR to investigate Tier I investigations will attend the Internal Affairs Investigations Training Program (FLETC-IAITP).

Individuals with collateral duty responsibilities for Tier II investigations should receive internal affairs training approved by the DCOPR. Investigator expertise should be sufficient to thoroughly conduct investigations as outlined in this policy.

SLEOs should ensure that any investigator assigned to serve as Case Agent on a Tier III investigation has the expertise and training necessary to conduct a thorough investigation.

17. FUNDING

Non-base salary costs associated with the investigation will be paid by the affected park/office.

APPENDIX 16-A. ALLEGATION CATEGORY – INVESTIGATION TIER – DEFINITIONS

This table is not intended to encompass all types of allegations investigated under this policy. The category of an allegation is used for the purpose of grouping similar complaints. The allegation is best matched to the appropriate description and categorized. The complexity, nature, severity, and scope of the allegation determine where, when, and how it will be investigated and managed. These factors associated with the allegation are used to determine the Tier (I, II, or III) of investigation. An allegation not listed below is routed through the RCR to the OPR for assignment of a Category (I or II) and Tier of Investigation (Tier I or II).

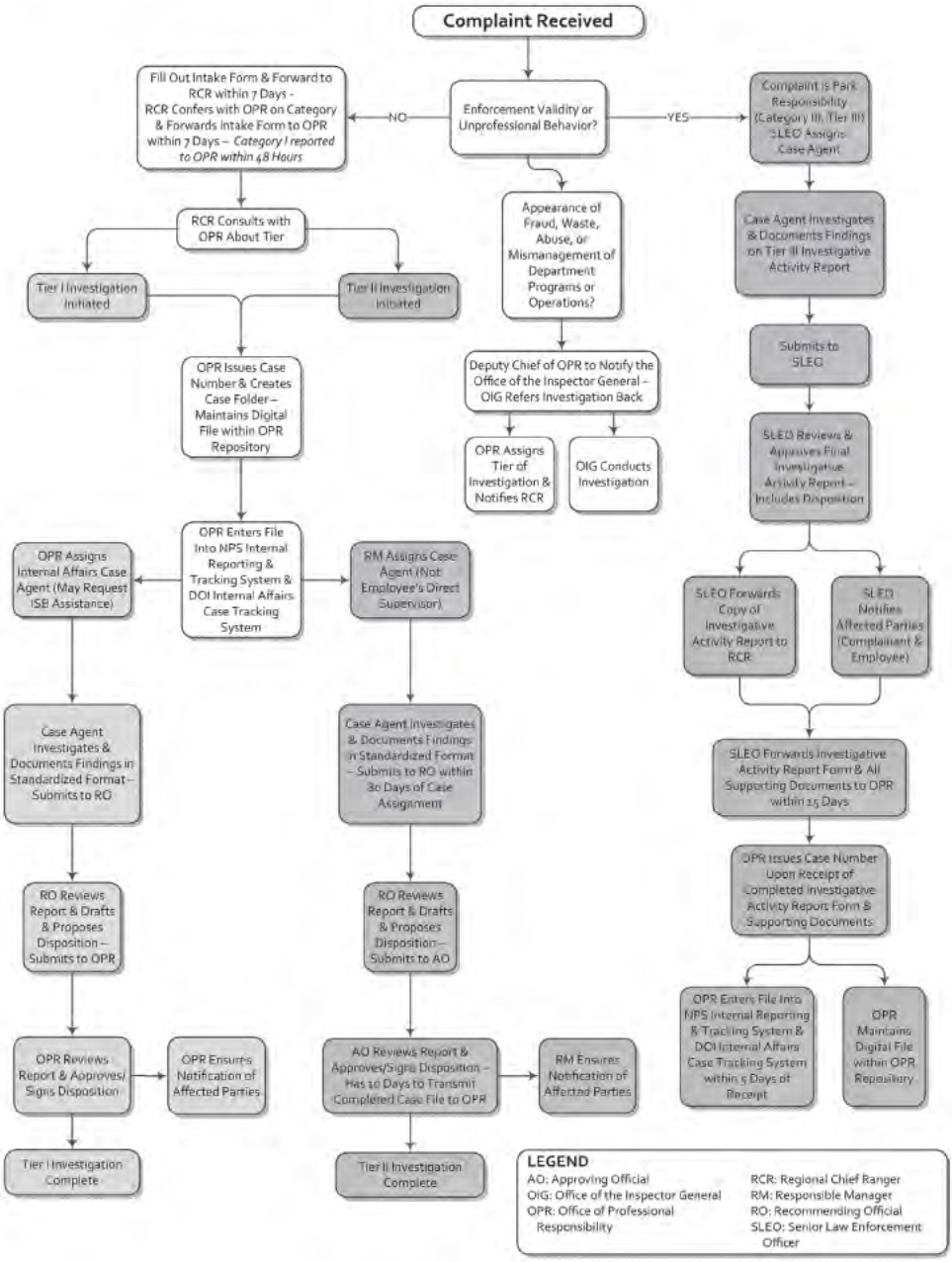
Issue	Category	Tier of Investigation	Description
Alcohol Use/Impairment	I	I or II	Any act involving the alleged use, impairment, or consumption of alcohol while on duty or in official performance of law enforcement duties. Any alleged criminal act committed while off duty involving the use, impairment, or consumption of alcohol.
Arrest/Detention Arrest Detention	 II II	 II II	Allegations questioning the validity of an employee's enforcement action related to an arrest or detention. An allegation of constitutional violations should be evaluated as a Tier I investigation.
Assault	I	I or II	Willful attempt or threat to inflict injury upon the person of another, not related to training. Includes off-duty employees engaged in acts not related to their employment.
Battery	I	I or II	Willfully using unlawful force or violence upon the person of another. Includes off-duty employees engaged in acts not related to their employment

Code of Conduct Ethics	 II	 I or II	Alleged violation(s) of a tenet(s) of the Law Enforcement Code of Conduct or the Law Enforcement Administrator Code of Conduct. Includes alleged violations of *43 CFR Part 20* – Employee Responsibilities and Conduct.
Court Conduct Demeanor Perjury Case Tampering	 II I I	 II I I	Misconduct related to an employee's official court appearance. Includes criminal and administrative hearings. Case tampering should include issues related to citations, arrest reports, and related documents or digital records, before, during, or after any court proceeding.
Criminal Conduct Allegations	I	I or II	Any act involving an arrest or a criminal investigation, regardless of duty status.
Discrimination Gender Race Sexual Orientation Other	 I I I I	 I or II I or II I or II I or II	Biased or prejudicial treatment, including any comment perceived to belittle a person because of their race, gender, sexual orientation, age, religion, employment, or physical/ mental handicap.
Dishonesty/Falsification	I	I or II	An act, or series of acts, which the employee knew or could have reasonably been expected to know were dishonest; includes lack of candor, and/or lying. Knowingly submitting reports or other official documents that are untrue or submitted under false pretenses
Driving Under the Influence DUI/Government Vehicle DUI/Personal Vehicle	 I I	 I I	Driving a vehicle/vessel while under the influence of alcohol and/or drugs, regardless of duty status.
Enforcement Validity Validity/Citation Validity/Reason for Stop Validity/Search (other than person) Validity/Enforcement Stop Validity/Other	 III III III III III	 III III III III III	Allegations questioning the validity of an employee's enforcement action in the performance of their duties.

Evidence Control Evidence/Damaged Evidence/Lost Evidence/Misuse Evidence/Seizure Evidence/Secure Evidence/Other	 II II I II II II	 II I or II I or II II I or II II	The abuse, loss, damage, or failure to secure or protect evidence in the control of employee.
Fail to Act/Report Failure or Delay to Act Insubordination Fail to Report Misconduct	 II I I	 I or II I I or II	 Failure or delay in carrying out instructions; failure or carelessness in performing assigned work. Knowingly disregarding a directive/refusal to comply with proper order. Failure to report misconduct or manage a complaint in accordance with this policy.
Firearms Intentional discharge Unintentional discharge Brandishing	 I I II	 I I or II II	Includes authorized use of firearms related to use of force and acts involving firearms not authorized by policy or law while on or off duty.
Illegal Drug Usage Impaired Possession Use Other	 I I I I	 I I I I	Unlawful or unauthorized use; being under the influence or unauthorized possession of drugs, drug paraphernalia, or controlled substance while on or off duty.
In-Custody Death/ Serious Injury	I	I	Death or injury requiring medical treatment of persons in the custody or control of NPS law enforcement officers or while detained in an NPS-operated detention facility.
Misuse/Misappropriation Computer Systems Criminal Justice Info Systems/NCIC/Restricted Data Equipment Property Vehicles Other	 II I II I II II	 I or II I or II I or II I or II II II	Refer to the NPS Human Resource Table of Penalties for definition of "misuse."
Property Control Damaged Lost Misuse Seizure Other	 II I I II II	 II I or II I or II II II	The abuse, loss, damage, or failure to secure or protect the property of another. Does not apply to federal property.

Racial Profiling	I	I or II	Refers to the discriminatory practice by law enforcement officials of targeting individuals for suspicion of crime based on the individual's race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity.
Sexual Misconduct Sexual Conduct/Physical Sexual Conduct/Verbal Sexual Conduct/Leering Sexual Conduct/Other	 I I I I	 I or II I or II I or II I or II	Involvement in any inappropriate sexual act. Includes any on-duty act involving sexual overtones, either physical or verbal.
Theft Theft/Conversion, Any Item	I	I	Taking personal and/or federal property or funds with the intent of depriving the owner of the item taken.
Unprofessional Behavior Verbal Non-Verbal Other	 III III III	 III III III	Rude, intimidating, aggressive, and disrespectful conduct that reflects negatively on the organization/profession toward the public, employees of the NPS, partner organizations, or other agencies.
Use of Force Unauthorized Tactics Excessive Tactics	 I I	 I or II I or II	Use of tactics in which no justification for their use exists. Where the tactics are authorized, but go beyond the limits permitted by policy. Applies to commissioned employees only.
Vehicle Operations Patrol Off-duty Parking Unauthorized Other	 II II II II II	 II II II II II	Allegations involving the use of a government vehicle, vessel, or aircraft.

APPENDIX 16-B. OPR DECISION TREE



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Selective Enforcement Operations

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18

Emergency Response Driving, Pursuit, And Roadblocks

1. POLICY
2. DEFINITIONS
3. DIRECTIVES

---

1. POLICY

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

Parks may develop supplemental procedures on emergency response driving and pursuit consistent with this chapter.

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

2. DEFINITIONS

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

2.1 Emergency Operation

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

2.2 Emergency Vehicle or Vessel

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

2.3 Failure to Yield

Failure to come to a full and complete stop in a reasonable amount of time where there have been safe and sufficient areas to pull a vehicle off the roadway at the direction of a commissioned employee. A failure to yield may be the result of unawareness to officer commands and may not be an attempt to evade officers.

2.4 Overtaking

A commissioned employee's attempt to close the distance gap with a vehicle being driven by a person suspected of a violation.

2.5 Pursuit

An active attempt by a commissioned employee in an authorized law enforcement vehicle to apprehend a suspect in a motor vehicle while the driver is using evasive tactics, such as high speed driving, driving off the roadway, suddenly turning, or otherwise disregarding traffic laws.

2.6 Rolling Roadblock

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

2.7 Stationary Roadblock

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

2.8 Tire Deflation Devices

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

3. DIRECTIVES

3.1 General

3.1.1 Constraints

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

3.1.2 Pursuit Outside Jurisdiction

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

3.1.3 Emergency Operation

The driver of an authorized emergency vehicle (see Chapter 34) or vessel, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to a fire alarm, may exercise the privileges set forth in this section, subject to the following conditions. The driver of an authorized emergency vehicle or vessel may:

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

3.1.4 Overtaking and Failure to Yield

Overtaking a vehicle and failures to yield do not necessarily carry the same risks and hazards associated with pursuit driving. As such, pursuit-rated vehicles are not required to engage in overtaking or failure to yield. However, commissioned employees must still operate the vehicle with due regard for the safety of the public and property at all times.

3.2 When to Pursue

[redacted]

3.3 Pursuits

3.3.1 Control

The primary objectives of a pursuit should be: control, termination of the pursuit at the earliest opportunity, and apprehension where feasible. [redacted]

3.3.2 Decision Factors

Commissioned employees engaged in a pursuit will continually re-evaluate decision factors and adjust as appropriate, up to and including termination of pursuit. [redacted]

[redacted]

3.3.3 *Notification*

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

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

Dispatch will maintain radio contact with emergency vehicles involved in the pursuit and with the appropriate jurisdictions during the pursuit. Dispatch will also ensure that the appropriate law enforcement supervisor, and other law enforcement jurisdictions, are immediately notified of a pursuit situation.

3.3.4 *Responsibility*

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

[redacted]

3.3.5 *Restrictions*

[redacted]

3.3.6 *Supervision*

Supervisory commissioned employees have responsibilities associated with pursuits:

- Where available, the appropriate supervisor will continually monitor any pursuit situation in their area of responsibility to ensure provisions of this policy are in compliance.

[redacted]

[redacted]

3.4 Termination of a Pursuit

3.4.1 Conditions for Termination

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

[redacted]

3.4.2 Termination

The pursuit may be terminated through:

[redacted]

[redacted]

3.5 Roadblocks

3.5.1 Use

[redacted]

3.5.2 Procedures

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

[redacted]

[redacted]

3.6 Precision Immobilization Technique (PIT Maneuver)

[redacted]

3.7 Vessel Pursuits

SLEO in parks with vessels will develop a vessel pursuit procedure in accordance with local practices, procedures, and equipment.

3.8 Reporting

Engagement in a pursuit or the application of any tire deflation devices or roadblock procedures will be documented consistent with reporting requirements from Chapter 10.

Within 48 hours the supervisor and all involved officers should evaluate each pursuit to ensure compliance with this directive.

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Violation Notices

1. POLICY
2. DIRECTIVES

---

1. POLICY

Commissioned employees in the NPS will utilize forms authorized by federal courts and the Central Violations Bureau (CVB) for the routine filing of Class B misdemeanor violations. The document specified for this purpose is US District Court Violation Notice, Form 10-50 (or subsequently authorized revisions). A current copy of the CVB guidelines will be maintained at each park. SLEOs should review the CVB Agency Manual online annually to note changes in the program.

2. DIRECTIVES

2.1 Violation Notices

2.1.1 Application

The US District Court Violation Notice, Form 10-50 is used to notify a person to appear before a United States Magistrate Judge or to forfeit the collateral for an alleged violation. Violation notices are accountable property and it is the responsibility of the SLEO to maintain accountability. A Violation Notice is just one form that may be utilized to initiate the filing of criminal charges. However, violation notices cannot be used for Class A misdemeanors or felonies.

2.1.2 Supporting Documentation

Minor violations issued by the commissioned employee, such as traffic offenses, violations of camping or fire regulations, or dogs off leash, do not require completion of an incident report. However, a supplemental report should be completed whenever the facts prompting the violation notice cannot be adequately documented through the probable cause statement on the back of the notice.

2.1.3 Forfeiture of Collateral

A commissioned employee may issue a violation notice that provides for forfeiture of collateral in lieu of personal appearance when the US District Court of jurisdiction has issued a schedule of collateral amounts that cover the specific violations being addressed. Unless directed by the District Court or the Magistrate Judge, a commissioned employee will not collect or accept collateral from an alleged violator.

2.1.4 Mandatory Appearance

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

2.1.5 Probable Cause Statements

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

2.1.6 Records Management System Entries

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

2.2 Administrative Dispositions

2.2.1 Permitted Voiding

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

- When erroneous information was included on the violation notice (e.g., wrong date, name, charge) or when the alleged violator or new evidence provides a legitimate reason for the alleged offense, or shows that there was no offense (e.g., mistake of fact).
- When the violation notice is to be replaced or superseded by other charging documents or criminal processes, or by administrative processes accompanied by a formal declination to prosecute by the US Attorney.
- When, upon further investigation or information, it is revealed the citation does not meet the elements of the crime, or it was issued contrary to CVB guidelines.

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

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

2.2.2 Prohibited Voiding

Subject to provisions contained in this chapter, a violation notice will not be voided when:

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

2.2.3 Notice Retention

The original copy of the violation notice should be mailed to CVB. CVB recommends retaining the officer's copy for five years in accordance with records retention guidelines. The defendant's copy is given to the defendant, placed on the defendant's vehicle, or mailed to the defendant via certified mail.

2.2.4 Ordering Procedures for US District Court Violation Notices

Violation notices are ordered online at www.cvb.uscourts.gov/vn

The username is AGENCY and the password is TICKETS. This website also offers the current CVB manual.

2.3 Warning Notices

2.3.1 Application

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

2.3.2 Notice Retention

The original or white copy of the warning notice is the violator's copy. The pink copy is the issuing agency or officer's copy. The blue copy is the park copy. CVB recommends retaining this copy for five years in accordance with records retention guidelines.

2.3.3 Ordering Procedures for NPS Warning Notices

Warning Notices are ordered through the Brentwood Facility. Mail a DI-1 requesting the 10-33 form along with a return-mailing label to:

National Park Service
National Capital Region
Brentwood Warehouse
515 New York Avenue, NE
Washington, DC 20242

Phone: 202-426-6900
Fax: 202-426-0981

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Collision Reports

1. POLICY
2. DEFINITIONS
3. DIRECTIVES
4. REQUESTS FOR COPIES OF COLLISION REPORTS
APPENDIX 20-A. NPS FORM 10-339
APPENDIX 20-B. NPS FORM 10-339B

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1. POLICY

The NPS will document motor vehicle and boating collisions that occur within NPS areas and collect data from these collisions to identify opportunities to improve visitor and employee safety.

