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## **A. AUTHORIZATION/REFERENCE**


- THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451:
- PART 5, GENERAL POWERS AND DUTIES , as amended, BEING SECTIONS 324.501 TO 324.51514 OF THE MICHIGAN COMPILED LAWS ANNOTATED
- PART 89, LITTERING, as amended, being sections 8901 to 8907, MCL 324.8901 to MCL 324.8907.
- PART 515 , BURN PERMITS, INTENTIONALLY CAUSING FIRE, as amended, being sections 51501 to 51514, MCL 324.51501 to MCL 324.51514.
- PART 742, CAMP REGISTRATION CARD, as amended, being sections 74201 to 74207, MCL 324.74201 to 423.74207.
- PART 811, ORV, as amended, being sections 81101 to 81150, MCL 324.81101 to MCL 324.81150.
- PART 821, SNOWMOBILES, as amended, being sections 82101 to 82160, MCL 324.82101 to MCL 324.82160.
- PART 831, FOREST RECREATION, as amended, being sections 83101 TO 83109, MCL 324.83101 to MCL 324 .83109.
- THE REVISED JUDICATURE ACT, 1961 PA 236, as amended by 2000 PA 80, BEING SECTION 600.8801 OF THE MICHIGAN COMPILES LAWS ANNOTATED.
- State land use rules provided in R 299.921 through R 299.933 of the Michigan administrative code.
- MICHIGAN VEHICLE CODE, 1949 PA 300, Sections 255, 311, 624a, 674, 904, 904a, MCL 257.255,257.311,257.624a, 257.674, 257.904, 257.904a.
- MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, Section 703, MCL 436.1703
- THE MICHIGAN PENAL CODE, 1931 PA 328 Chapter 48, MCL 750.335 to 750.347, Chapter 52, MCL 750.356 to 750.367c, Sections 377a, MCL 750.377a, Section 243a to 243e, MCL 750.243a to 750.243e., and Section 167, MCL 750.167
- THE PUBLIC HEALTH CODE, 1978 PA 368, Sections 7403 and 7404, MCL 333.7403 and 333.7404.
- FMFM Policy 700 - General State Forest Officer and Enforcement Procedure
- FMFM Policy 701 - Law Enforcement Administrative Procedure
- FMFM Policy 702 - Use of Force by FMFM State Forest Officers Procedure
- FMFM Policy 703 - Handling Intoxicated Individuals Procedure
- FMFM Policy 704 - Impoundment of Personal Property Procedure
- FMFM Policy 705 - Eviction from Department Facilities Procedure
- FMFM Policy 706 - Incidents, Property Damage and Larceny Procedure
- FMFM Policy 707 - Disposal of Alcoholic Beverages and Narcotics Procedure
- FMFM Policy 708 - Transportation of Prisoners Procedure

## **B. POLICY**

All Forest, Mineral and Fire Management (FMFM) employees have a role in accomplishing our mission of being protectors of the resources and keepers of the peace on the lands and facilities that we administer. To further enhance our ability to accomplish this mission, it is the policy of FMFM to commission State Forest Officers to enforce, upon properties administered by the Department, State Land Use Rules, Orders of the Director, and any laws of this state specified by the Director. The Procedures (section C. PROCEDURE of this policy) identify limitations imposed by FMFM policy regarding the enforcement posture of these specific laws and will be followed by State Forest Officers in the conduct of their duties. In performing these enforcement activities, commissioned State Forest Officers are vested with the powers, privileges, prerogatives, immunities, and responsibilities conferred upon Peace Officers under the laws of this state.

## **C. PROCEDURE**

### 1. Personnel

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Current employees of FMFM who desire to be commissioned as a State Forest Officer may request the necessary training. Such requests may be granted, based upon the FMFM Management Unit's needs for enforcement personnel and the FMFM Unit Manager's recommendation.

Any FMFM employee currently certified as a Peace Officer may be commissioned as a State Forest Officer at the discretion of FMFM. Such requests for consideration should be forwarded, with appropriate documentation, through the FMFM Management Unit, and District Supervisors to the Field Coordinator. The Field Coordinator and the FMFM Law Team will review the documentation, and the Field Coordinator will make a final recommendation to the Chief for decision. This review will determine if it is necessary for the individual to attend all or part of the DNR Academy prior to commissioning.

Each employee considered for commissioning as a State Forest Officer in FMFM must pass a physical evaluation, and a background check. .

FMFM retains the right to identify specific positions that will include the requirement of being commissioned as a State Forest Officer. If this is required of a new employee, the physical, psychological, and background investigations will constitute conditions of employment. In addition, if an employee does not successfully complete or pass the required training in Survival Tactics and the Law Enforcement Academy, they will not have completed their probationary employment satisfactorily.


