



United States Department of the Interior



IN REPLY REFER TO:

W34(650)

NATIONAL PARK SERVICE

P.O. Box 37127
Washington, D.C. 20013-7127

JAN 22 1993

Memorandum

To: Regional Directors

From: Associate Director, Operations

Subject: Approved National Park Service Position Paper on Law Enforcement

A handwritten signature in black ink, appearing to read "Ridenour".

This is to transmit to you the approved "National Park Service Organizational Position Paper on Law Enforcement in the Protection Ranger Work Force." Director Ridenour signed the document on January 15, 1993, following review by each of you and your staffs.

I wish to express to you my personal thanks for your thoughtful comments and reactions. Many quality suggestions were received and incorporated into the final document.

We can be justly proud of this position paper. We have defined in contemporary terms, the mission and goals of the National Park Service (NPS) law enforcement program, including a primary emphasis on prevention and resource education. We have reconfirmed our fundamental mission of resource conservation and identified the role of Service law enforcement as an essential tool for accomplishing the objectives of park resource and visitor protection. We have also articulated the Service's support for park staff members who are assigned to law enforcement duties. We now have a management position defining what constitutes an NPS law enforcement officer.

This document then meets our intent to clarify and define the National Park Service law enforcement mission, policy and guideline.

We will collectively review, resolve and plan the most appropriate methods of implementing the principles articulated in this document. Through Regional Director meetings and Superintendent/related conferences, all levels of management will have ample opportunity to address concerns and shape decisions regarding the direction that park law enforcement programs will take. This position paper provides us an impetus to resolve the operational issues needed to initiate a contemporary resource and visitor protection program. Your views will be essential to that effort.

For example, as park managers move to implement this policy, care needs to be taken to insure that positions designated for law enforcement duties are appropriate, efficient and up to standard. The first step toward implementation is for park managers to conduct an indepth Law Enforcement Needs Assessment. This assessment should be based upon a clear identification of law enforcement needs, including staffing and the ability, where appropriate, to use other agency assistance.

There are clearly, some unanswered questions here, such as when does a park manager need a person who's job is "primarily" law enforcement. Conversely, when will a person who's law enforcement responsibilities are not "primary" be appropriate. These judgements need to be based upon standards of care and the individual park needs assessment. Additional guidance will be forthcoming, with an updated Law Enforcement Needs Assessment program.

A related question is the matter of employees possessing commissions that do not perform law enforcement as a part of their current duties. A sensitive, yet positive effort to eliminate these commissions will add significantly to our efficiency.

This agency law enforcement position document had its foundation in the "Vail Agenda," wherein, the Service recognized that a professional resource and visitor protection function was essential as we move toward the 21st Century. To achieve that goal, we have developed an overall "Ranger Futures" plan to update and modernize, ranger career management and related Service operational capabilities. Key actions in this program include:

Ranger Futures Initiative: This proposal will essentially provide a blueprint for necessary changes to professionalize the ranger work force (protection, interpretation and resource management). A concept paper will be available in February for field review, that will; define in broad terms, the qualifications, duties and responsibilities of ranger work, present classification alternatives and include an extensive career management proposal.

Generic Position Descriptions: These will reaffirm the value of the park ranger generalist (multi-skilled specialist) concept, as well as the option for specialist ranger work. Being computerized, this will simplify park classification actions and contain approved, grade-controlling paragraphs.

Law Enforcement, Operational Program Improvements: Including major revisions to NPS-9, such as an updated needs assessment, improved standards for eligibility, issuance and accountability of law enforcement credentials, provisions for appropriate pay and benefits, including an agency position proposal for enhanced annuity retirement benefits.

Resource Protection Initiative: A multi-year budget proposal, targeted at eliminating the theft and destruction of park resources, such as commercial poaching, livestock trespass, vandalism, etc. (this will be similar to the ARPA initiative, but focus on wildlife, plant and paleontological resources).

Ranger Futures Cost Proposal: A \$17 million request for FY 1994/95 to fund program needs, has been submitted to OMB. (At their request)

Thanks again for your assistance on this position paper. We will continue to work closely with you as we further develop this program.