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

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

SLEOs shall establish minimum property damage reporting thresholds equivalent to state or US Coast Guard regulations. Where parks are geographically in more than one state, the lowest property value will be used.

2. DEFINITIONS

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

2.1 Collision

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

2.2 Jurisdiction

The NPS's legal power to exercise civil and criminal authority over persons, property, and resources within a geographic area. For reporting purposes, jurisdiction is determined by the location where property damage or personal injury first occurs.

2.3 State Threshold

States may mandate reporting motor vehicle collisions that reach or exceed a specific monetary value.

3. DIRECTIVES

3.1 Collisions

3.1.1 Collision Reports

A collision report in IMARS will be used to document all reported/observed collisions that occur in NPS areas. A completed diagram, witness statements, photographs, and other investigative documentation, as appropriate, should also be included when any of the following conditions exist:

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

3.1.2 Criminal Charges in Fatal Collisions

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

3.1.3 State Reports

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

3.1.4 Post-Collision Fatalities

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

3.1.5 Bicycles

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

3.2 Collision Reporting Requirements

3.2.1 Vehicle Reporting Requirements

	IMARS Entry	IMARS Crash Report	Photos	Diagram	GSA Form	Case Report
Property Damage Only (below state threshold)	•					
Property Damage Only (above state threshold)	•	•				
Injury beyond First Aid	•	•	•	•		•
Government Vehicle	•	•	•	•	•	
Hit and Run (with injuries or significant property damage)	•	•	•	•		•
Fatality or Serious Bodily Injury	•	•	•	•		•

3.2.2 Vessel Reporting Requirements

	IMARS Entry	Boat Crash Report	Photos	Diagram	Case Report
Property Damage Only (below state threshold)	•				
Property Damage Only (above state threshold)	•	•			
Injury beyond First Aid	•	•	•		•
Government Vessel	•	•	•	•	
Hit and Run	•	•	•		•
Fatality, Serious Bodily Injury, or Missing Person	•	•	•	•	•

A Board of Review will be conducted, at the park level, for visitor fatalities per DO 50C.

3.2.3 Boat Collision Reporting

Boat collisions that occur within NPS jurisdiction are required by law *(33 CFR)* to be reported by visitors to "state boating authorities." NPS units with recreational boating shall establish boat collision reporting systems to capture boat collision statistical data and to facilitate or consolidate visitor reporting to state authorities, and work with state authorities to receive reports taken by the state on incidents occurring within NPS areas.

3.2.4 NPS Vehicle or Vessel Collision

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

Required reports are listed in the tables in Section 3.2.2 (vehicles) and 3.2.3 (vessels).

3.2.5 IMARS

All motor vehicle collisions that occur within NPS jurisdiction will be available to the WASO Road Program Safety Manager through IMARS.

3.2.6 Cooperation with State Reporting of Traffic Collisions

State reporting of fatal collisions:

Copies of fatal collision reports will be provided to the appropriate state agency responsible for reporting to the Fatality Analysis Reporting System (FARS), the national reporting system operated by the National Highway Traffic Safety Administration.

Cooperation with other collisions:

Parks shall work cooperatively with each state to provide and obtain vehicle collision data necessary to meet the policy goal of enhancing visitor safety.

4. REQUESTS FOR COPIES OF COLLISION REPORTS

Requests from the public for copies of collision reports should use Appendix 20-A: Request for FOIA 10-339 (version 12/04).

Responses for copies of collision reports should use Appendix 20-B: NPS FOIA/Privacy Act Response Form 10-339B (version 09/05).

APPENDIX 20-A. NPS FORM REQUEST FOR FOIA 10-339 (12/04)

NPS 10-339
NEW (12/04)

FOIA REQUEST FORM **NATIONAL PARK SERVICE**

DATE: _____

NATCHEZ TRACE PARKWAY
ATTN: CHIEF RANGER
2680 NATCHEZ TRACE PARKWAY
TUPELO, MS 38804
662.680.4014

SUBJECT: REQUEST FOR INFORMATION UNDER FOIA/PRIVACY ACT

UNDER THE PROVISIONS OF THE FREEDOM OF INFORMATION ACT (5 U.S.C. 552), I AM REQUESTING A COPY OF ANY DOCUMENTS PERTAINING TO MOTOR VEHICLE COLLISION REPORTS INVOLVING ME OR THE PERSON I REPRESENT THAT IS MAINTAINED IN THE NATIONAL PARK SERVICE. I SPECIFICALLY REQUEST THE FOLLOWING:

_____
(CASE INCIDENT REPORT NUMBER AND DATE OF INCIDENT)
_____

_____
PARTIES INVOLVED OR INSURED)

PLEASE SEND THE REQUESTED INFORMATION TO THE FOLLOWING ADDRESS:

_____
_____
_____

TELEPHONE: _____

FAX: _____

I REPRESENT THE FOLLOWING INDIVIDUAL/INSURED:

_____

_____
(SIGNATURE OF REQUESTOR)

_____
(PRINTED NAME OF REQUESTOR)

APPENDIX 20-B. NPS FOIA/PRIVACY ACT REPONSE FORM 10-339B (9/05)

FOIA/Privacy Act Response Form for MVR report request where any privacy act protected information is routine use excepted under revised Interior/NPS-19 (January 6, 2005)

To:	Institution: National Park Service (Park Name and Address)
FOIA/Privacy Act No.:	Requestor's Name:
No Exemptions Used	Date Received:
NPS Contact Person:	Date Completed:
NPS SOL attorney consulted (as necessary):	

This responds to your Freedom of Information Act (FOIA)/Privacy Act request on the aforementioned date where you requested information on a Motor Vehicle Collision Report.

Pursuant to the revised Interior/NPS-19 Routine Use Exception (January 6, 2005), please find enclosed a copy of the requested report. If indicated above, a solicitor's office attorney was consulted.

Attachment: Unredacted MVA report

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Flying While Armed

4

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Juveniles

Chapter 22: Juveniles

23

Warrants

1. POLICY
2. DIRECTIVES

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1. POLICY

Commissioned employees are authorized under *54 U.S.C. 102701* to execute warrants and other process documents. This authority is limited to circumstances described in that statute and in this chapter. If appropriate, commissioned employees should establish an understanding with US Magistrate Judges, US Marshals, and US Attorneys with regard to the execution of warrants or other processes for offenses committed within the National Park System.

2. DIRECTIVES

2.1 Warrants

2.1.1 Federal Warrants

54 U.S.C. 102701(a)(2)(C) authorizes designated NPS officers and employees to execute any federal warrant or other process within the National Park System or outside the system provided that the warrant has been issued for an offense committed within the system. It also authorizes such employees to execute any federal warrant or other process in the system, regardless of where the offense occurred.

2.1.2 State Warrants

54 U.S.C. 102701(b)(2) authorizes the NPS to cooperate, within the National Park System, with any state or political subdivision of a state in the enforcement or supervision of the laws or ordinances of that state or subdivision. It also authorizes the NPS to render cooperative assistance to nearby law enforcement agencies, and for related purposes outside of the National Park System. Accordingly, written agreements between the park and state or local agencies should set forth the method by which commissioned employees may assist with respect to the service of warrants or other processes. A written agreement is not necessary when the warrant or an applicable state statute specifically authorizes commissioned employees to execute such warrant or other process, and when a specific request for assistance in the execution of a warrant is made. Consideration may also be given to application of *18 U.S.C. 1073* and *1074* (unlawful flight to avoid prosecution), where felony fugitives from other states are located within the National Park System.

2.2 Execution of Warrants

2.2.1 Warrant Authority

Type I and Type II commissioned employees have different authorities for the execution of warrants (see Chapter 2).

2.2.2 Detention and Arrest

A warrant must be verified through the originating agency. Hit confirmation via receipt of an administrative message, or "teletype," warrant abstract, or actual delivery and receipt of a certified copy of the warrant, will constitute a formal request from the originating agency for NPS law enforcement cooperation and assistance in the form of actual service and execution of the arrest warrant.

2.2.3 Warrant Execution

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

2.2.4 Local Notification

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

2.2.5 Warrant Briefing

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

2.2.6 Identification

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

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Cooperation With Other Law Enforcement Agencies

[redacted]

Chapter 24: Cooperation With Other Law Enforcement Agencies

Chapter 24: Cooperation With Other Law Enforcement Agencies

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Foreign Nationals And Diplomatic Immunity

1. INTRODUCTION
2. POLICY
3. DIRECTIVES

1. INTRODUCTION

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

Title 18 of the US Code contains sections stating that it is unlawful to:

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

- Falsely claim privilege or immunity as a foreign diplomat or consul.

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

Ambassadors and ministers are the highest ranking diplomatic representatives of a foreign government. Other diplomatic titles are counselor, first secretary, second secretary, third secretary, and attaché. These officials carry diplomatic identification documents issued by the Department of State.

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

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

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

2. POLICY

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

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

The US Department of State Diplomatic and Consular Immunity's online reference book, Guidelines for Law Enforcement and Judicial Authorities, can be located on the RM-9 website.

3. DIRECTIVES

3.1 Officials with Full Diplomatic Immunity

3.1.1 Types of Full Immunity

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

- Diplomatic agents and members of their families who are not nationals of the United States have full immunity from arrest, detention, or prosecution for any criminal offense, unless such immunity is expressly waived by the sending country. These individuals also enjoy immunity from civil process except in certain actions that involve private activities outside their official functions.
- The administrative and technical staff of a foreign mission, and members of their families who are not nationals or permanent status residents of the United States, have full immunity from arrest, detention, or prosecution for any criminal offense. These employees enjoy immunity from civil process only for those actions carried out in their official capacity. Family members of these employees are not immune from civil jurisdiction.

- Members of the service staff of a foreign diplomatic mission, which include drivers, messengers, and security guards, enjoy immunity only for actions carried out in the course of their official duties. Family members of these individuals have no immunity. Private servants of embassy personnel have no immunity.
- Associated with this personal diplomatic immunity is the inviolability enjoyed by the premises of the mission of the sending country and the private residence of a diplomatic agent or member of the administrative or technical staff. In summary, property, papers, and correspondence may not be searched or seized.

3.1.2 Diplomatic Immunity by Position

Foreign nationals possessing full diplomatic immunity are:

- Diplomatic officers accredited by the United States government: ambassadors, ministers, minister counselors, counselors, first secretaries, second secretaries, third secretaries, and attachés. These individuals carry diplomatic identification documents, and their names are in the Diplomatic List.
- Permanent representatives and senior members of permanent missions to the United Nations, and certain high-ranking officials of the United Nations itself, all of whom carry distinctive United Nations identification cards.
- Certain members of the following organizations: permanent missions and permanent observer missions to the Organization of American States (OAS), the North Atlantic Treaty Organization (NATO), the International Bank for Reconstruction and Development, and the International Monetary Fund.
- Administrative and technical staff members of accredited embassies and missions, provided they are not nationals of or permanent residents in the United States. These individuals are listed in the Department of State's publication "Employees of Diplomatic Missions" (also known as the White Book) and carry tax exemption cards that bear their photographs and also serve as valid identification documents.

- Family members of all the aforementioned, provided they are not nationals of the United States. This category includes spouses, children forming part of the diplomat's household (including children attending school away from home), and other family members in the immediate household.

3.1.3 Constraints

Persons entitled to full diplomatic immunity:

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

3.1.4 Brief Stops

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

3.2 Officials with Limited Diplomatic Immunity

3.2.1 Types of Limited Immunity

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

- Service staff employees of foreign embassies and missions who are not nationals or permanent residents in the United States possess limited immunity, but not their families.

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

3.2.2 Archives and Documents

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

3.2.3 Notifications

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

3.2.4 Visitation

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

3.2.5 Testimony

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

3.3 Law Enforcement Procedures

3.3.1 Identification

Commissioned employees who encounter an individual who claims diplomatic immunity will request identification that verifies that person's claim. The only authoritative identity document is the identity card issued by the US Department of State's Office of Protocol, or by the US Mission to the United Nations in the case of persons accredited to the United Nations.

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

3.3.2 Use of Force

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

3.3.3 Assaults Against Commissioned Employees

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

3.3.4 Search and Seizure

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

3.3.5 Moving Violations

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

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

If a member of the diplomatic corps is cited for a traffic violation, a copy of the citation and report should be delivered to the Department of State as soon as possible. The Department of State's Diplomatic Department of Motor Vehicles maintains driving records on all licensees and assesses points for moving violations. Prompt and thorough reporting to the Department of State assists in ensuring that driving privileges in the United States are not being abused.

3.3.6 Driving Under the Influence

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

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

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

If the diplomat's state of intoxication is such that driving would endanger the safety of the public, the commissioned employee will request that the diplomat not drive and will assist in parking the diplomat's vehicle or securing an acceptable driver. If this effort is refused, or it is claimed that the requested action would restrict the effective exercise of the diplomat's official duties, the employee will politely inform the diplomat that he is free to go, but may not drive the vehicle. The diplomat will not be detained or arrested, but necessary force may be utilized to prevent the diplomat from driving further while intoxicated. The diplomat's vehicle may not be impounded. If the vehicle is parked, its location will be recorded in the report of the incident.

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

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

The Department of State urges telephonic notification any time a member of the diplomatic corps is suspected of DUI.

3.3.7 Parking Violations

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

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

3.3.8 Other Motor Vehicle Violations

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

3.3.9 Traffic Collisions

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

3.3.10 Offenses Involving Consular Officer Family Members

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

3.3.11 Diplomats as Victims

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

3.3.12 Prosecution

Diplomatic and consular immunity is not intended to benefit the individual; it is intended to benefit the mission of the foreign government or international organization. Thus, an individual does not "own" their immunity and it may be waived, in whole or in part, by the mission member's government. The US Department of State will request a waiver of immunity in every case in which the prosecutor advises that he or she would prosecute but for immunity.

3.4 Reporting

3.4.1 Department of State Notification

If a consular officer, employee, family member, or personal staff member becomes involved in a serious action, the Office of Protocol, Department of State, should be furnished with all pertinent information. This notification will take place via email or phone (888-246-4335) to the Emergency Incident Coordination Center. The Department of State Office of Protocol can be reached at 202-647-1985 during normal business hours, and 866-217-2089, 24 hours a day.

3.4.2 Report

In all incidents that involve individuals with diplomatic immunity, the investigating commissioned employee will immediately record the required information on a case incident report. The employee will also complete all other reports applicable to the incident.

3.4.3 Supervisory Notification

A commissioned employee will notify their immediate supervisor as soon as possible of any incident that involves a person who has diplomatic immunity.

3.4.4 Park and Field Office Reporting

If applicable, the park and field office staff will report the incident in accordance with established procedures for the reporting of emergencies and other significant events.

3.4.5 Additional Reports

After review, and as soon as practical, the park will submit to the DCOP copies of all reports pertaining to an incident that involves an individual who has diplomatic immunity. Based on the Park Superintendent's recommendation and at the discretion of Law Enforcement, Security, and Emergency Services, a copy of the report may be forwarded to the Office of Protocol, Department of State.

3.4.6 Media Releases

Media releases concerning incidents that involve diplomats must be cleared through the regional director's public affairs office, in consultation with WASO-LESES.

3.5 Non-Diplomatic Foreign Nationals

3.5.1 General Requirements

The United States government has signed bilateral agreements with a number of foreign countries in which notification of a signatory country's consulate is required, within a specified time period, whenever a national of the country is arrested or detained. In addition, customary international law requires consular

notification without delay in the absence of special bilateral arrangements. Consular notification is not necessary if the arrest is for a minor traffic violation and the respondent is released after posting collateral or bond.

3.5.2 Consular Notification

The arresting employee will immediately attempt to contact the appropriate consular officer following a foreign national's arrest. If the arrest occurs after normal business hours and the consular officer cannot be reached, the arresting employee must ensure that notification is made as soon as possible the next day. In cases when a commissioned employee arrests a foreign national whose country does not maintain diplomatic relations with the United States, the employee will contact the Office of Protocol, Department of State, to ascertain which embassy should be notified of the arrest.

3.5.3 Reporting

The commissioned employee will advise their supervisor as soon as possible that a foreign national has been arrested, then will submit a detailed case incident report. The report will include the name of the consular officer notified, and the time and date of notification. If the employee is unable to contact the appropriate consular officer, it must be stated in the case incident report, along with the times and dates notifications were attempted. The Office of Protocol, Department of State, is always available to assist with notification. When the employee notifies the consular officer, a copy of the case incident report will be submitted that includes the name of the person contacted and the date and time of the contact. Supervisors will ensure that copies of the reports are forwarded through channels to the DCOP. The Division of Law Enforcement, Security, and Emergency Services may forward an appropriate letter to the embassy or legation concerned.

3.6 Requests for Asylum

3.6.1 Notification Procedures

The SLEO or appropriate park supervisor will immediately contact the Department of State regarding any request (or imminent request) for asylum. In particular, the Department of State should be informed immediately of any request for asylum from any foreign diplomat, foreign consular officer, or foreign official or

celebrity, regardless of the country, and any other alien who asserts there is a serious threat of forcible repatriation to them or their family. The request for asylum will be reported to the Regional Director and the Director's Office as a Level 1 significant incident.

3.6.2 Report of Request for Asylum

- The following information will be included in a case incident report:
- Name and nationality of the individual seeking asylum.
- Date and place of birth.
- Occupation.
- Description of any documents displayed.
- What foreign authorities, if any, are aware of their seeking asylum.
- Circumstances surrounding the request for asylum.
- Exact location.
- Description of any pending criminal charges against the seeker of asylum.

3.6.3 Protective Custody

Protective custody will be provided to the asylum seeker, and if necessary, force may be used to thwart attempts at forcible repatriation. Reasonable force will be used to protect the individual and the commissioned employee. All inquiries from interested foreign authorities will be directed to the SLEO. The SLEO or SAC will immediately inform the nearest DHS Citizenship and Immigration Services (USCIS) office of any request for asylum, furnish details, and arrange for the transfer of the case to USCIS as soon as possible.

