



United States Department of the Interior

NATIONAL PARK SERVICE
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

OCT 12 1976

Memorandum

To: All Regional Directors and Director, National Capital Parks

From: ^{Acting} Director

Subject: Law Enforcement Authority

The "General Authorities Bill" (S.3430), as amended, has been signed into law by President Ford. Enactment of this legislation has an immediate effect on NPS operations. The Act has repealed laws providing law enforcement authority to all NPS personnel outside of the District of Columbia and its environs. It provides that only those persons designated by the Secretary under regulations prescribed by him shall have law enforcement authority.

For the purpose of implementing the Act, two categories of enforcement employees have been designated. Effective immediately, only the following categories of employees shall have enforcement authority:

CLASS I: FULL LAW ENFORCEMENT AUTHORITY: All members of the United States Park Police and all other employees who hold a valid series "C" law enforcement officer identification card issued by the Washington Office are hereby designated as Class I Law Enforcement Employees. Series "C" cards are issued in accordance with the training and experience criteria contained in the enclosure. In the performance of their official duties, these Class I employees have the authority to:

1. In accordance with prescribed policy, carry firearms and make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony, provided such arrests occur within the National Park System or the person to be arrested is fleeing therefrom to avoid arrest.
2. Execute any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law arising out of an offense committed in the National Park System or where the person subject to the warrant or process is in that system, in connection with any Federal offense.



3. Conduct investigations of offenses against the United States committed in that system in the absence of investigation thereof by any other Federal law enforcement agency having investigative jurisdiction over the offense committed or with the concurrence of such other agency.

In addition, Class I Law Enforcement Employees can be authorized by the Superintendent to receive law enforcement authority (deputization) from other jurisdictions for NPS purposes.

CLASS II: CITATION AUTHORITY FOR MINOR CFR INFRACTIONS ONLY: Employees who meet the training criteria described in the enclosure may be designated by the Regional Director as Class II Enforcement Employees. Employees in this category have authority to issue citations for minor infractions of Title 36, CFR. These employees do not have authority to make arrests or to carry firearms. They shall not be assigned to such hazardous duties as poaching patrols, road patrols involving the enforcement of moving traffic regulations, confronting car clouters, shoplifters, drug abusers or disorderly persons. It is impossible to list every individual CFR violation and predetermine what hazard to the employee might exist in a given set of circumstances. However, it must be emphasized that Class II employees are not law enforcement officers. Their ultimate authority is to issue a written citation or call for assistance from someone who has full authority. This individual is not to be used as a substitute for a qualified and designated law enforcement officer. The purpose of the Class II category is to help facilitate the proper management of those park areas which do not have a substantive law enforcement problem, but where occasionally minor CFR infractions do occur and a citation is an appropriate course of action. This category of employee, so far as enforcement is concerned, is similar to the police support personnel used in many cities. However, in our case it is expected that the employee's primary duties will involve activities other than enforcement.

Designation of these Class II employees shall be made in the form of a memorandum from the Regional Director to the employee's Superintendent with a copy to the Chief, Division of Ranger Activities and Protection, WASO, and a copy to each individual employee designated in the memorandum. Please adhere to the sample roster format enclosed.

Under no circumstances shall Volunteers in Parks (VIPs) be authorized to perform enforcement duties. In addition, all series "A" and "B" Law Enforcement Officer identification cards are hereby revoked and shall be returned to the Regional Law Enforcement Specialist.

We realize that implementation of this new legislation will necessitate some personnel realignment in the field. Park managers must evaluate the enforcement needs of their particular areas and strive to staff them accordingly. It is recommended that the Regional Law Enforcement Specialists be utilized to help field areas assess their enforcement needs and arrange for appropriate training and staffing.

Complete implementation of the Act of October 7, 1976, will take some time. You may expect additional instructions and guidelines in the near future.

A handwritten signature in cursive script, appearing to read "William J. Sigler". The signature is written in black ink and is positioned to the right of the main text block.

Enclosures

SAMPLE FORMAT

Memorandum

Date: _____

To: Superintendent, _____

From: Regional Director, _____ Region

Subject: Designation of Class II Enforcement Employees

In accordance with your recommendations and those of the Regional Law Enforcement Specialist, the below listed employees are hereby designated Class II Enforcement Employees. They are authorized to issue citations for minor infractions of Title 36, Code of Federal Regulations in your park area. They do not have authority to make arrests or to carry firearms. They shall not be assigned to hazardous enforcement duties such as poaching patrols, road patrols involving the enforcement of moving traffic regulations, confronting car clouters, shoplifters, drug abusers, disorderly persons or other obvious hazardous enforcement situations. Please ensure that these employees understand the duties and limitations of this authority.

Signature

Copy to:
Each designee concerned.
Chief, Division of Ranger Activities and Protection, WASO