Attachment



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
P.O. Box 37127
Washington, D.C. 20013-7127



NATIONAL PARK SERVICE ORGANIZATIONAL POSITION ON LAW ENFORCEMENT IN THE PROTECTION RANGER WORKFORCE And Related Policies And Guidelines

I. ACKNOWLEDGEMENT OF DUTIES AND RESPONSIBILITIES

The Organic Act establishing the National Park Service directs the Service to "...promote and regulate the use of Federal areas known as national parks, monuments, and reservations...by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations" (16 USC 1).

National Park Service Management Policies (chapter 8.6) state that, "The National Park Service will make reasonable efforts to provide for the protection, safety, and security of park visitors, employees, concessionaires, and public and private property and to protect the natural and cultural resources entrusted to its care."

To fulfill this mandate, areas administered by the National Park Service must be 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.

"Law enforcement" is the means by which government seeks to insure 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.

The National Park Service recognizes that law enforcement is an essential tool to be used in the accomplishment of its mission. National Park Service law enforcement program actions indispensably aid in satisfying Service resource and visitor protection responsibilities. The primary and proactive goal of the National Park Service law enforcement program is the prevention of criminal activities through resource education, public safety efforts, and deterrence. The reactive goal is detection, investigation, apprehension, and successful prosecution.

Toward the fulfillment of the Service mission, Congress has authorized the Secretary of the Interior to designate certain employees as Law Enforcement Officers, with the authority to "...carry firearms and make arrests...execute any warrant or other process...[and] conduct investigations of offenses against the United States..." (16 USC 1a-6).

**National Park Service Organizational Position On
LAW ENFORCEMENT IN THE PROTECTION RANGER WORKFORCE**

Individuals charged with this authority---and the responsibilities that accompany it---are the designated Law Enforcement Rangers, Criminal Investigators and Special Agents of the National Park Service. These individuals comprise the core of the protection work force---the sworn, commissioned Law Enforcement Officers of the National Park Service. Any position designated for delegation of law enforcement authority is necessarily critical and sensitive in nature, and bears enormous responsibility and public trust. Accordingly, whenever possible, the Service will ensure that the *primary* duty and responsibility of positions calling for the incumbent to maintain a law enforcement commission shall be the performance of law enforcement duties, in support of the overall resource conservation and enjoyment mission of the National Park Service. This law enforcement role shall rest in positions that require a law enforcement commission, including those directly responsible for supervising or managing law enforcement programs. However, where essential for park operations, as determined by a law enforcement needs assessment, commissioned law enforcement authority may be vested in positions with less-than-primary law enforcement responsibility.

Individuals charged with law enforcement authority are delegated immense power to restrict the liberties of others, and the responsibility to use that power judiciously. Every individual delegated law enforcement authority is, by the very nature of the duty, being asked to go in harm's way and to periodically place his or her life in jeopardy. The Service requires that its law enforcement personnel meet stringent suitability requirements; satisfy special and continuing training requirements; participate in rigorous physically and emotionally demanding activities; carry firearms and other weapons; and make instantaneous decisions pertaining to the appropriate use of varying levels of force---including deadly force---in the performance of their duties. The Service recognizes that the decisions made by individuals relating to the use of force, as well as to the use of arrest and detention authority, predictably may expose them to personal sanctions and legal liability of both a civil and criminal nature. The Service further recognizes that these personnel may routinely be required to enter into and/or remain in hostile or life threatening situations that are outside of their immediate control. These duties and responsibilities are best met by a work force that is vigorous, physically fit, and fully capable of performing arduous duties.

II. POLICIES AND GUIDELINES

As an agency charged by Congress with law enforcement responsibility, the National Park Service acknowledges the following goals, herein presented in descending order of importance:

- 1) Safeguard the principles of the U.S. Constitution.
- 2) Safeguard human life.
- 3) Safeguard the resources under the care of the National Park Service from permanent or lasting damage.
- 4) Safeguard personal and public property.