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Physical Security And CCTV

[redacted]

2. DEFINITIONS

2.1 Icon Parks

[redacted] The following have been classified as Icon Parks: Mount Rushmore National Memorial, Independence National Historic Park, Boston National Historic Park, Jefferson National Expansion Memorial, The National Mall in Washington, DC, and Statue of Liberty National Monument.

[redacted]

[redacted]

Chapter 26: Physical Security And CCTV

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Destruction Of Animals By Commissioned Personnel

1. INTRODUCTION
2. POLICY

1. INTRODUCTION

36 CFR 2.15(c) states, "Pets or feral animals that are running-at-large and observed by an authorized person in the act of killing, injuring or molesting humans, livestock, or wildlife may be destroyed if necessary for public safety or protection of wildlife, livestock, or other park resources."

This chapter gives guidance in the use of force against animals in these and other circumstances by commissioned personnel. Where feasible, a local park policy should be developed that guides enforcement of *36 CFR 2.15(c)* regarding protection of other park resources. The authorization and use of firearms for wildlife management and other purposes by non-commissioned personnel is covered by other policy documents.

2. POLICY

2.1 Destruction of Threatening Animals

The destruction of animals is justified to prevent death or serious harm to a commissioned employee or another person.

Pets or feral animals killing, injuring, or molesting humans, livestock, or wildlife may be destroyed.

Wildlife attacking other animals should not be destroyed unless approved in a local park resource management policy.

The discharge of a firearm in these circumstances will be reported per the NPS use of force reporting requirements.

2.2 Dispatching Injured Animals

When an animal is seriously injured, commissioned employees may use firearms to dispatch the animal if it is safe to do so. A supervisor must be notified as soon as practical and the incident must be documented.

2.3 Resource Management/Animal Control Operations

Commissioned employees may use firearms as part of an approved park resource management or animal control operation. Whenever feasible, a copper or sabot round should be used in the destruction of animals. The use of park firearms by commissioned and non-commissioned personnel must be documented.

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Victim Assistance

1. DEFINITIONS
2. POLICY
3. VICTIM ASSISTANCE PROGRAM
4. TRAINING
5. HISTORY, PURPOSE, AND INTENT
6. RESPONSIBLE OFFICIALS
7. INFORMATION, NOTICE OF RIGHTS, AND REFERRAL FOR VICTIMS
8. COORDINATION WHEN RESPONSIBILITY SHIFTS TO ANOTHER AGENCY
9. PROCEDURES

1. DEFINITIONS

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

1.1 Earliest Opportunity for Provision of Service

One that will not interfere with an investigation or hamper the law enforcement officer in the performance of other responsibilities.

1.2 Financial or Pecuniary Harm

The degree of assistance must be determined on a case-by-case basis and shall not be defined or limited by a dollar amount. For example, since victims' means vary, that which constitutes a minimal financial loss for one might represent a devastating loss for another.

1.3 Serious Crime

Defined as a criminal offense that involves personal violence, attempted or threatened personal violence, or significant property loss.

1.4 Victim of Crime

As used in RM-9, the term "crime victim" means a person directly and proximately harmed as a result of the commission of a federal offense or an offense in the District of Columbia. In the case of a crime victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardians of the crime victim or the representative of the crime victim's estate, family members, or any other persons appointed as suitable by the court, may assume the crime victim's rights under this chapter, but in no event shall the defendant be named as such guardian or representative. *(18 U.S.C. 3771)*

1.5 Witness

A person who has information or evidence concerning a crime and provides information regarding their knowledge to a law enforcement agency. Where the witness is a minor, the term "witness" includes an appropriate family member or legal guardian. The term "witness" does not include defense witnesses or an individual involved in the crime as a perpetrator or accomplice. Witnesses are not entitled to mandatory services and do not have enforceable rights. Witnesses, however, will be protected for their safety from retaliation or harm.

2. POLICY

Commissioned personnel will comply with applicable laws concerning crime victims. They will make their best efforts to inform crime victims of their rights and to provide them with information as to resources and assistance in accordance with policy, standards, and procedures.

3. VICTIM ASSISTANCE PROGRAM

The DCOP or their designee will establish and maintain the VAP, will serve as the point of contact on VAP matters, ensure compliance with training requirements, develop bureau VAP standards and procedures, and gather and report annual victim-related statistics to the DOI VAP Coordinator.

4. TRAINING

All commissioned personnel shall receive a minimum of one hour of training at their basic training academy in carrying out the provisions of the laws protecting and enhancing the role of crime victims in the federal criminal justice process. Annually, employees will receive one hour of training on victim and witness rights and its application in law enforcement. Content may include training on the policy, standards, and procedures of the NPS VAP as well as providing a copy of the Attorney General's Guidelines.

5. HISTORY, PURPOSE, AND INTENT

The primary purpose of the VAP is to ensure that victims are advised of their rights, assisted with provision of services, and treated with dignity and respect. Victim assistance is a cooperative effort, which will result in better investigations. In addition, these procedures will assist victims in recovering from their injuries and losses to the fullest extent possible, consistent with available resources.

Commissioned personnel will make their best efforts to inform crime victims of their rights and to provide them with information as to resources and assistance in accordance with policy and procedures here established to ensure compliance with applicable laws.

5.1 Scope

These standards and procedures apply to investigation and prosecutions that involve victims who are adversely affected by criminal conduct.

While special attention shall be paid to victims of serious, violent crime, all victims of federal crime who have suffered physical, financial, or emotional trauma shall receive the assistance and protection to which they are entitled under the law. The type of assistance provided will vary according to the individual's needs and circumstances and availability of resources. In some cases, the nature of the event makes the extension of the full range of victim services inappropriate. Sound judgment will, therefore, be required to make appropriate decisions as to the range and length of victim services and assistance given. As a general rule, however, federal law enforcement personnel should always err on the side of providing rather than withholding assistance.

5.2 Authorities

DOI Policy (DM-446) and this policy combine the requirements of:

- Victim and Witness Protection Act of 1982.
- Victims of Crime Act of 1984.
- Victim's Rights and Restitution Act of 1990.
- Victims of Child Abuse Act of 1990 contained in the Crime Control Act of 1990.
- Violent Crime Control and Law Enforcement Act of 1994.
- Antiterrorism and Effective Death Penalty Act of 1996.
- Victim Rights Clarification Act of 1997.
- Crime Victims Rights Act of 2004.
- Attorney General Guidelines for Victim and Witness Assistance 2011.

5.3 Background

The Victim and Witness Protection Act of 1982 (VWPA) was enacted "to enhance and protect the necessary role of crime victims and witnesses in the criminal justice process; to ensure that the Federal government does all that is possible within limits of available resources to assist victims and witnesses of crime without infringing on the constitutional rights of defendants; and to provide a model for legislation for state and local governments." *(P.L. 97-291, § 2)*

The VWPA instructed the Attorney General to develop and implement guidelines for the Department of Justice consistent with the purposes of the Act. Those guidelines are known as the Attorney General Guidelines for Victim and Witness Assistance (AG Guidelines). The VWPA also required all other federal agencies to adopt guidelines consistent with the AG Guidelines.

The 2011 revision of the AG Guidelines includes legal requirements contained in subsequent federal victims' legislation. The AG Guidelines include:

- Requirement of proper identification of victims.
- Identification and description of mandatory services.
- Identification and description of enforceable rights.
- Notification about protection, services, and major case events.
- Description of required training for law enforcement and others.

The AG Guidelines establishes procedures to be followed incorporating these objectives. DOI standards and procedures follow the model contained in the AG Guidelines.

The most recent federal legislation, the Crime Victims Rights Act (Justice for All Act) of 2004, provides the following rights for victims of crime, codified at *18 U.S.C. 3771:*

1. The right to be reasonably protected from the accused.
2. The right to have reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused.
3. The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding.
4. The right to be reasonably heard at any public proceeding involving release, plea, sentencing, or any parole proceeding.
5. The reasonable right to confer with the attorney for the government in the case.
6. The right to full and timely restitution as provided in law.
7. The right to proceedings free from unreasonable delay.
8. The right to be treated with fairness and with respect for the victim's dignity and privacy.

Commissioned personnel engaged in the detection, investigation, or prosecution of a crime shall make their best efforts to see that victims of crime are notified of, and accorded these rights.

5.4 Exceptions

This section does not apply to individuals who have committed or are reasonably believed to have committed a criminal offense.

Federal departments and state and local agencies, as entities, shall not be considered "victims."

6. RESPONSIBLE OFFICIALS

The Victim's Rights and Restitution Act of 1990 (VRRA) requires that each office have a designated official who is responsible for identifying victims of crime and providing the services described at each stage of a criminal case. The Department of Interior policy (DM-446, Chapter 5) identifies the SLEO or the SAC as the responsible official. Responsibilities can be delegated to the commissioned personnel under the SLEO's supervision and authority.

7. INFORMATION, NOTICE OF RIGHTS, AND REFERRAL FOR VICTIMS

At the earliest opportunity after the detection of a crime, at which it may be done without interfering with an investigation, the commissioned personnel will ensure that the victims in a case are provided with a copy of the DOI Information for Victims of Crime brochure or other printed materials. The printed materials used should include the rights of victims, explain the right to receive services, and include a place for the name and telephone number of the commissioned personnel to whom such requests should be addressed. The commissioned personnel will indicate in the case file that the information was provided and resources were offered/distributed, thus providing evidence that the commissioned personnel notified the victim or witness of their statutory rights and resources.

8. COORDINATION WHEN RESPONSIBILITY SHIFTS TO ANOTHER AGENCY

The transition of victim assistance responsibility from one agency to another must include information sharing, and in some cases it should occur before responsibility is turned over. In this way, gaps in notification and other services are eliminated and crime victims receive continuous rather than fragmented treatment.

Commissioned personnel have responsibility for assisting victims and witnesses so long as cases are under investigation. Victim-Witness Coordinators with the FBI and the US Attorney's Offices, as well as with other investigative, prosecutorial, and victim service agencies, are responsible for working with victims and witnesses only when the FBI, the US Attorney's Office, or other agency accepts the case for prosecution. In addition, federal law enforcement agencies continue to be responsible for the reasonable protection of victims and witnesses. Commissioned personnel should coordinate victim-witness service efforts with federal, state, and local law enforcement officials (if appropriate) and with various victim service programs, as well as with Crime Victim Compensation providers.

9. PROCEDURES

9.1 Services to Victims

At the earliest reasonable opportunity after the detection of a crime, commissioned personnel will make reasonable and diligent efforts to identify the victim of the crime and inform the victim of the right to receive services.

- Inform each victim of the name, title, business address, and telephone number of the commissioned personnel to whom such a request for services should be addressed.
- Provide the victim with a current DOI Information for Victims of Crime brochure.
- Refer the victim to emergency medical and/or social services.
- Provide information on compensation or restitution programs available (DOI Victim/Witness brochure). Refer the victim to counseling, treatment, and other support programs.
- Assist the victim in contacting the specific person or office that will provide the above services.
- Make necessary and appropriate arrangements to enable victims and witnesses to receive reasonable protection against threat, harm, and intimidation from a suspected offender and persons acting for or at the request of a suspected offender *(42 U.S.C. 10607(c)(2))*.

- Notify the victim of the release or detention status of an offender or suspected offender. Whenever feasible, assist the victim with obtaining a protection order as needed.
- Notify the victim, to the extent that it is appropriate and will not interfere with the investigation, of the status of the investigation, and the arrest or formal charging of a suspected offender.
- Notify the victim of prosecutorial declinations.
- Ensure that any property of a victim that is being held as evidence is maintained in good condition and returned to the victim as soon as it is no longer needed for evidentiary purposes. If the property is not returned promptly, provide an explanation to the victim.
- During an investigation of a sexual assault, costs of the physical examination of the victim and of costs of materials used to obtain evidence will be paid by the NPS. If a victim is billed for such an examination or materials, the victim shall be reimbursed. Victims are entitled to payment of the cost for up to two anonymous and confidential tests for sexually transmitted diseases during the 12 months following sexual assaults that pose a risk of transmission of sexually transmitted diseases.
- Ensure that the appropriate US probation officer is fully advised of information in the commissioned personnel's possession that is pertinent to preparation of the victim impact statement required by Rule 32(c)(1) and (2) of the Federal Rules of Criminal Procedure, so that the report will fully reflect the effects of the crime upon victims, as well as the appropriateness and amount of restitution.
- Make a notation in the case file that the victim or witness was provided with resource referrals and copies of the DOI Information for Victims of Crime brochure.

9.2 Other Services

In addition to the services described above, other appropriate assistance should be extended to victims and witnesses, to the extent feasible, as follows:

- Commissioned personnel and victim assistance personnel shall resist attempts by the defense to obtain discovery of the names, addresses, and phone numbers of victims and witnesses. Inquiries are to be directed to the prosecutor's office.
- Commissioned personnel and victim assistance personnel should assist in notifying:
  - The employer of the victim or witness if cooperation in the investigation of the crime causes the victim or witness to be absent from work. In interviewing victims or witnesses at their places of employment or other public places, commissioned personnel should explain to employers and others the individual's status as a victim or witness and the necessity for conducting the interview at that time.
  - The creditors of the victim or witness, if the crime or cooperation in its investigation affects the victim's or witness's ability to make timely payments.
- Victims and witnesses should be provided information or assistance, when appropriate, with respect to transportation, parking, translator services, and related services.

Commissioned personnel who investigate violations of federal law and the US Attorney or other attorney who prosecutes cases are jointly responsible for deciding whether the provisions contained in this chapter should be applied in a particular case. All commissioned personnel shall take necessary steps to coordinate their service efforts with state and local law enforcement and with the victim assistance program officials in the appropriate US Attorney's Office.

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Uniform, Appearance, And Minimum Equipment Standards

1. POLICY
2. DIRECTIVES

1. POLICY

The policies and procedures in DO 43, Uniform Program, are to be implemented uniformly throughout the NPS.

The NPS will comply with the provisions of DM-446, Chapter 12.5.A, that mandate the display of distinctive identification (or equipment) on uniforms to ensure uniformed commissioned employees are easily recognized as such by the general public. Uniforms worn by NPS commissioned personnel will positively identify the wearer as a law enforcement ranger. This requirement is met in the Service by the visible wearing of authorized defensive equipment and law enforcement shield. The shield, nameplate, and arrowhead patch must be visible at all times, in accordance with DO 43, unless deliberately concealed for tactical reasons.

Only Service-approved uniforms will be worn while on duty.

2. DIRECTIVES

2.1 General

2.1.1 Defensive Equipment, Credentials, and Uniforms

Commissioned employees will have their issued law enforcement credentials and shield reasonably available whenever armed with defensive equipment, whether on duty or off, unless otherwise authorized by the SLEO. Reasonably available means the credentials are not necessarily on one's person, but quickly accessible (e.g., in duty bag, patrol vehicle, backpack, etc.).

[redacted] When in uniform, defensive equipment will be worn on a 2-1/4 inch duty belt.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

2.1.2 Appearance Standards

The SLEO or SAC may develop local personal appearance standards consistent with the provision found in DO 43, Uniform Standards, that stipulates parks are required to develop grooming standards compatible with local community standards for law enforcement officers. These standards should address hair color, hair shape, hair length, beards, mustaches, and certain types of makeup and jewelry. These items will be worn in such a manner that will not detract from the uniform or the law enforcement profession.

2.1.3 Tattoos and Brands

Tattoos or brands anywhere on the body that are obscene or advocate sexual, racial, ethnic, or religious discrimination are prohibited in and out of uniform while in on-duty status. Tattoos or brands that are prejudicial to good order and discipline, or that are of a nature that tends to bring discredit upon the Service, are prohibited in and out of uniform. Tattoos or brands that are commonly associated with gang affiliations are prohibited both in and out of uniform.

Excessive tattoos or brands will not be exposed or visible (includes visible through the uniform) while in uniform. Excessive is defined as any tattoo or brand that exceeds 1/4 of the exposed body part and those above the collarbone when wearing a collar uniform. Tattoos or brands on the back of the neck must not protrude above the collar when wearing a collar uniform. Law enforcement rangers will not be allowed to display excessive tattoos or brands that would detract from a neutral image of the Service while in uniform. Chief Rangers should use these guidelines in determining the appropriate law enforcement image and acceptability of tattoos or brands displayed in uniform.

Rangers having any exposed “excessive” tattoo or brand must cover it from view by wearing long sleeve shirts, pants, or combination thereof.

The SLEO reserves the right to make a determination as to the offensiveness and obscenity of any tattoos or brands and may grant a waiver for an officer on a “special assignment” to display an existing tattoo or brand when deemed “operationally necessary.”

2.2 Uniform Leather Gear

Except as provided elsewhere in this chapter, all uniform leather gear will be cordovan colored, with no visible ornamental stamping. Leather gear will utilize hidden snaps or Velcro closures. Synthetic leather may be substituted. The requirement for American manufacture for many of these components is required by law by the Buy American Act *(41 U.S.C. 10a)*.

2.2.1 Top Draw Holster

Holsters, including security holsters, will be: specifically designed for the model and caliber of the firearm being carried; American manufacture; heavy gauge leather or synthetic; and cordovan in color, as available, with exposed edges trimmed and burnished. [redacted]

2.2.2 ECD Holster

[redacted]

2.2.3 Handcuff Case

[redacted]

2.2.4 Duty Belt

[redacted]

2.2.5 Semi-Automatic Magazine Pouch

[redacted]

2.2.6 Baton Carrier

[redacted]

2.2.7 OC Spray Case

[redacted]

2.3 Special Uniform Components

2.3.1 Cloth Shield Patch

The gold cloth shield patch may be placed on outerwear garments where the shield normally would appear. The patch will not be worn on dress jackets. The patch will only be worn on the uniform shirt when approved by the SLEO for specified duty assignments (backcountry work, wearing a backpack, etc.). The subdued (non-gold) cloth shield is authorized only for tactical and special operations, as approved by the SLEO or Supervisory Special Agent. The patch is authorized on the following outer garments and is only to be worn by commissioned personnel (both uniformed and plainclothes) while performing official duties:

- Field jackets.
- Snow machine suits.
- Flight suits.
- Tactical vests and raid jackets/vests.
- PFDs, wet or dry suits, and survival suits.
- Body armor designed to be worn over regular clothing or uniforms where authorized.
- Baseball-style caps.
- Traffic control vests.
- Park-approved specialized uniforms such as backcountry patrol and bicycle patrol.
- Battle Dress Utilities (BDUs) for use in special operations and non-traditional environments. Shirt or jacket items for such garment combinations will display at a minimum the NPS arrowhead patch and authorized cloth shield, unless utilized for undercover operations. Other patches may be approved for unique settings, but require the approval of the SLEO and Park Superintendent, or the SAC. Parks utilizing BDUs will develop written procedures to ensure consistency among employees.

2.3.2 Soft Body Armor

The Service will provide appropriate fitting soft body armor to each commissioned employee. The following will apply:

- Permanent employees will be issued custom, made-to-measure body armor. Service-issued soft body armor is accountable property and will be retained by the employee for use at whatever subsequent NPS law enforcement assignment the employee may transfer to.
- Seasonal employees may be issued appropriate fitting body armor, either custom made-to-measure, or off-the-shelf size. Made-to-measure body armor issued to seasonal employees will be transferred to other parks if a seasonal employee relocates or is hired to a permanent law enforcement position. Off-the-shelf armor may be retained by the issuing park.
- Parks will maintain central records of all issued body armor and ensure that it is replaced by the warranty expiration date on the body armor label, five years from date of manufacture or upon manufacturer recommendation if less than five years.

[redacted]

[redacted]

2.3.3 *Fanny Pack and Shoulder Holsters*

[redacted]

2.3.4 *Nylon Gear*

[redacted]

2.3.5 *Concealment Holsters*

[redacted]

2.3.6 *Other Specialized* [redacted]

[redacted]

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Firearms

Chapter 30: Firearms

Chapter 30: Firearms

[redacted]

31

Intermediate Defensive Equipment

Chapter 31: Intermediate Defensive Equipment

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Electronic Control Device (ECD) Program

1. PURPOSE
2. DEFINITIONS
3. POLICY
4. STANDARDS

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1. PURPOSE

This chapter establishes NPS policy concerning use of Electronic Control Devices (ECDs) by commissioned employees.

The SLEO with ECD programs will appoint a commissioned employee to oversee the ECD program. This commissioned employee will maintain records on ECDs and cartridges issued, to include serial numbers and commissioned employees that ECDs are issued to, damaged ECDs or cartridges, annual training and certification, annual ECD inspections, and unintentional discharges.

2. DEFINITIONS

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

2.1 Deployment

Any instance of a trigger pull on an ECD, regardless of intention, is considered a deployment. The daily spark test is not considered a deployment.

2.2 Electronic Control Device (ECD)

A conducted energy device designed to transmit a disruptive electrical impulse to a target.

2.3 Infirm

Not physically or mentally strong, especially through age or illness.

2.4 Probes/Darts

Barbed projectiles fired from an ECD in order to transmit an electrical impulse to a target.

2.5 Unintentional Discharge

The unintentional deployment of an ECD cartridge.

3. POLICY

ECDs are approved for use according to this policy, and will be used in compliance with the agency use of force policy.

The ECD is an intermediate weapon that may be appropriate for use in some situations. It is not a substitute for deadly force. Commissioned employees must assess the effectiveness of each application and determine whether further applications are warranted or if a different tactic should be employed.

4. STANDARDS

This section sets forth minimum standards for use of ECDs.

4.1 General Conditions

Only commissioned employees will be authorized to carry ECDs for law enforcement purposes.

[redacted]

With the issuance of this policy, the use of the M-26 or XREP is not authorized and their use must be discontinued.

4.1.1 ECD Program Manager

The ECD Program Manager will be the point of contact for all topics related to ECDs and will be selected by the DCOP. The ECD Program Manager must have a Type I commission, and must be an ECD Instructor and Use of Force Instructor. This commissioned employee will have full responsibility to oversee the program.

ECD Program Manager Responsibilities:

1. Collect data from the field on ECD uses and generate a report to the NPS-LETC Superintendent annually.
2. Answer questions about policy and the ECD program.
3. Update the NPS ECD website with the most up-to-date information.
4. Be the liaison with the manufacturer and/or distributors.
5. Review use of force ECD reports and make recommendations.

4.2 ECD Use and Modes

4.2.1 ECD Use Parameters

ECDs may be used on individuals who are actively resisting a commissioned employee or to prevent individuals from harming themselves or others when such force is objectively reasonable.

[redacted]

[redacted]

All ECD use will be consistent with agency-approved or recognized ECD training curricula, as determined by the Superintendent, NPS-LETC.

4.2.2 Spark Display

A spark display is the demonstration of the visible electrical current (without an actual application of the current to a suspect) and may be used with verbal commands to attempt to gain control.

4.2.3 Drive Stun

The device may be used in a "drive stun" mode. Use of the "drive stun" mode is subject to the same restrictions as that of the ECD in cartridge deployments. This maneuver has a limited, localized pain effect and does not cause incapacitation.

4.3 ECD Post-Deployment Procedures

As applicable, the following procedures will be implemented subsequent to an ECD deployment:

- If a commissioned employee reasonably believes that the recipient of an ECD application is in need of medical treatment, the employee will make reasonable efforts to obtain such treatment.
- Accompanied by a commissioned employee, subjects will be entered into the emergency medical services (EMS) system for medical care when they exhibit the following conditions:
  - ECD probe embedded in face, neck, joints, groin, bone, or female breast, or those that are difficult to remove or where the barb has detached.
  - High-risk subjects such as the very young, the very old, the infirm, visibly pregnant, etc.

  - Subjects who display signs of distress, hyperthermia, loss of consciousness, difficulty breathing, chest pain, or other severe symptom.
  - Subjects who received three or more ECD use cycles.
- ECD probes embedded in non-sensitive areas may be removed by a commissioned employee according to procedures outlined in training. Universal precautions for infection control will be followed, and the probes will be treated as biohazard sharps.
- When practical and appropriate, photographs of ECD probe impact sites should be taken before and after probe removal.
- Expended cartridges and probes will be placed into evidence. (Note: cartridges from training or negligent discharges do not need to be entered into evidence.)
- After their removal, inspect all probes to ensure they are not broken and place them in a sharps container for disposal.
- A use history report will be downloaded from the deployed ECD(s) as soon as practical.
- When a commissioned employee deploys an ECD outside of NPS jurisdiction, the officer may follow the post-deployment policy of the primary agency.

4.4 ECD Certification and Training

Prior to carrying or utilizing an ECD, commissioned employees will successfully complete the NPS ECD certification course approved by the Superintendent, NPS-LETC, as documented on the NPS-LETC website for any approved model of ECD (X-26, X-26P, X-2). Current users transitioning from an X-26 to X-26P require weapon familiarization and must demonstrate weapon-handling proficiency through the deployment of two ECD cartridges to an NPS-LETC approved ECD Instructor.

Instructors must be certified to teach the individual models and pass an oral board examination with the NPS-LETC ECD Program Manager.

All commissioned employees certified to use an ECD will receive re-certification training annually, as determined by the Superintendent, NPS-LETC.

All ECD certification training will be conducted by instructors certified by the Superintendent, NPS-LETC.

ECD certification and training records will be maintained according to RM-9 (see Chapter 7).

ECD certification and re-certification training curricula will include the following:

- ECD fundamentals (e.g., system terminology, functional principles, etc.).
- ECD handling and use (e.g., equipment care and inspection, function testing, carry methods, deployment, subject target areas, etc.).
- ECD physiological and metabolic effects (e.g., recognition of high-risk groups, deployment scenarios, etc.).
- ECD post-deployment procedures (e.g., probe removal, medical treatment, evidence collection, etc.).
- ECD reporting requirements.
- ECD use policies.
- A review of use of force policy and court cases relevant to ECD use.
- A review of the current Taser International written test.

[redacted]

Type II commissioned employees are not authorized to serve as NPS ECD Instructors.

Commissioned employees will not receive voluntary ECD exposure as part of training curricula except when required for instructor certification.

4.5 ECD Inspection

ECDs should be inspected quarterly for damage by a trained park-designated ECD coordinator, and weapon firing log records will be maintained for three years. ECDs that reveal signs of damage will be returned to the manufacturer for service. Damaged cartridges should be replaced. Batteries should be kept on hand for replacement. If an issued ECD becomes submerged, it must be taken out of service and returned to the manufacturer for assessment.

4.6 WASO Reporting Requirements and Record Keeping

In addition to standard Use of Force reporting requirements per Chapter 10, parks and other work units will forward a copy of the Use of Force Report generated by IMARS:

- To SLEO:
  - Any deployment of the ECD, intentional or otherwise
  - Any display of the ECD
- To the ECD Program Manager:
  - Any deployment of the ECD, intentional or otherwise.
  - Any defective cartridges or equipment
- To the DCOP and ECD Program Manager:
  - Any deployment of the ECD.

The following records will also be kept at each park or work unit:

- A record of all ECDs and ECD cartridges issued, to include serial numbers and commissioned employee identifying information.
- A record of all ECD and ECD cartridge damage, repair, or loss.

- A record of all ECD certification and training, consistent with Chapter 7 requirements.
- A record of all ECD inspections.
- Download and maintain device-specific use history reports for all ECD deployments, excluding those associated with authorized training and demonstrations.

4.7 Chemical Agents

Work units with ECD programs will ensure that the chemical sprays that are also carried in the work unit are non-flammable and ECD compatible. A list of approved chemical sprays can be found on the NPS ECD website.

4.8 Weapon Readiness

ECDs will be carried in holsters specifically designed for ECDs with one form of retention. Uniformed commissioned employees will carry the ECD on the duty belt. SLEOs or SET commanders may authorize exceptions for tactical environments.

All ECDs will be carried on the side opposite the duty firearm; cross-draw position is optional.

The ECD will be carried with an inserted cartridge, power source in place, with the safety on. The strength of the power source will be checked at the beginning of each shift. The power source will be replenished when it falls below 20 percent remaining power. Manufacturer recommendations for long-term storage of the ECD will be followed. ECDs will not be stored in a vehicle except temporarily when secure storage in a building is unavailable.

A spark test will be conducted at the beginning of each shift.

Commissioned employees approved to use the X-26 or X-26P device shall be issued [redacted]

[redacted] Cartridges shall be replaced consistent with the manufacturer's expiration requirements. Commissioned employees carrying the X-2 will be issued [redacted]

Only battery power sources recommended by the manufacturer shall be used in the ECD.

4.9 Non-ECD Carrying Commissioned Employees

When a park or other work unit employs the use of ECDs and not all commissioned staff are outfitted or fully trained in the use of an ECD, all non-trained and/or outfitted commissioned employees (permanent and seasonal) shall receive awareness and familiarization training on the use and effects of the ECD, to the standards of the Superintendent, NPS-LETC. This training is posted on the NPS ECD website.

4.10 Flying with an ECD on a Commercial Airline Carrier

[redacted]

4.11 Safeguarding ECDs

Commissioned employees are responsible for the safeguarding of their ECDs and cartridges in a secure location when not in use. ECDs shall not be used for demonstration off duty or in non-training environments.

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Restraining Devices

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Law Enforcement Vehicles

1. POLICY
2. DIRECTIVES
3. USE OF GOVERNMENT VEHICLES FOR HOME-TO-WORK TRANSPORTATION

1. POLICY

All vehicles used by NPS law enforcement personnel must be clearly identifiable to the public as law enforcement vehicles except those vehicles used for investigations, surveillance, undercover, or administrative purposes. All such vehicles must be specifically designed for and properly equipped to perform assigned functions safely and efficiently.

Home storage of assigned law enforcement vehicles is authorized for all NPS law enforcement officers in accordance with Department and agency policy, including the provisions of this chapter.

2. DIRECTIVES

2.1 Vehicle Operation

All commissioned employees will maintain state-issued motor vehicle operator's licenses valid for the class of vehicle operated in the performance of official duties.

2.2 Operation of Law Enforcement Vehicles by Non-Commissioned Personnel

In circumstances where non-commissioned personnel must operate law enforcement vehicles, vehicles should be stripped of all defensive equipment and conspicuously marked, indicating such vehicles are "Out of Service."

2.3 Vehicle Maintenance

Commissioned employees must keep their assigned vehicles clean and response ready. SLEOs shall develop park procedures to ensure emergency vehicles are ready to respond.

2.4 Vehicle Standards

2.4.1 Police Packages

Vehicle acquisition and replacement will provide vehicles used for law enforcement purposes with a police or pursuit package designation or a special service (SSV) package through the agreement with GSA and the NPS.

There are two categories of authorized law enforcement vehicles:

1. Police or Pursuit packages – Sedans and SUVs may be police or pursuit rated. Heavy-duty suspensions and brakes, rear-wheel or all-wheel drive, dedicated cooling systems, speed rated tires, and high crash ratings are all indicators of police- or pursuit-rated vehicles; however, the endorsement of "police" or "pursuit" is not consistent for all manufacturers.

2. Special Service (SSV) packages – Typically full sized or compact sport utility vehicles, vans, or pickups, they are designed to improve performance and safety for patrol and emergency response work. These vehicles are not designed for pursuit purposes.

Manufacturers' pursuit or police package vehicles will be procured and used for all law enforcement pursuit applications.

Acquisition and use of front-wheel drive vehicles for law enforcement purposes is prohibited.

In areas where police or pursuit package vehicles are not available, yet roads or weather conditions make a sport utility desirable, commissioned employees may utilize sport utility vehicles. These SUVs will have the manufacturer's special service package for sport utilities or, if not available, a heavy-duty towing package. Compact sport utility vehicles may be used for special applications only when

they are police or pursuit rated or equipped with the special service package. Unless rated for pursuit, sport utility vehicles and pickups will not be used for pursuit work.

Deviations from this policy will require a waiver, as described in Chapter 43.

2.5 Vehicle Markings

2.5.1 Color

All vehicles that are used for uniformed, high-visibility law enforcement purposes will be white in color and ordered as the manufacturer's white.

2.5.2 Law Enforcement Vehicle Markings

Vehicle markings will be consistent with the descriptions outlined in the Law Enforcement Vehicle Handbook. The handbook is located on the RM-9 website.

Any deviations from the markings outlined in the Law Enforcement Vehicle Handbook require a waiver from the DCOP, as outlined in Chapter 43.

Superintendents are responsible for ensuring compliance with law enforcement vehicle markings in their program's fleet.

2.5.3 Non-Law Enforcement Vehicles

No vehicles other than those used for law enforcement will display any law enforcement markings.

2.6 Vehicle Equipment

[redacted]

[redacted]

2.7 OEM Safety Equipment

Original Equipment Manufacturer (OEM) safety equipment such as safety belts and air bags will not be removed or defeated. Long guns will be mounted so that they do not block deployment of OEM air bags.

2.8 Unmarked Vehicles

2.8.1 Authorized Use

The use of unmarked vehicles is authorized for use by Special Agents and for other law enforcement or administrative functions where high visibility is not necessary or may impede the performance of law enforcement duties, particularly plain clothes assignments.

2.8.2 License Plates

[redacted]

2.8.3 Emergency Equipment

Unmarked vehicles are exempted from requirements for emergency equipment where the presence of such equipment would interfere with or compromise law enforcement operations such as undercover assignments.

3. USE OF GOVERNMENT VEHICLES FOR HOME-TO-WORK TRANSPORTATION

3.1 Authorization and Determination

Authorization by the Secretary of the Interior for the use of government vehicles for home-to-work transportation is found in the Authorization for Use of Government Passenger Carrier(s) for Home-to-Work Transportation of Those Employees Essential for the Safe and Efficient Performance of Criminal Law Enforcement, Protection Services, or Intelligence Duties (August 1, 2008). Such use is limited to law enforcement officers in the position series designated by the Authorization.

Based on specific needs, the Director, through the ADVRP, is responsible for identifying specific positions and/or persons authorized the use of government vehicles for home-to-work transportation. The approval for home-to-work programs rests with Regional Directors, who may delegate the responsibility to the Superintendent/SLEO, or within the ISB work unit the CLESES to the SAC, who will prepare a written determination documenting the need for such use. The determination will include the following information:

- Circumstances requiring the use
- Any limitations or restrictions on use (such as purpose, area, dates, times, and vehicles)
- Location of the position's and/or person's residence
- Duration of the authorized use

Determinations will justify the overall public safety benefits, the NPS-specific law enforcement and emergency services benefits, and the economic benefits to the government of home-to-work transportation of government vehicles by law enforcement officers. This facilitates readiness and emergency response of law enforcement officers and their equipment to law enforcement and related emergency incidents in an expedient manner.

Such use is not for the purpose of the personal comfort or convenience of the law enforcement officer.

3.2 Directive and Guidance

Each person authorized use of government vehicles for home-to-work transportation will be provided a written directive for such use. At a minimum, the directive will require that each person must be vigilant in ensuring that vehicles are used only for the official purpose intended, and it will caution that every effort must be taken to preclude the perception that such use is not official.

Substantiated incidents of misuse will result in disciplinary action.