**National Park Service Organizational Position On
LAW ENFORCEMENT IN THE PROTECTION RANGER WORKFORCE**

NPS-9 is the official Service document that provides direction on how law enforcement will be accomplished by the commissioned Rangers, Criminal Investigators, and Special Agents of the National Park Service, in compliance with Departmental Policies articulated in DM-446.

With every revision of NPS-9 comes the opportunity to promote the cause of professional law enforcement efforts in support of the National Park Service mission, by responding to the ever-changing demands and challenges that are presented by an increasingly complex and diverse society. The policies and guidelines reflected in NPS-9 are not, and should not be, static. What is sound policy or procedure at one time may be found wanting with the passage of time. However, several underlying objectives remain constant and should guide all aspects of NPS law enforcement programs, including revisions to NPS-9. Among these basic objectives are the following:

- * Ensure that all policies and guidelines adopted support the Constitution and laws of the United States.
- * Ensure that all policies and guidelines adopted support the Service mission.
- * Ensure that Service law enforcement programs utilize appropriate contemporary techniques and approaches to crime prevention through resource and public safety education efforts, in conjunction with other traditional proactive and reactive enforcement efforts.
- * Ensure that all policies and guidelines adopted promote the delegation of law enforcement authority only to those individuals who are fully qualified, by way of background, education, physical ability, training, emotional stability, maturity, and personal commitment to bear the full weight and responsibility of that authority.
- * Ensure that all policies and guidelines adopted promote the safety of NPS law enforcement personnel and their abilities to perform their law enforcement duties.
- * Ensure that all policies and guidelines adopted promote the safety of the public.

National Park Service Organizational Position On
LAW ENFORCEMENT IN THE PROTECTION RANGER WORKFORCE

III. AGENCY COMMITMENT TO DUTY

To the maximum extent possible, within the limitations of available resources, and with recognition of demands created by conflicting priorities, the National Park Service will ensure that detected or suspected violations of the laws or regulations of the United States are investigated and corrected. The National Park Service, wherever possible, will make reasonable efforts to identify through investigation, and to subsequently apprehend, those individuals or groups who violate the laws and regulations of the United States while within the jurisdiction of the National Park Service. Once identified and safely apprehended, suspects shall be dealt with in a manner consistent with established principles calling for the utilization of the lowest appropriate and effective level of enforcement response.

In carrying out these duties, the Service demands that all of its commissioned law enforcement personnel exercise sound judgement 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. Wherever possible, the Service's primary efforts should be directed at natural, cultural, and human resource protection achieved through a preventative enforcement posture that includes education and deterrence, as well as apprehension and prosecution.

The Service further recognizes that national parks do not, and cannot, exist in a vacuum, independent of the communities around them. Criminal activities that occur beyond park boundaries will impact conditions within. Likewise, criminal activities that occur within the parks impact the communities that surround them. In acknowledging this relationship, the Service accepts its responsibility to conduct and coordinate its law enforcement efforts in cooperation with other federal, state, and local agencies.

**National Park Service Organizational Position On
LAW ENFORCEMENT IN THE PROTECTION RANGER WORKFORCE**

IV. AGENCY COMMITMENT TO EMPLOYEE SAFETY AND WORKING CONDITIONS

The Service bears both legal and moral responsibility to adopt policies, guidelines, and procedures designed to reasonably ensure that none of its law enforcement officers suffer injury or death as a result of their line-of-duty law enforcement responsibilities. This principle shall serve as a fundamental and uncompromising force and concept in the preparation of any revisions to NPS-9.

In keeping with this principle, it is the goal of the National Park Service to ensure that all candidates are adequately screened prior to delegation of law enforcement authority, and to then make available to its designated law enforcement personnel necessary tools, techniques, training opportunities, defensive equipment, other resources, and general working conditions, so they can safely fulfill their law enforcement responsibilities in satisfaction of the NPS mission.

Every commissioned Ranger, Criminal Investigator, and Special Agent of the National Park Service is charged with the duty of "going in harm's way", where others may retreat. It is, in turn, the responsibility of the Service to ensure that these same individuals are adequately and fairly compensated, in the form of pay, health, retirement, and death benefits, consistent with federal standards, for those hazardous duties they undertake.


James D. Gandy
Director, National Park Service
Date: 1/15/93