Use of law enforcement vehicles for home-to-work transportation is subject to supervisory control, may include daily travel for routine and non-routine work schedules, and may extend over weekends, holidays, and periods of annual or other time off.

Law enforcement vehicles stored at home should be parked in close proximity to the officer's residence so as to provide an appropriate level of security. Vehicles should be parked inside a garage, or in the driveway whenever possible.

3.3 Logs and Records, Record Keeping, and Management Review and Audits

Each person authorized the use of government vehicles for home-to-work transportation will maintain a log or record to verify that such use was for official purposes.

A copy of the written determination and directive will be provided to each person authorized home-to-work transportation use. Copies of all determinations, directives, and logs or records for such use will be maintained at their respective park, regional, and WASO levels, where they will be readily and easily accessible for management review and audit purposes. These records will be maintained after audit or after three years, whichever comes first.

At least annually, Superintendents, Regional Directors, or the ADVRP (or their designated representatives) will review the use of government vehicles for home-to-work transportation at their respective park, regional, and WASO levels. The review will include an audit of written determinations, directives, and logs and records for such use.

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Law Enforcement Vessels

1. POLICY
2. DIRECTIVES

1. POLICY

Vessels used for law enforcement purposes will be designed to allow commissioned employees to carry out their responsibilities efficiently and safely. Law enforcement vessels used in a park area will be marked in a uniform and consistent manner.

2. DIRECTIVES

2.1 Vessel Markings

2.1.1 Vessel Coloring

Vessels used for law enforcement purposes will be unpainted metal or white in color. Rigid hull inflatable (RHI) and other watercraft including canoes and rafts that come in standard colors from the manufacturer may also be used, if unpainted metal or white is unavailable. This standard does not apply to undercover vessels.

2.1.2 Striping

Vessels will be marked, to the extent that vessel design allows, with three adjacent diagonal stripes running from water line to the gunwale on both port and starboard, approximately one-quarter of the length topside from the bow. The stripes are set at an angle of 30 degrees from the vertical, approximately parallel to the bow. The markings consist of a broad forest green stripe nearest to the bow, followed by one narrow white stripe and one narrow forest green stripe. The width of the broad green stripe is one-half the vertical distance between gunwale and water line. The narrow white and green stripes are 8 percent and 11 percent the width of the main green stripe, respectively.

2.1.3 Non-Law Enforcement Vessels

No vessels other than those used for law enforcement will display law enforcement markings, including diagonal green striping. Green stripes should be removed from vessels no longer used for law enforcement service if possible.

2.1.4 Arrowhead

The NPS arrowhead symbol will be centered within the broad green diagonal stripe. The size of the arrowhead should be proportional to the size of the vessel.

2.1.5 Wording

The words U.S. PARK RANGER in contrasting color to the vessel hull will be placed in lieu of state identification/registration numbers on the bow. The words LAW ENFORCEMENT in contrasting color to the vessel hull will be placed on the rear half of the boat. Both U.S. PARK RANGER and LAW ENFORCEMENT letters must be commensurate in size to the other markings on the vessel.

2.1.6 Variance for Small Watercraft

Small watercraft that cannot meet these marking requirements will be marked with lettering and an arrowhead symbol of the appropriate size.

2.2 Vessel Equipment

[redacted]

2.3 Operation of Law Enforcement Vessels

In circumstances where non-commissioned personnel must operate law enforcement vessels, all defensive equipment should be removed, and, if possible, vessels should be conspicuously marked indicating they are “Out of Service.”

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Serious Incident Notification Requirements And Procedures

1. INTRODUCTION
2. DIRECTIVES
APPENDIX 36-A. SERIOUS INCIDENT REPORT

1. INTRODUCTION

The purpose of the Serious Incident Reporting System is to ensure prompt and proper notification of NPS and Departmental officials of serious incidents that occur within or affect park areas. All significant field incidents will be reported in a timely manner following these procedures.

The most current guidance for Serious Incident Reporting is on the Serious Incident Notification System website at inside.nps.gov/notify

2. DIRECTIVES

2.1 How to Make Notification

Notifications are routed to the appropriate WASO and DOI officials. Regions may have additional notification requirements.

- Use the Serious Incident Notification System at inside.nps.gov/notify, or its link on the InsideNPS home page, or
- Call the NPS Emergency Incident Coordination Center (EICC) [redacted] or
- Send notification by email to [redacted]

2.2 When to Make Notification

2.2.1 High Priority Incidents

Report the following immediately and complete a follow-up report within 48 hours, or when significant incident information changes:

- Employee Fatality/Injury/Illness: Any fatality or life-threatening injury/illness (on duty) of a current NPS employee, including volunteers and contractors.
- Employee Hospitalization: Any on-duty injury/illness requiring hospitalization.
- Multiple Employee Injuries: Emergency medical treatment of three or more NPS employees in any incident.
- Multiple Non-Employee Fatalities from Unusual Circumstances: Fatalities from non-routine incidents (automobile collisions, boating collisions, etc., are routine) involving more than three non-employees.
- Property Damage: Property damage to government or personal property greater than approximately $100,000 from any incident.
- Major Crimes: Murder, manslaughter, rape, armed robbery, aggravated assault, burglary with loss greater than $25,000, structural arson, wildland arson greater than 10 acres, major weapons offenses (multiple weapon-related felonies), hostage or barricade situations, kidnapping, or confirmed missing persons where foul play is suspected.
- Drug Crimes: Drug seizures or arrests that could attract media or political attention due to the circumstances, value, or the amount of the seizure.
- The use of NPS lands for the smuggling of people or drugs.
- Government Officials: Serious incidents, accidents, or major events involving senior officials of state, federal or foreign governments, those with diplomatic, political, or government ties, or their immediate families.
- International Incidents: Incidents affecting international cooperation, relations, or disputes.

- National Security: Planned, attempted, or actual terrorist attacks; sabotage or other hostile acts against the United States, including the NPS or any other federal bureau; or observations of any act, incident, or suspicious activity that might have national security implications.
- SET: Any event that requires the deployment of SET.
- Incident Management Team: Any event that requires deployment of an Incident Management Team (IMT) out of their region.
- Disasters: Natural or man-caused disasters that cause significant injuries or resource or property damage, or have significant impacts on visitor use of an NPS-administered area, including structural fires, floods, wind events, rockslides, storms, dam failures, earthquakes, volcanic activity, etc.
- Firearm Discharge: The discharge of a firearm by any employee toward another individual, any discharge of a firearm at any employee, or any on-duty or duty-related unintentional firearm discharge by a commissioned employee.
- Aircraft Accident: Any aircraft accident causing a death or injury requiring hospitalization.
- Use of Force Causing Injury: Any use of force by a law enforcement officer that results in death or serious injury to another individual, or any hospitalization of greater than eight hours.
- Any canine deployment that results in a bite.
- Assault on Employee: Any assault or attack on any NPS employee, duty-related or not.
- Hazmat Incident: Any hazardous chemical spill, leak, fire, exposure, or accident. After notifying the EICC, call the National Response Center (800-424-8802) for all hazmat releases or oil spills.
- Wildlife or Vegetation Die-Off: Unexpected or unnaturally high mortality to large numbers of animals or plants.

- Arrest of Senior NPS Officials: Superintendent and Deputies, Regional Directors and Deputies, or any SES employee.
- Arrest of Commissioned Employee: The arrest of any commissioned employee or manager/administrator of a law enforcement program.
- Theft or loss of law enforcement credentials, shields, or weapons.
- Demonstrations: Demonstrations or hostile acts (planned, purported, or actual) in or adjacent to parks that may draw significant national or regional media attention, or hamper park operations.
- National Media Attention: Events that have the potential to result in national media interest.

2.2.2 Normal Priority Incidents

Provide notification of the following within three working days:

- Non-employee Fatalities: Visitor or public fatalities, except by natural causes. Heart attacks are not reportable incidents unless they involve other reporting criteria.
- Employee Arrest: Arrest or detention of any non-commissioned NPS employee or senior NPS official on felony charges, regardless of arresting or detaining agency. Misdemeanor arrests should be reported in cases of local media attention or exceptional circumstances.
- Cultural Resource Theft/Depredation: Any significant incident of lost, stolen, looted, vandalized, damaged, or destroyed historical, archeological, ethnographic, museum, or NAGPRA-related structures, items, and/or resources.
- Natural Resource Theft/Depredation: Any significant incident in which animals, plants, minerals, paleontological items, or other natural resources are poached, stolen, destroyed, or otherwise lost or damaged, including any felony cases.
- Drug Incidents: Drug seizures in which the value of the drugs exceeds $5,000, or major drug cases that are investigated by other agencies, but which were either initiated by the NPS or in which the NPS assisted.

- Demonstrations: Demonstrations or hostile acts (planned, purported, or actual) either in or adjacent to parks.
- Theft and Burglary: Monetary losses in excess of $10,000 through theft or burglary.
- Search and Rescue: Major searches and/or rescues, generally defined as any SAR that requires a significant number of resources or that is prolonged or difficult.
- Structural Fires: Structural fires involving any NPS-owned property. Structural fires should also be reported to the Structural Fire Program via the Structural Fire Incident Report System on InsideNPS.
- Special Events: Any event that attracts substantial media attention, and/or has particular relevance to the National Park System or Service and its cultural, historical, and natural assets.
- Multiple Injuries/Illness: In-patient hospitalization of three or more non-NPS personnel in any single incident.
- Wildlife Incidents: Wildlife attacks or incidents that result in death or cause serious injury and/or lead to overnight hospitalization.
- Public Health Incidents: Incidents in which an above average number of visitors, employees, or volunteers have similar symptoms or illnesses.
- Attempted suicides.
- Service of high-risk warrants.

2.3 Report Contents

All reports should contain the following information, which is in template form on the notification website. In order to ensure confidentiality where necessary, reporting parties should be judicious regarding inclusion of names of commissioned employees or confidential investigative or enforcement techniques.

APPENDIX 36-A. SERIOUS INCIDENT REPORT

Initial Report or Follow-up Report:		
Type or description of incident:		
Incident location:		
Current status of incident:		
Within NPS Boundaries	Yes	No
Time of occurrence:		
Date of occurrence:		
Sensitive: Law Enforcement?	Yes	No
Sensitive: Internal Use Only?	Yes	No
Note: A report not tagged as Law Enforcement Sensitive or Internal Use Only is considered releasable as public information. Be judicious regarding inclusion of names of law enforcement personnel or confidential investigative or enforcement techniques. For reports that contain both sensitive information and public information, mark "YES" and specify the sensitive information in the report narrative.		
Description of Incident: (A brief, chronological narrative. Include key information; i.e., who, what, when, locations, etc.)		
First and last names and titles of persons involved: (If victim names must be withheld, specify gender and approximate or specific age.)		
Home city/state of non-NPS persons involved:		
Next stages of investigation (other than routine):		
Other federal, state, local, or other agencies involved or that will be involved in the incident:		
The level of national and local media interest and involvement:		
Name/title and telephone numbers of the park person who can be contacted for additional information, or a 24-hour contact number:		

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Records Management System

1. INTRODUCTION
2. POLICY
3. DIRECTIVES
4. FREEDOM OF INFORMATION ACT (FOIA)

1. INTRODUCTION

The NPS, in conjunction with DOI, maintains a records management system (RMS), the Incident Management Analysis Reporting System (IMARS), with the following objectives:

- To provide a means for documenting various types of incidents that park personnel encounter, respond to, and investigate.
- To provide park managers with a tool for quantifying levels of law enforcement and visitor protection activities and assisting them in assessing law enforcement program needs.
- To identify incidents and activity levels, their times, and locations.
- To provide statistical data to assist in planning and decision making and to strengthen justifications to support requests for resources to meet operational needs.
- To compile information needed to meet Departmental reporting requirements in a timely manner.
- To compile information needed to satisfy the reporting requirements of the National Incident Based Reporting System (NIBRS).

2. POLICY

The NPS will maintain an efficient law enforcement RMS that serves the needs of management at all organizational levels and enables the Service to meet Departmental and other federal reporting requirements, including requirements to report and document criminal acts committed, arrests made, and other incidents that have occurred in parks. Report formatting will permit systematic and standardized collection of summary and management data.

These documents will be created and maintained in accordance with DO 19, approved National Archives and Records Administration record schedules and all appropriate laws and regulations, including the Freedom of Information Act (FOIA), the Privacy Act, and the Federal Records Act. The same system will be fully compatible with the computerized statistical reporting system used by NIBRS in compliance with the Uniform Crime Reporting Act of 1988.

IMARS is NIBRS compliant. Parks and commissioned employees will exclusively use this program.

3. DIRECTIVES

3.1 General

3.1.1 Scope

IMARS is a records management system designed to provide the reporting employee with a means to document incidents that occur within or affect the National Park System.

The primary use of the records is for an incident management and reporting application that will enhance the following abilities:

- Prevent, detect, and investigate known and suspected criminal activity.
- Protect natural and cultural resources.
- Capture, integrate, and share law enforcement and related information and observations from other sources.
- Measure performance of law enforcement programs and management of emergency incidents.

- Meet reporting requirements, and provide Department of Homeland Security (DHS) and NIBRS interface frameworks.
- Analyze and prioritize protection efforts.
- Assist in managing visitor use and protection programs.
- Train employees.
- Enable the ability to investigate, detain, and apprehend those committing crimes on DOI properties or tribal reservations.
- Investigate and prevent visitor accident injuries on DOI properties or tribal reservations.

3.1.2 FOIA Requests and Processing for Disclosures

FOIA requests are to be made in writing and are to be processed for disclosures through the appropriate NPS FOIA officers. Up-to-date information on the FOIA program, including how to file a FOIA request, can be found at the DOI-FOIA website: www.doi.gov/foia/

3.1.3 Report Contents

Entries into IMARS should include information pertaining to the incident or offense, its investigation, and persons involved in it. Particular care must be taken to clarify the role and degree of involvement of all persons mentioned in a report in order to avoid projecting incorrect impressions.

3.1.4 Confidentiality

A record kept on information pertaining to an incident is not necessarily exempt from disclosure under the FOIA or the Privacy Act. A decision to disclose or withhold information under the FOIA and Privacy Act is based on the type of information, not on the type of form on which it is recorded.

3.1.5 Parallel Reporting Requirements

In many incidents, particularly motor vehicle and boating collisions, other federal, state, and local agencies with jurisdictions that overlap with the NPS may have information gathering or reporting requirements that are separate from the NPS. Involved persons should be notified if additional reporting requirements apply.

3.1.6 NIBRS Information

Required NIBRS statistical data will be extracted electronically and transferred to the FBI as required.

3.1.7 Suspicious Activity Reporting

[redacted]

3.1.8 Restrictions on Use

IMARS will not be used to document reports directly relating to internal investigations. Internal investigations or security issues will be documented via restricted internal memoranda directed to the appropriate office, as determined by the DCOP.

[redacted]

3.1.9 Record Retention

All records (including records storage systems and computers) pertaining to law enforcement incidents and criminal investigations will be stored and maintained in such a manner as to ensure their security and prevent unauthorized access or tampering.

3.1.10 Retention Periods

The following categories of law enforcement reports and records will, at a minimum, be retained in-park, per Federal Records Act:

- Hard-copy records, reports, and field notes (non-computerized prior to implementation of IMARS).
  - Closed misdemeanor cases – six years.
  - Closed felony cases with appeals resolved – six years.
  - Other open or unresolved cases – six years.

  - Open or unresolved cases of a serious nature (e.g., murders, unresolved SARs, missing persons, etc.) or that are characterized by patterns – indefinite.
- Electronic records and reports (IMARS):

Because the storage and archiving of electronic records consumes only minimal space, and is intended to be utilized as a database to reveal trends over time, all law enforcement records and reports stored in a computerized medium will be retained as follows:

- Class A & B Offenses – 50 years.
- Class C & D Offenses – 20 years.

3.2 Incident Reporting and Supervisory Notification

3.2.1 Incident Reporting

All reports must be submitted within 14 days of the incident. The SLEO may develop local SOPs with stricter reporting timelines.

3.2.2 Significant Incident Reporting

See Chapter 36 for specific requirements and procedures.

3.2.3 Supervisory Notification Requirements

The following types of incidents require immediate notification of a supervisor. For purposes of reporting throughout RM-9, "immediate" means as soon as practical, but in no instance later than the end of the shift on which the incident occurred. Notification may be made electronically, by phone, or in person, as determined by the SLEO.

- Any use of force
- All arrests
- Any incident where a weapon is "used" (i.e., pointed, displayed, or discharged) in public
- Any incident where there is an allegation of misconduct
- Any incident where there is a communicated or displayed potential for the use of physical force by either the commissioned employee or the suspect

- Any deployment of roadblocks or tire deflation devices
- Engagement in any pursuit
- All criminal incidents with individuals with diplomatic immunity
- Any serious incident as identified in Chapter 36

3.3 Responsibilities

3.3.1 NPS Unit

Each Park Superintendent or work unit manager may extract data from IMARS for statistical purposes. Park Superintendents should consider designating a park-level Records Management Systems Coordinator, who will be responsible for making sure that all reports and violation notices meet the requirements of this chapter and coordinate report review and approval with the SLEO.

4. FREEDOM OF INFORMATION ACT (FOIA)

The Freedom of Information Act (FOIA), *5 U.S.C. 552*, and relevant Department of the Interior regulations at *43 CFR Part 2*, establish a statutory right of public access to information in records held by the federal government. FOIA provides that any person has a right, enforceable in court, to obtain access to federal agency records, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions.

4.1 Routine Use of Records

All or a portion of the records or information contained in IMARS may be disclosed outside DOI as a routine use as published in the Federal Register (Federalregister.gov – Federal Register 78, No. 146 FR 45949 July 30, 2013; Federal Register 79, No. 106 June 3, 2014; Federal Register 78, No. 148 August 1, 2013). Prior to the release of information, the SLEO or FOIA officer needs to ensure the criteria described in the routine uses have been met.

4.2 Traffic Collision, Personal Injury, Loss/Damage of Property Reports – FOIA Routine Use

A routine use allowing disclosure of information on traffic collisions, personal injuries, or the loss or damage of property is provided in the Federal Register and its amendments.

All or most of a motor vehicle or boat collision report may be made available upon written request by parties to include:

- Individuals involved or persons injured in such incidents.
- Owners of property damaged, lost, or stolen in such incidents.
- Their duly verified insurance companies, personal representatives, and/or attorneys.

To ensure that only appropriate information is released, each request for a motor vehicle or boat collision report must be in writing, and will be processed on a case-by-case basis under the Privacy Act or FOIA as appropriate. To protect the integrity of ongoing investigations, and the privacy of all individuals involved, all involved parties are subject to this restriction.

The release of information under these circumstances should only occur when it will not interfere with ongoing law enforcement proceedings, risk the health or safety of an individual, or reveal the identity of an informant or witness who has received an explicit assurance of confidentiality. To protect individual privacy, Social Security numbers and tribal identification numbers should not be released under these circumstances unless the Social Security number or the tribal identification number belongs to the individual requester.

Since requests for a collision report, as well as the NPS response to such requests, must be in writing, NPS Request Form 10-339B (rev. July 2014, provided in Chapter 20 appendix) may be used to assist persons who wish to request a copy of a collision report. Form 10-339B may be used to respond to requesters who are to be provided with either, as appropriate, an un-redacted or redacted collision report. Any questions may be directed through the respective park or Regional FOIA/Privacy Act Officer or the WASO FOIA/Privacy Act Officer.

4.3 Investigative Records: FOIA Exemptions and Exclusions

Under the FOIA, *5 U.S.C. 552(b)(1)-(9)*, there are nine FOIA Exemptions, with six subsections for FOIA Exemption *5 U.S.C. 552(b)(7)* that deal with records compiled for law enforcement purposes, that may be protected from public disclosure (see also *43 CFR Part 2*, Exemptions; and refer to the most recent Federal Register for up-to-date rules and regulations).

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Financial Management Of Law Enforcement Emergencies

1. INTRODUCTION
2. POLICY
3. APPLICATION AND APPROVAL PROCESS
4. AUTHORIZED OBLIGATIONS AND EXPENDITURES
5. ACCOUNTING AND REPORTING

1. INTRODUCTION

In the Department of the Interior and related agencies Appropriation Act of 1972 *(P.L. 92-76)*, Congress gave the NPS the authority to use, with the approval of the Secretary, any of its available funds to maintain law and order in emergency and other unforeseen law enforcement situations that occurred within the National Park System. Each of the Department's Appropriations Acts since 1972 has included this emergency law and order expenditure authority for the NPS. However, beginning with the 1987 fiscal year Appropriation Act, Congress placed restrictions on the use of this authority by requiring advance approval by both the House and Senate Appropriations Committees.

This emergency authority does not provide additional funding to the NPS for law enforcement purposes; it is an authority that allows the NPS to re-program funds appropriated by Congress for other purposes in order to meet the unbudgeted cost of law enforcement emergencies. Since use of this authority results in the re-programmed funds not being available for their original purpose, Congress has made its intent clear to the NPS that the re-programming authority may be used only in response to emergency and other significant law enforcement incidents. The maximum expenditure authorized under this authority is $250,000 per incident without prior approval of Congress.

2. POLICY

The NPS will make use of its emergency law and order funding authority only in situations that clearly qualify under criteria established by law and provisions in this chapter. Incidents or activities that qualify for this funding must meet all of the following criteria:

- Are truly emergency in nature or that clearly result in an unforeseen increase in law enforcement activity levels.
- Pose a serious threat to public safety or park resources.
- Are clearly beyond the capabilities of the staff and budget of the park and region involved.
- Are managed using the Incident Command System (ICS).

Recurring events/incidents and events sponsored by the NPS do not qualify for emergency law and order funding. Such activities are not unforeseen and funding to cover any law enforcement cost associated with these events should be programmed in advance by the park and regional staffs involved.

Before requesting authorization to establish an emergency law and order account to cover unbudgeted law enforcement cost related to an incident that otherwise might qualify for such funding, the affected Park Superintendent and Regional Director will exhaust all other funding alternatives. These options include reducing NPS costs by obtaining assistance from cooperating federal, state, and local agencies (including reimbursement under *P.L. 94-524*, Presidential Protection Assistance Act of 1976), recovering from a permittee all unbudgeted costs incurred as a result of managing and administering a special event, and re-programming park and regional funds. Park management should negotiate with a permittee before an event whenever possible. However, individuals who have been issued a permit to engage in a First Amendment activity may not be required to reimburse any cost incurred by the NPS as a result of the activity.

When an unanticipated incident or situation occurs that requires prompt emergency law enforcement response and does not allow time for prior submission of a written request for emergency law and order funding, the affected Park Superintendent and Regional Office staff should proceed with the level of response required

to manage the incident effectively. If the incident is in fact an emergency, the most critical concern is a timely and appropriate response. The question of whether or not emergency law and order funding is available should have no bearing on the level of that response and may be resolved after the fact.

The following procedures and conditions govern the use of the NPS's emergency law and order funding authority.

3. APPLICATION AND APPROVAL PROCESS

3.1 Emergency Funding

In order to obtain emergency law and order funding for an incident or event that is anticipated or scheduled in advance and that otherwise qualifies for such funding, the Park Superintendent will submit the following documents to the Regional Director:

- A memorandum with the following information:
  - General description of the emergency and when the park became aware of it.
  - How the health/safety of the park resource or visitors will be impacted.
  - How the park has exhausted all other funding sources.
- A completed Application for Emergency Law and Order Funding (Form 10-34). The Superintendent must sign this form before it can be submitted.
- A written incident action plan for managing the incident.
- A completed Emergency Law and Order Funding Report (Form 10-346). This should be titled "Pre-Event Estimate." The Superintendent must sign this form before it can be submitted.

All justifications must include the estimated or actual beginning and ending dates for which funding is requested and an estimated total cost. If supported at the regional level, the plan and justification, along with a cover memorandum from the Regional Director requesting emergency funding and certifying that all alternative funding sources have been exhausted, will be forwarded to the ADVRP or the ADVRP's designee.

3.2 ELO Procedure

When an unanticipated incident or situation occurs that requires prompt emergency law enforcement response and does not allow time for preparation of a 10-34 and justification, the affected Park Superintendent and Regional Office staff should obtain and apply the necessary resources to manage the incident effectively. If a request for emergency law and order funding is being considered, the RCR or designee will notify the DCOP promptly by telephone of the details of the incident and indicate that an emergency funding request may follow. In order to request emergency funding after the fact, the Park Superintendent and Regional Office staff should follow the procedure outlined in Section 3.1 of this chapter as soon as possible after the incident is resolved.

3.3 Approval

Final NPS approval authority of emergency law and order funding requests rests with the ADVRP. The ADVRP may delegate the approval authority to the CLESES or his designee. This authorization is granted only after written park and Regional Office submissions have been reviewed by the CLESES and with the concurrence of the WASO budget office. Approval will not be provided based solely on a telephonic request.

4. AUTHORIZED OBLIGATIONS AND EXPENDITURES

4.1 Conditions and Restrictions

The following conditions and restrictions govern obligations that may be charged to an approved emergency law and order account:

The beginning of an incident or event is defined as the date when planning to manage the incident is initiated. The end of an event is defined as the date when conditions are restored to normal, including completion of necessary cleanup and repairs and return of assigned personnel to normal duty stations and assignments.

4.2 Authorized Uses

Only certain unbudgeted direct costs attributable to the incident or event and incurred in the management of law enforcement operation may be charged. Authorized direct costs are limited to:

- Overtime cost of both permanent and seasonal commissioned personnel assigned to the incident and that of other personnel required in support of law enforcement operations.
- Regular salary costs of seasonal commissioned employees who are hired specifically for the incident.
- Overtime costs of personnel required to backfill for mission-essential staff assigned to the incident.
- Travel and per diem costs.
- Cost incurred to provide special communications.
- Cleanup and repair cost, but only when the litter or damage is a direct result of the incident.
- Purchase of supplies and materials required to manage law enforcement operations or to replace such materials that were expended on the incident.
- Purchase or rental of supplies and materials required to protect resources or to provide temporary public safety or sanitation facilities.

4.3 Capitalized Equipment

The purchase of capitalized equipment is not authorized unless specific prior approval is obtained from the CLESES. If approved, all such equipment becomes the property of the affected Regional Office.

- Indirect or budgeted cost may not be charged.
- The cost of conducting interpretive programs may not be charged.

5. ACCOUNTING AND REPORTING

5.1 Expenditure Assignment

Once emergency law and order funding is authorized, the affected Regional Office staff will:

- Establish an individual account to charge all approved expenditures related to the incident.
- Name the individual who is responsible for documenting and tracking expenditures.

Expenditures that do not show up on FBMS under the assigned account number may not be reimbursed. If assistance is provided from park areas within another region, that Regional Office staff will also establish an account to charge all its expenditures. An incident that begins in one fiscal year and extends into another will be assigned two separate account numbers.

5.2 Incident Name

The park or Regional Office staff experiencing the incident will assign a name or title to the incident. All Regional Offices providing assistance will use the same incident name to facilitate consolidated reporting.

5.3 Funding Report

Following an incident or event for which emergency law and order funding was approved, the Park Superintendent will complete a Law Enforcement Funding Report (Form 10-346) listing the actual costs incurred and submit it, with supporting documentation, to the respective RLES within 30 days of the close of the incident. The Region will review the information and forward the package to the DCOP NPS within 15 days. Any park areas providing assistance will ensure that the affected park area has all necessary documentation. Required supporting material includes, but is not limited to, the following:

- An incident report.
- An AFS 4 Document Summary Report and an AFS 4 Labor Summary Report.
- Copies of purchase orders, fund vouchers, travel vouchers, and all other documents and receipts required to support expenditures charged to the account.
- A brief statement explaining the relationship of the expenditures to the incident or event.

5.4 Consolidating Costs

The RLES is responsible for reviewing and consolidating all costs charged to an emergency law and order account, whether the incident occurred within the region or not, and recommending to the Regional Director whether or not to approve the expenditures incurred by their staff.

5.5 Report Auditing

The CLESES will provide reports and supporting documentation to ensure compliance with provisions of this chapter when requested by the Comptroller. The CLESES may also conduct more detailed, random audits of individual incidents. Inappropriate or unauthorized expenditures will not be approved and will be borne by the Regional Office or park involved.

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Law Enforcement Media Relations

1. INTRODUCTION
2. POLICY
3. RELEASE OF INFORMATION
4. MEDIA RELATIONS
5. FREEDOM OF INFORMATION ACT

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1. INTRODUCTION

Providing the public with timely, accurate, and appropriate information is a vital part of public service. The purpose of this policy is to provide direction for employees releasing and disseminating information to the public and/or media during a law enforcement incident. It will also ensure compliance with laws, regulations, and policies concerning information release and establish appropriate procedures concerning relations with representatives of the media.

2. POLICY

The NPS will provide information to the public and print or broadcast media in accordance with applicable laws, Departmental policy, and other NPS Director's Orders. The Freedom of Information Act (FOIA), *5 U.S.C. 552*, and relevant Department of the Interior regulations at *43 CFR Part 2*, deals with a statutory right of public access to information held in federal government records, except to the extent that such records (or portions thereof) are protected from public disclosure by one of nine exemptions or one of three special law enforcement record exclusions.

Consistent with FOIA and applicable laws, it is the intent of this policy to cooperate fully and impartially with authorized news media representatives in their efforts to gather factual public information pertaining to law enforcement/public safety activities as long

as these activities do not interfere with operations, the effective discharge of law enforcement responsibilities, an individual's right to a fair trial, and the safety of all persons involved in law enforcement incidents.

Requests for information through the Freedom of Information Act should be directed to the agency FOIA website at www.doi.gov/foia/

2.1 Designation of Media Representative/PIO

Designation of a Public Information Officer will facilitate the exchange of information between the park and news media. Park Superintendents should designate a PIO to:

- Assist news personnel in covering routine stories.
- Provide information at the scene of serious incidents.
- Assist on an on-call basis.
- Prepare and distribute news releases.
- Arrange for and assist at news conferences.
- Coordinate and authorize the release of information about victims, witnesses, and suspects.

3. RELEASE OF INFORMATION

3.1 General Procedures

3.1.1 Public Information

Public information is generally information that may be of interest to the general public regarding policy, procedures, or events involving the Department, or other newsworthy information that is not legally protected and does not unduly interfere with the mission of the NPS; infringe upon the rights of a defendant; or compromise the legitimate safety and privacy interests of officers, victims, witnesses, or others.

Employees should remember that a government record, otherwise exempt from disclosure under a FOIA exemption, may lose its FOIA exemption protection if it has been disclosed earlier. While there will need to be a careful analysis of the specific nature and circumstance of the prior disclosure, courts have established rules

when an agency has waived its rights to use FOIA exemptions to withhold requested information. Whether an agency made a prior "official disclosure" will depend on the circumstances whether an authoritative government official allowed the information to be made public and whether the prior public disclosure "matches" the exempt information in question.

3.1.2 Clearances

The Park Superintendent must ensure that staff members who are responsible for accessing law enforcement information requests, or who otherwise have access to law enforcement records or reports, whether commissioned or not, have successfully undergone an appropriate background investigation. These staff members must familiarize themselves with the FOIA regulations codified at *43 CFR Part 2*, as well as the Privacy Act.

3.1.3 Ongoing Incident Information Disclosure (Breaking News Stories)

Supervisory Law Enforcement Officers at a crime or incident scene may release information of a factual nature to the media consistent with this policy or refer the inquiry to the PIO. Where the officer is unsure of the facts or the appropriateness of releasing information, they shall refer the inquiry to the PIO. Employees with personal knowledge of an incident (e.g., employee who participates in a rescue effort, employee at the scene of a disaster, etc.) may disclose certain incident information as long as the information is not derived from a document or contained in an official Privacy Act System of Records (e.g., official report). This information should be provided to the public affairs officer or park spokesperson for release and dissemination to the media and general public. Under these circumstances, information should be released as the incident is occurring or shortly thereafter.

3.1.4 Information Disclosures – Emergent Circumstances

Information may be released regarding any person (including juveniles) when the media/public's assistance is necessary in emergent circumstances to either: (1) locate the person, or (2) warn the public of possible danger (e.g., dangerous criminal). Under these circumstances, information regarding the person's name, age, appearance, clothing worn, location/time last seen, alleged criminal activity, etc., should be disseminated as quickly as possible.

3.1.5 Releasable Information

1. Names, ages, marital status, and hometowns of the individuals involved in the incident.
2. Circumstances pertaining to the incident including: general location, date and time, and damages.
3. Names of fatality victims whose next of kin have been notified, including juveniles.
4. Unless a patient requests it be withheld, a patient's location and condition, as provided below, when transported to the hospital by EMS, the police, or fire department from an accident, crime scene, or fire.
   - Undetermined – Patient is awaiting physician and/or assessment.
   - Good – Vital signs are stable and within normal limits. Patient is conscious and comfortable. Indicators are excellent.
   - Fair – Vital signs are stable and within normal limits. Patient is conscious, but may be uncomfortable. Indicators are favorable.
   - Serious – Vital signs may be unstable and not within normal limits. Patient is acutely ill. Indicators are questionable.
   - Critical – Vital signs are unstable and not within normal limits. Patient may be unconscious. Indicators are unfavorable.
5. Description of lost, stolen, or missing property.
6. The issuance of an arrest warrant, following an arrest or with the concurrence of the prosecuting attorney after the filing of an information or indictment; information in addition to that above including:
   - The time and place of arrest, whether pursuit or resistance was encountered, whether weapons were used, charges placed against the individual(s), and description of contraband seized.

7. Charging documents including criminal complaints, indictments, informations, and violation notices.
8. Name of the complainant (except victims of sex crimes and juveniles).
9. Name of the arresting commissioned employee (see exceptions below).

3.1.6 Non-Releasable Information

Non-releasable information includes, but is not limited to:

1. Names of fatally or seriously injured victims whose next of kin have not been notified.
2. Names of juveniles charged with criminal offenses.
3. Names of victims of sexual assaults.
4. Names of people or witnesses who may become victims of crimes or retaliation in the future.
5. Information on incidents where criminal action is still under investigation and information released could hinder or adversely affect the investigation.
6. Investigative information that goes beyond general incident reporting.
7. Agency photographs, videotapes, files, or composites of individuals in custody, unless authorized by the SLEO and the Park Superintendent.
8. Explicit details, including graphic photos or images of extreme injuries or brutal fatalities.
9. Home addresses, telephone numbers, and Social Security numbers.
10. Information from individual personnel files and/or medical records of employees.

11. Other agencies (federal, state, local) working jointly with the NPS may be subject to FOIA law. If an NPS commissioned employee's report contains one of these agencies' or bureaus' information or report, we would either obtain permission from them or refer the FOIA request to that agency prior to release of their information.

12. A record obtained by the NPS from a source outside of the federal government, unless approval from that source has been granted.

13. Names and other personal information pertaining to the identification of the commissioned employees involved in shooting or other deadly force incidents or incidents in which the commissioned employee and/or subjects sustain injury, until notification is made to family, etc. The ADVRP is the only person who can authorize the release of the names of officers involved in a deadly force or serious use of force incident (see Chapter 11).

14. The home address or telephone number of any commissioned employee.

4. MEDIA RELATIONS

4.1 On-Scene Procedures

4.1.1 Access

The policies in this section do not give the media any rights to enter private property.

At the scene of an incident, representatives of the news media may be allowed access to areas normally and legally restricted to the general public as long as:

- Access does not interfere with law enforcement operations, the apprehension of suspects, or the preservation of evidence.
- If the safety of media representatives would be jeopardized, they should be so informed and restricted from the scene.
- If the safety of NPS employees or the public would be jeopardized by media presence in a hazardous area or situation, justification exists to restrict media representatives from the scene.

4.1.2 Press Releases Pertaining to Criminal Investigations and Prosecutions

Press releases and other information provided to the media relating to criminal investigations or prosecutions must be reviewed and approved by either the SLEO, Case Agent, and/or the Office of the US Attorney (or other prosecuting official) prior to release. The SLEO or the Supervisory SAC may release information after consultation with the above noted personnel.

4.1.3 Contact with Prisoners/Suspects

A prisoner or suspect will not be posted or stationed for the purpose of photographing or televising by the news media. The news media should not be allowed to interview a prisoner or detained suspect unless, at the discretion of the SLEO and the Office of the US Attorney (or other prosecuting official), such interview facilitates law enforcement actions, and such interview does not interfere with due process of law, delay a proceeding, unreasonably create a security or safety risk, and it is done with the consent of the individual.

5. FREEDOM OF INFORMATION ACT

See Chapter 37. The Freedom of Information Act (FOIA), *5 U.S.C. 552*, and relevant Department of the Interior regulations at *43 CFR Part 2*, establish a statutory right of public access to information in records held by the federal government. FOIA provides that any person has a right, enforceable in court, to obtain access to federal agency records, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions.

5.1 FOIA Disclosures

FOIA requests and disclosures should be processed through the appropriate NPS FOIA officers. Up-to-date information on FOIA releases can be found at the DOI-FOIA website: www.doi.gov/foia/

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Dispatch Services And Computerized Information Systems

Chapter 40: Dispatch Services And Computerized Information Systems

Chapter 40: Dispatch Services And Computerized Information Systems

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Employee Health

1. POLICY
2. DIRECTIVES

1. POLICY

1.1 Medical Standards and Fitness Requirements

Commissioned employees will be in compliance with DO 57, Reference Manual 57A – Occupational Medical Standards, and Reference Manual 57B – Health and Fitness Program.

5 CFR 339.203 authorizes agencies to establish physical requirements for positions with physically rigorous duties. The NPS has established the following criteria for its mandatory participation health and fitness program and fitness testing for all emergency service personnel:

- All employees who are assigned rigorous duties are required to participate in an individual fitness program.

All employees who are assigned rigorous duties are required to participate in fitness testing, at least one time each year. Annual fitness tests must occur at least three months apart (for example, a test taken on December 31 one year means the test for the following year must be administered after March). Testing must be administered by personnel with training approved by the NPS Physical Fitness Program Coordinator, to include the FLETC Law Enforcement Fitness Coordinator Training Program or NPS Physical Efficiency Battery Administrators (PEBA).

- The continual maintenance of the physical fitness level required to safely perform rigorous duties is a responsibility of the individual employee.

Individual park units may require participation in fitness testing more frequently than one time per year according to local park procedure.

1.2 Critical Incident Stress Management

Post-traumatic stress is recognized as a potential risk for commissioned employees and will be dealt with in a humanistic and professional manner. Commissioned employees and their supervisors will be trained to recognize the symptoms of post-traumatic stress and to provide initial assistance to co-workers exhibiting those symptoms. Individuals who display symptoms of post-traumatic stress or who have been involved in an incident or a series of incidents having the potential for resulting in post-traumatic stress will be provided assistance promptly.

1.3 Infectious Diseases

Commissioned employees will take all appropriate measures to protect their health and well-being. All employees will respond in accordance with approved OSHA regulations and NPS directives (including DO 50) when involved in incidents that may have exposed them, other NPS employees, or the public to an infectious disease.

2. DIRECTIVES

2.1 Critical Incident Stress Management

Incident commanders, supervisors, commissioned employees, and their co-workers must all be conscious of the potential for critical incident stress when an employee is exposed to incidents that cause them to experience unusually strong emotional reactions that have the potential to interfere with their ability to function. Symptoms of stress may appear acutely at a gruesome scene or may surface subtly and later in other forms, including decreased performance, withdrawal from peers or family, drug or alcohol abuse, or suicidal actions.

The NPS will make all reasonable efforts to ensure that critical incident stress intervention is provided by trained employees with a similar professional background. Though the CISM program is intended for all NPS employees, for the purposes of the law enforcement program, the NPS will make all reasonable efforts to ensure that professional counseling or psychological or psychiatric services are secured from individuals specially trained and experienced in serving the unique requirements of law enforcement personnel.

2.1.1 Training

The NPS CISM program will be based on the established principles from the International Critical Incident Stress Foundation (ICISF). All employees who participate in the NPS program will receive the appropriate training and will follow protocols established by the CISM program manager.

2.1.2 Intervention

Certain situations increase the likelihood that a commissioned employee will be a candidate for post-traumatic stress intervention, such as those involved in critical situations including disasters and multi-casualty incidents.

Depending upon the severity, duration, and magnitude of the events (not limited to those cited above) and the subsequent symptoms displayed by an employee, any of the following forms of intervention or assistance will be made available:

- One-on-one support provided by a colleague or peer.
- One-on-one support/intervention by a peer counselor.
- Group defusing.
- Formal Critical Incident Stress Debriefings.

The reaction of an individual involved in a significant traumatic incident may exceed the need for routine counseling and result in the immediate need for medical attention and/or a change in duty status. A supervisor may have to consider placing an employee in leave status pending a visit to a medical facility or, in acute cases, arrange for the employee to be transported for immediate treatment.

When a supervisor notices performance or conduct changes in an employee who has been subject to a critical incident, they may refer the employee for medical consultation (see Reference Manual 57A – Occupational Medical Standards and Reference Manual 57B – Health and Fitness). For the purposes of this document, individuals who seek help after a critical incident may see a medical professional. A medical professional, as it applies to this policy, will be a physician psychiatrist or PhD psychologist with subject matter expertise in law enforcement and is approved by the NPS Medical Standards Program Manager.

2.1.3 Legal Considerations

Managers and supervisors must be alert to legal conflicts that may exist between conducting criminal or civil investigations into certain incidents (e.g., shootings) and the desire to provide peer and other counseling services to affected employees or citizens. Personnel must recognize that conversations that occur between affected employees (or private parties) and peer and other counselors other than licensed practitioners are not privileged, and may be called into evidence in subsequent proceedings. Further, the priorities of an active criminal or civil investigation may dictate that peer and other counseling be deferred temporarily, until necessary investigative interviews with affected employees and other parties have been completed. Establishment of such priorities may be necessary to avoid the possibility of "tainting" statements or testimony that could critically influence the outcome of a case.

2.2 Universal Precautions

When faced with a situation that involves potential exposure to a communicable disease, an employee will exercise caution and wear the protective equipment required by the Blood Borne Pathogen standard *(29 CFR 1910.1030)*; for example, disposable latex/vinyl or similar medical gloves, eye protection and masks, as appropriate, or specifically designed search gloves, as appropriate. When an employee is required to handle a controlled substance, appropriate personal protective equipment will be worn to prevent exposure. PPE is also required when engaged in any of the following activities:

- Providing first aid or medical care where blood or body fluids are present.
- Handling items that may contain contaminated blood or body fluid products (e.g., hypodermic needles or syringes) or when packaging and handling these items as evidence. Such items are frequently found at crime scenes, during arrests, or abandoned in visitor use areas.
- Searching arrested persons.
- Handling a controlled substance, to include packaging evidence and field testing.
- Cleaning blood or other secretions that have contaminated floors, seats, vehicle interiors, etc.

It is important that employees be familiar and compliant with Reference Manual 50B – Occupational Safety and Health Program, Section 4.6.

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Special Event Teams

1. POLICY
2. DIRECTIVES
3. DEPLOYMENT COSTS
4. REPORTABLE INJURIES
5. DEMOBILIZATION
6. TRAINING
7. REGIONAL SET GUIDANCE
APPENDIX 42-A. TEAM COMPOSITION/CHAIN OF COMMAND

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1. POLICY

This chapter establishes minimum team capabilities and provides direction for the structure, training, operation, and deployment of NPS Special Event Teams. These teams are regional resources that provide temporary assistance to NPS areas and other bureaus for scheduled events and unplanned incidents that require a team response.

Regional teams may establish higher team capabilities for specific missions, but these must be accompanied by written plans and procedures approved by the Regional Director. Planning, training, equipment, and preparation must accompany specialized mission profiles (e.g., marijuana eradication, warrant service, border operations).

Upon mobilization, a Special Event Team (SET) shall establish incident command and operate within the organizational structure of the incident, as determined by the Incident Commander.

2. DIRECTIVES

2.1 Mission

The mission of a SET is to provide a proficient, temporary response to an incident, and through decisive, coordinated, and disciplined actions, execute the assignment with a higher degree of expertise, efficiency, organization, and safety than could be achieved using single resources taken from a variety of sources. A SET is typically the most flexible law enforcement resource available to the Regional Directorate for incidents requiring a rapid, unified NPS law enforcement response.

2.2 SET Designation – Minimum Capabilities

SET designation indicates the following team capabilities. All capabilities listed are supported through planned team selection and focused training. It is expected that individual member capabilities and proficiencies will vary; however, team leadership must be current in training within the following listed capabilities and versed in Operational Leadership when committing to specific missions. Nationally standardized basic capabilities will allow for interoperability among regional teams. In support of the SET Mission, each regional team will possess the following attributes and capabilities:

Organization:

- Established leadership and organization.
- Designated Leaders (SET Commander, Team Leader, and Squad Leaders).
- Regional Response Guidelines and/or SOPs approved by the respective RCR.
- Specialized capabilities defined and approved procedures established.

Experience:

Established team selection standards for SET members:

- Minimum standards for Team Leaders must meet all the requirements for Squad Leaders and team members and:
  - Must currently occupy a designated supervisory position or be able to show documented demonstrated supervisory experience.
  - Completion of ICS 300 Training.
- Minimum Standards for Squad Leaders and team members:
  - Completion of Operational Leadership Training.
  - Three years minimum commissioned law enforcement experience and a Type I commission.
  - Required passing PEB annually.
  - Completion of ICS Training (ICS 100, and 200, also IS 700 and 800).
  - Successful completion of a three-assignment probationary period.

SET leadership and members are afforded one year to complete required training.

2.3 Waiver from Policy

All deviations from this policy will require a written waiver request as outlined in RM-9, Chapter 43.

2.4 United States Park Police

The US Park Police serves in and supports the SET mission in various key capacities and agrees to act within the framework outlined in this chapter.

2.5 [redacted]

[redacted]

[redacted]

[redacted]

2.5.1 Positions and Responsibilities:

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

2.6 Equipment

Each SET will have individual equipment needs based on the nature of the deployments it experiences. An inventory and list of required equipment should be maintained by each team. At a minimum, this list of available equipment should include:

[redacted]

2.7 Recruitment of Team Personnel

Rangers/Special Agents/USPP Officers possessing a commission in good standing and meeting the standards described in this chapter are encouraged to apply for membership on a SET. The SET Commander will maintain a list of qualified SET applicants.

Applications for team membership will be accepted at any time and are available through the SET Commander within a specific region. All nominations of SET personnel must be endorsed by the applicant's Superintendent or USPP Field Office Commander. The NPS SET Application can be found on the LESES RM-9 website.

2.7.1 Removal from SET

[redacted]

2.8 Physical Fitness

A high standard of physical fitness is of particular importance to SET members due to physically challenging assignments and to help ensure the overall success of the SET mission. For these reasons, considerable emphasis is placed upon the NPS Health and Fitness Standards for SET members. All SET members, including the Team and Squad Leaders, are required to pass the NPS physical fitness evaluation tests (per Regional SET standards) and maintain that standard of fitness. Fitness evaluation battery scores will be submitted to the Team Leader annually.

First Failure to Pass Fitness Standard Evaluation – The team member will receive a letter of warning and will be put on inactive status for SET activations. Once the team member passes the efficiency component(s), they may be returned to active status.

Second Failure to Pass Fitness Standard Evaluation – A team member unable to pass the fitness evaluation after six months from the first failure date may be subject to removal from the SET.

2.9 Personal Appearance

SET personnel will adhere to strict personal appearance standards as described in RM-43. Uniform standards for any individual assignment will be determined by the Incident Commander. Regions are encouraged to develop specific uniform needs for typical deployments. Regional standards will at least meet any national policy and include a Service Uniform standard.

2.10 Deployment Procedures

When the demands of a special event, law enforcement incident, or an emergency situation exceed the abilities of the park's local resources, deployment of SET resources should be considered. All non-emergency SET requests shall be made in writing to the Regional Director through the RCR; verbal requests and authorizations are acceptable in emergency situations.

Activities or events that allow for pre-planning should be brought to the attention of the RCR, with as much advance notification as possible, for coordination of resources. For emergency situations or other events that require an immediate response, the park shall notify the RCR who, in turn, will notify the SET Commander. The Commander or designee will initiate activation of the team.

The RCR or their designee is responsible for notifying the Regional Director, CLESES, and NPS EICC. The deployment of each region's SET(s) will only occur with the approval of its Regional Director or their designee.

The SET Commander or their designee is responsible for notifying SLEO of the mobilization of SET members from their parks. In emergency situations or for activities that require an immediate response, this notification can be made via email but should be followed with a memorandum from the Regional Director to the Superintendents authorizing the mobilization. Each SET member is responsible for notifying their immediate supervisor of the team activation.

SET members who have commissions in other than good standing are not eligible for deployment.

2.11 Travel

All SET members will have a federal government credit card to facilitate travel while on assignment. Purchase authority for the credit card is recommended. SET members should also maintain a blanket travel authorization from their park. When an activation order comes through, each member will make necessary travel arrangements per Team Leader direction.

3. DEPLOYMENT COSTS

When considering activation of a SET, park/regional managers must identify a fund source to cover all approved costs associated with the SET (e.g., travel costs, overtime, backfill, etc.) prior to deployment of the team. The exception is an emergency situation in which a SET is clearly necessary for the preservation of life or the protection of resources or property.

If the event meets the criteria for Emergency Law and Order Funding, final approval must be obtained from the ADVRP, as set forth in RM-9, Chapter 38. Events or activities that do not meet the criteria for Emergency Law and Order Funding may be funded by alternative methods. Examples include vendor reimbursement, park funding, or regional contingency funding.

4. REPORTABLE INJURIES

All Days Away, Restricted, Transferred (DART) injuries sustained by SET members on assignment will be immediately reported to the SET Commander and to the team member's home unit supervisor. SET Leaders will be responsible for ensuring that a CA-1 is completed when appropriate and that an investigation of the incident is conducted and forwarded to the home unit supervisor. All injury incidents will be debriefed as part of the after-action review following each deployment.

5. DEMOBILIZATION

Once the mission objectives have been accomplished and the SET has been released from an incident, SET members will return to their respective home parks. Prior to the release of the team, the Team Leader should conduct an after-action review and debrief the team.

6. TRAINING

Training is an essential component of the NPS SET program and provides SET members with the skills and techniques necessary to fulfill their organizational mission. Each SET should receive a minimum of 40 hours of annual training designed to meet capabilities as well as enhance the team concept. Training will develop the skills necessary to respond to a variety of potential and historical incidents including visitor and resource protection functions, disasters, demonstrations, and proficient use of assigned equipment.

6.1 Annual Requirements

The following core elements should be included in annual training:

6.1.1 Leadership (SET Commander, Leader, and Squad Leaders)

SET leadership training should be incorporated into annual team training listed below. Operational planning and utilizing established tactics are critical skills for mission success. Each SET Commander should maintain written training guidance that is shared among SET leadership nationwide. Annual leader-specific training (to be incorporated into annual SET training) should include the following:

- Operational Leadership refresher (all team members)
- Operational planning and ICS refresher training

6.1.2 Team Member Annual Training

Annual training plans should be maintained by regional SET Commanders, and all SET training should emphasize the team dynamic. At a minimum, the following core field skills should be included in annual training:

- Operational Leadership refresher (all team members)
- Use of SET-issued standardized equipment
- Tactical movement and land navigation

6.1.3 Region-Specific Capabilities

The seven regions have widely differing operational demands. Planned specific capabilities should be described in operational guidelines, and minimum training standards should be established. Training records should be maintained by each regional SET Commander (or their designee). Operations have varying levels of associated risks. Any primary mission posture will have established and approved plans and general risk analyses.

Attendance at the annual training session will be mandatory for SET members and Leaders unless a waiver is obtained from the Regional SET Commander. SET training may be applied to the annual 40-hour refresher training required for all NPS law enforcement commissioned personnel.

7. REGIONAL SET GUIDANCE

Each region may develop additional non-conflicting SET standards and guidelines applicable to its needs.

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Policy Waivers And Program Enhancements

1. SCOPE
2. DEFINITIONS
3. POLICY
4. OBJECTIVES
5. REQUEST FOR WAIVERS OF POLICY
6. THE WAIVER PROCESS
7. POLICY WAIVER EXPIRATION
8. REQUEST FOR PROGRAM ENHANCEMENTS
9. PROGRAM ENHANCEMENT REQUEST PROCESS

---

1. SCOPE

Policy Waivers and Program Enhancements are only applicable to the policies set forth in RM-9.

2. DEFINITIONS

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

2.1 Program Enhancement

An exemption from a specific policy requirement applied to an entire program, not an individual officer. Program Enhancements benefit parks or teams with unique needs or circumstances and are granted on a case-by-case basis by an established review panel. Program Enhancements are also a management tool for evaluating changes in industry practices and equipment.

2.2 Waiver

An individual exemption from a specific policy requirement granted by the DCOP on a case-by-case basis.

3. POLICY

There are several program areas within RM-9 that allow for waivers or Program Enhancements based on a compelling need given unique circumstances. They may be requested for the following:

- Non-Standard Firearms and Ammunition
- Non-Standard Defensive Equipment
- Non-Standard Vehicles
- Non-Standard Vessels
- Non-Standard Uniform Items
- Non-Standard Training
- Non-Standard Tactics

These, and all other waivers of policy, require final approval from the DCOP.

4. OBJECTIVES

This procedure identifies and outlines a standardized and objective process in which policy waivers and Program Enhancements are evaluated, approved, and tracked.

The line of authority for approvals is also identified.

5. REQUEST FOR WAIVERS OF POLICY

The NPS has adopted a waiver process for topics including, but not limited to: specialized equipment and weapons, commissioning standards, training standards, etc.

Waivers are specific to individuals, and approval for one employee does not necessarily imply that waivers are applicable or will be approved for another.

Each waiver request must contain a full and detailed justification for why the waiver is essential in the accomplishment of specific NPS missions and goals.

The application process is designed to organize the information required by managers to make informed policy decisions. A Policy Waiver carries with it the potential for an increase in exposure to personnel, which requires careful examination and analysis to ensure the operational gains outweigh the risk and that identified hazards are mitigated.

6. THE WAIVER PROCESS

6.1 Application Process

The SLEO shall submit a Policy Waiver Memorandum to the RCR referencing the specific section(s) of RM-9 that are applicable (address each of the criteria listed in those sections specifically) and a description of how the waiver is essential to the accomplishment of NPS missions and goals and park-specific objectives.

Submit the Policy Waiver Memorandum to the RCR. The RCR is responsible for reviewing the Policy Waiver Memorandum and forwarding it to the DCOP with comments.

6.2 Assignment of Tracking Number

Upon receipt of the Policy Waiver Memorandum, the DCOP will log the request, assign a tracking number, and create a working file to follow the application throughout the process.

6.3 Waiver Review

Upon receipt of the Policy Waiver Memorandum, the DCOP shall review the request within four to six weeks. The DCOP may consult other appropriate program managers including, but not limited to: Superintendent, NPS-LETC, NPS-LETC FTEP Program Manager, NPS-LETC Basic Academy Program Manager, and any other relevant subject matter experts.

6.4 Response

A Waiver Approval is generated by the DCOP and is forwarded to the requesting RCR and relevant program managers. The signed waiver is kept on file at WASO LESES.

If the waiver request is not approved at any level of the process, the DCOP will generate a memorandum to the RCR with the findings and reasons for declination.

7. POLICY WAIVER EXPIRATION

Due to the evolving nature of public safety, some waivers may require renewal at a later date. Upon DCOP approval of a waiver, the recipient will be notified on the waiver approval memo of the expiration and requirement for renewal.

Training, commissioning, and age-related waivers will not require renewal.

8. REQUEST FOR PROGRAM ENHANCEMENTS

The needs of the different NPS units are vast and varied. Program Enhancements allow parks with unique circumstances and needs to strengthen their program through specific policy adjustments. Program Enhancements are required for specialized equipment and weapons, activities, vehicles, etc.

Program Enhancements are specific to individual park units, teams, or programs. Approval for one park unit does not necessarily imply that waivers are applicable or will be approved for another.

Each Program Enhancement request must contain a full and detailed justification for why the waiver is essential in the accomplishment of specific NPS missions and goals.

The application process is designed to organize the information required by managers to make informed policy decisions. A Program Enhancement carries with it the potential for an increase in exposure to personnel, which requires careful examination and analysis to ensure the operational gains outweigh the risk and that identified hazards are mitigated.

9. PROGRAM ENHANCEMENT REQUEST PROCESS

9.1 Request Process

The SLEO shall submit a Program Enhancement Request Packet with the following information:

- A memorandum referencing the specific section(s) of RM-9 that are applicable (address each of the criteria listed in those sections specifically) and a description of how the waiver is essential to the accomplishment of NPS missions and goals and park-specific objectives.
- Program Enhancement Request Application (found on the RM-9 website).
- Operational Risk Assessment Worksheet (found on the RM-9 website).
- Supporting documentation relevant to the specific request (e.g., operational plans, SOPs, training plans, start-up and recurring costs, etc.).

Submit the Program Enhancement Request Packet to the RCR. The RCR is responsible for reviewing the Program Enhancement Request Packet and forwarding it to the DCOP with comments.

9.2 Assignment of Tracking Number

Upon receipt of the application, the DCOP will log the request, assign a tracking number, and create a working file to follow the application throughout the process.

9.3 Review

The DCOP may consult other appropriate program managers including, but not limited to the Superintendent, NPS-LETC, the appropriate NPS program manager, and any other relevant subject matter experts.

The DCOP will provide a final approval or denial to the RCR. This process can take up to 30 days depending on the complexity of the request.

9.4 Response

A cover letter with approval for the Program Enhancement is generated by the DCOP and is forwarded along with the request packet and the panel's comments to the RCR and RD. Program Enhancement signatory requirements may vary from request to request depending on the degree of associated risk, and the required signatures will be stipulated in the cover letter from the DCOP, if applicable. The signed request is kept on file at WASO-LESES.

If the Program Enhancement request is not approved at any level of the process, the DCOP will generate a memorandum to RCR and RD with the findings and reasons for declination.

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Law Enforcement Recording Devices

1. PURPOSE
2. DEFINITIONS
3. POLICY
4. SCOPE
5. CONFIDENTIALITY
6. TRAINING
7. OPERATION
8. RECORDING RETENTION, CONTROL, AND INVENTORY
9. SUPERVISORY RESPONSIBILITIES
10. WRITTEN VARIATION TO THIS CHAPTER BASED ON LOCAL LEGAL CONSIDERATIONS

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1. PURPOSE

The National Institute of Justice and National Law Enforcement and Corrections Technology Center's Primer on Body-Worn Cameras For Law Enforcement (September 2012) has recognized the benefits of police cameras for the judicial process, officer safety, professionalism, and use cases. The Primer also states that such systems need to have in place a policy that addresses privacy issues, proper policy and procedures, the actual camera system, storage and use, and proper training. To that end, this policy provides commissioned employees with directions for the proper use, management, storage, and retrieval of audio/visual media recorded for both mobile "in-car" digital audio/video recorders (MVRs) and wearable audio/video recorders (WVRs) for the patrol function. The proper use of MVR and WVR can provide useful criminal documentary evidence and can also help defend an officer in the event of an allegation of misconduct or civil litigation.

The NPS has approved the use of MVRs and WVRs to accomplish the following law enforcement objectives:

- To enhance officer safety.
- To accurately capture statements and events during the course of an incident.
- To assist the officer's ability to properly document and review statements and actions for both internal reporting requirements and for courtroom preparation and presentation.
- To provide an impartial measurement for self-critique and field evaluation during new officer training.
- To capture visual and audio information for use in current and future investigations.

2. DEFINITIONS

2.1 Audio/Visual Recording Devices (AVRD)

Generic term for all devices capable of audio/visual recordings, which may be a mounted camera system in a patrol vehicle or a stand-alone device worn on the officer's uniform or person.

2.2 Mobile Video Recorder (MVR)

Audio/visual recording equipment designed for and installed into a patrol vehicle for the purpose of recording events both outside and inside of the vehicle during contacts and (if equipped) in the secured prisoner area. Typically, the audio device resides on the officer's shirt or lapel and transmits wirelessly to the recording device within the vehicle.

2.3 Storage Device

A media storage device that has been recognized by the courts as having sound evidentiary value. Due to the ever-evolving nature of this technology, consult with local AUSAs for recognized devices.

2.4 Wearable Video Recorder (WVR)

Audio/visual recording equipment that is combined into a single unit and typically worn on the officer's shirt, lapel, or eyewear. These devices provide for extended coverage when incidents or events take officers beyond the normal range of vehicle-mounted camera systems.

3. POLICY

Where available and issued, NPS-authorized audio/video recording devices shall be used to assist commissioned NPS employees in the performance of their law enforcement duties to help provide an accurate and unbiased recorded account of an incident. Such video recording devices, whose recordings shall have time and date stamps that cannot be altered, may be used for law enforcement purposes, but only if:

1. The officer is there lawfully.
2. It occurs in an area where no constitutionally protected reasonable expectation of privacy exists, and
3. The person is not targeted merely because of race or political affiliation or views.

All commissioned employees assigned to use these devices shall adhere to the procedures outlined within this policy so as to maximize the effectiveness and utility of the MVR and WVR and the integrity of evidence and related documentation.

4. SCOPE

This policy applies to all commissioned NPS employees, except the ISB and the OPR. Wherein MVR/WVR is used by ISB or OPR, it will be in accord with the ISB operations manual or described in an approved written investigative plan.

5. CONFIDENTIALITY

All recording media, storage devices, images, and audio are property of the agency and shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without written approval from the SLEO.

6. TRAINING

The use of in-car video recorders is a common police tool, which the public and courts have accepted. Other than equipment operations familiarization, using AVRDs for traffic enforcement does not require additional training.

Equipment Operations Familiarization:

- Basic system troubleshooting
- Activation and deactivation of the unit
- Storage device removal from the unit
- Proper procedures for transfer and documentation of data to evidentiary storage media (hard drive, cloud, DVR-R or CD-R, etc.)

The use of AVRDs for other enforcement contacts is not as well established. As such, training on Reasonable Expectation of Privacy, Fourth Amendment, and local case law is required before commissioned employees use AVRDs on non-traffic contacts.

The SLEO shall ensure that officers who are issued a WVR first receive training regarding where an officer is lawfully present and no constitutionally protected reasonable expectation of privacy exists, as well as training on the use of WVRs consistent with the manufacturer's recommendation. This training shall include at a minimum:

- Policy and case law considerations regarding an officer's lawful presence and where no constitutionally protected reasonable expectation of privacy exists.
- Overview and capabilities of the video and audio devices.

7. OPERATION

Equipment shall only be operated in accordance with the directives in this chapter and the manufacturer's recommended technical guidelines.

7.1 Prior Inspection

Prior to the beginning of each shift, the assigned officer shall perform an inspection to ensure that the device is performing in accordance with the manufacturer's recommendations including:

[redacted]

7.2 Activation

When the AVRD is available to a ranger, it shall be utilized to help provide accurate documentation of officer arrests, searches, and critical incidents (including documenting crime and accident scenes or other events that involve the confiscation and documentation of evidence or contraband). An AVRD may also be activated during an officer-public contact if the officer reasonably anticipates that the encounter may lead to an arrest, detention, or seizure of property, or if the citizen becomes disruptive.

As much as possible, the recording should capture the entire contact, starting when the decision is made to contact the citizen/violator and ending after the citizen/violator has left the scene. Whenever possible, officers should inform individuals that they are being recorded. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made in pursuant to an arrest or search of the residence or the individuals.

MVRs shall be installed to automatically activate when emergency equipment or a wireless transmitter is operating. The system may also be activated manually using the control panel on the interior of the vehicle.

When an officer fails to activate the AVRD, fails to record the entire contact, or interrupts the recording, the circumstances will be documented in the case report or violation notice. An officer will verbally indicate their intent to stop the recording, and the reason, before deactivating the device, and upon reactivation, state that he or she has re-started the recording.

The agency recognizes that it may not always be practical to activate AVRDs. Officers shall not allow the operation of AVRDs to interfere with their own personal safety, the safety of others, or the safe operation of patrol vehicles.

Citizens/violators shall not be allowed to review the recordings at the scene.

7.3 Deactivation

When an AVRD has been activated to document an event, it shall not be deactivated until the event has been concluded unless:

[redacted]

7.4 Reporting

A case incident report or violation notice will include an entry that the AVRD was activated to include the time frame and other identifying information to successfully retrieve the recording.

When preparing written reports, officers may view either a copy of the video or utilize the playback feature to review an incident for accuracy of details.

7.5 Prohibited Use

Officers shall only use agency-authorized AVRDs and shall not use AVRDs to covertly record other employees or police personnel without prior approval from the SLEO.

Under no circumstances shall any employee make a copy for personal use of any recorded event without written approval from the SLEO.

Personally owned recording devices are prohibited for law enforcement use.

Unless approved in an investigative plan, surreptitious or covert recordings are prohibited.

7.6 Repairs and Malfunctions

Problems that cannot be remedied by the officer shall be documented and reported to a supervisor and devices taken out of service until repaired by the manufacturer or a certified repair vendor.

Malfunctions, damage, or theft of AVRDs shall be reported immediately to a supervisor. Every effort should be made to preserve any video that may be recoverable. Depending on the severity of the crime and the value of the evidence, storage devices may be transferred to a crime lab or company specializing in disaster recovery of data.

8. RECORDING RETENTION, CONTROL, AND INVENTORY

Preface: Case law interpretation and evidentiary rules for video and audio can vary depending on the local judicial district. As such, the procedures below shall be utilized in absence of specific guidance from local prosecutors.

8.1 Retention

All recorded images and audio recordings are the property of the NPS, and under the current General Record Schedule 21 for Audio/Visual Records must be retained and not destroyed until after six months, unless otherwise preserved for a longer period. To preserve a recording for a longer time period, such as

because criminal, civil, or administrative proceedings are ongoing or because criminal or civil litigation is reasonably anticipated, a written request shall be filed by a commissioned employee with the park evidence custodian. Once such proceedings have concluded, evidence recordings will be destroyed in compliance with Chapter 13.

8.2 Downloading

[redacted]

Any copy of a recording shall be time and date stamped, to ensure recordings are not tampered with, and should be stored in a manner to allow for authentication and to establish its evidentiary chain of custody.

All copies made, other than working copies and those approved by the SLEO for training value, shall be placed into evidence consistent with the park's evidence management SOP and Sections 8.3 and 8.4 below. Officers shall not erase, alter, re-use, modify, or tamper with recordings.

Parks shall develop local plans outlining the frequency with which video shall be downloaded and archived, keeping in mind the capacity of storage devices on the AVRD itself.

8.3 Early Documentation of Recordings Reasonably Likely to be Needed as Evidence

While any recorded incident may ultimately be needed as evidence, early documentation is important for recordings that are reasonably likely to be needed as evidence. These include those incidents that result in a citation or arrest that will be adjudicated within the judicial system. Often these cases require court proceedings, testimony, and evidence submission before a magistrate, judge, or jury. AVRD recordings can often serve as a valuable evidentiary tool in criminal cases, as they accurately capture statements and events during the course of an incident and may be legally required to be produced.

[redacted]

If the software and hardware system in use by the park does not have the ability to flag and save these recordings or if it does not meet local evidentiary standards, then a DVD/CD master archive of the recording is required.

- The media files are copied to a DVD or CD where it can be designated as the Archive Master.
- Download the entirety of the material to an evidence-quality CD-R (Compact Disk Recordable) or DVD-R with a serial number. DO NOT USE CD-RWs. Make sure the transfer is complete. This becomes the Archive Master. Immediately mark the CD Archive Master with date, case number, and officer initials.
- While options vary depending on the specific software packages utilized, care shall be taken to ensure that copied media is saved in a "finalized" format and that it cannot be altered.
- The unaltered, original media or the duplicate of the device (the Archive Master CD/DVD) will be stored as evidence.

- A duplicate copy may be created and stored as a "working copy" for the case officer(s). This copy can be stored on a computer hard drive, a secure server, or an optical storage device. Working copies do not possess evidentiary value and shall be destroyed when no longer needed or once the case has been adjudicated.
- Once a case has been completely adjudicated, the original media storage device or Archive Master shall be retained consistent with Section 8.1, then destroyed.

8.4 Release of Copies

The original media storage device shall be maintained in accordance to local evidence management SOPs as well as chain of custody requirements, and its recordings shall not be viewed without specific instructions from the court or case prosecutor.

The "archive copy" may be viewed upon request by authorized persons while in the presence and control of the evidence custodian.

A copy of the recording may only be released with permission from the SLEO to the case officer, special agent, authorized prosecutor, or judicial entity. A request for a recording through the Freedom of Information Act shall be processed in compliance with applicable FOIA requirements.

A copy of the recording shall not be made for public viewing without written permission of the SLEO and the case prosecutor. Rangers may request a copy of a recording for training purposes with approval from the SLEO.

9. SUPERVISORY RESPONSIBILITIES

Consistent with Section 10, SLEOs are responsible for development of local procedures establishing guidelines and processes specific to their park unit. It is recommended that SLEOs consult with their local prosecutors, as interpretation of case law and evidentiary rules can vary based upon local judicial districts.

When significant incidents arise that require the immediate retrieval of the AVRDs, such as: serious crimes of violence, officer involved shootings, use of force incidents, or Departmental accidents, the SLEO, or their designee, shall ensure that the AVRD is secured as soon as possible and downloaded consistent with Section 8.2 above.

Supervisors may access video files, with permission from the SLEO, to investigate a citizen complaint, to investigate a complaint by another officer, or for other specific investigatory or training purposes.

10. WRITTEN VARIATION TO THIS CHAPTER BASED ON LOCAL LEGAL CONSIDERATIONS

Case law interpretation and evidentiary requirements for video and audio recording may vary depending on the local judicial district. As such, this chapter shall be utilized in absence of specific written guidance from prosecutors based on local legal considerations. Any recommended variation shall be written and first reviewed and approved by the SLEO and the Solicitor's Office. A copy shall also be promptly submitted to the DCOP, who will monitor parks' written variations to determine whether the chapter needs to be revised.

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This Manual produced by the National Park Service,
Office of Law Enforcement, Security and Emergency Services
Washington, DC

National Park Service Law Enforcement Reference Manual — RM-9 2015 Edition