The commission of a State Forest Officer may be suspended or terminated for the following reasons and/or circumstances:

- a) Separation from service (retirement, termination of state employment, leave of absence, etc.)
- b) Transfer or promotion to another location, position, or classification where a commission is not needed or appropriate.
- c) Disciplinary reasons.
- d) Failure to complete required training or recertification.
- e) A reduction in numbers of commissioned State Forest Officers.
- f) Any other conduct unbecoming a State Forest Officer.

Any suspension, retraction, or reinstatement of a State Forest Officer commission will be authorized by the Director. Administrative suspensions (where a supervisor would collect the employee's commission card, badge, and any issued law enforcement equipment) would occur for those circumstances that are expected to be a short duration (less than 6 months), and where the commission is expected to be continued.

Examples could include a short-term injury preventing recertification; pregnancy; or other limited duration instances that would prevent an employee from carrying out the duties of a State Forest Officer.

Administrative suspensions would be authorized by the Field Coordinator, or other appropriate Division personnel as authorized by the FMFM Chief. The administrative suspension would be done in writing and provided to the employee listing the reason for the suspension, the duration, and as needed, the

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requirement(s) for the suspension to be lifted.

A State Forest Officer may appeal such action, in writing, directly to the Chief of FMFM.

## 2. General Enforcement Guidelines

The main enforcement duties of a State Forest Officer are to enforce the State Land Use Rules, laws as specified in the Land Use Rules, FMFM Policy, and Orders of the Director that are Land Use Rule related. Most enforcement activity will occur during the conduct of normal work activities. All FMFM employees may participate in patrols to keep order in FMFM facilities, such as State Forest Campgrounds. In these operations, State Forest Officers, in uniform and with the issued duty belt and equipment, will add strength to the patrol effort by their presence and with the training and authority afforded them.

## 3. Law Enforcement Training

FMFM will schedule a DNR Law Enforcement Academy commensurate with the need for State Forest Officers. This training may be held jointly with Parks and Recreation Bureau officer candidates. Successful completion of Survival Tactics training basic course is a requirement to attend the academy.

Recertification in aspects of the training, such as Survival Tactics training, shall be required annually to retain the commission.


## 4. Law Enforcement Equipment

State Forest Officers will exercise their ability to use professional presence and communication skills to attempt to gain voluntary compliance. Currently commissioned State Forest Officers will be authorized to wear a State Forest Officer badge, duty belt, carry an aerosol spray, issued flashlight, expandable baton, and wrist restraints. To carry such equipment, the State Forest Officer must successfully pass an annual Survival Tactics recertification. A statement of the training date and the instructor who conducted the training shall be placed in the employee's training file maintained by the FMFM Training and Safety Officer.

State Forest Officers will be dressed in an appropriate uniform, identifiable as a DNR employee, wearing the duty belt with equipment, when any official enforcement action is taken or immediately contemplated. The State Forest Officer badge will be carried with the State Forest Officer at all times when on duty and will be appropriately displayed when exercising enforcement authority.

The FMFM State Forest Officers will not carry firearms.

## 5. Pursuit

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State Forest Officers are not and will not be trained in pursuit driving. FMFM vehicles are not designed for pursuit. The following policy is essential:

- a. Under no circumstances will fleeing vehicles be pursued.
- b. FMFM vehicles will not be used to block or obstruct roadways or trails for the purpose of apprehension or citation, unless requested to do so by another law enforcement agency that recognizes the inherent limitations of the FMFM training and vehicles.
- c. Under no circumstances should a State Forest Officer attempt to stop an oncoming vehicle by standing in its path.

#### 6. Snowmobile and ORV and Motorized Vehicle Enforcement

All enforcement of the Snowmobile Law and the Motor Vehicle Codes taken by a commissioned State Forest Officer will be restricted to those actions directly related to the Land Use Rules and Director's Orders.

#### 7. State Forest Campground or Recreation Area enforcement will be in accordance with the State Land Use Rules.

#### 8. Illegal Blinds


Discovered illegal blinds, as defined by the Natural Resources Commission Orders, "Wildlife Conservation Order" Sec. 2.9, will be reported to the FMFM Unit Manager. If the discovery occurs during open deer season, the FMFM Management Unit will notify that FMFM Management Unit's assigned Conservation Officer. If discovery is after the open deer season, then the FMFM Unit Manager will determine the course of action to be taken. The same procedure would apply to tree stands and raised platforms.

#### 9. Litter, Trash And Dumping

State Forest Officers witnessing an act of littering will take immediate action. The local Conservation Officer will typically investigate the discovery of litter and dumpsites, with assistance and information gathering as appropriate provided by the State Forest Officer and other FMFM staff.

#### 10. Assault and Battery

Witnessed assaults upon another shall be immediately referred to a local police agency. While State Forest Officers do not have specific authority to arrest or detain for assault, Land Use Rule 22 (e) does make it unlawful to engage in violent, abusive, and disorderly conduct, and may be utilized in these circumstances. Reasonable efforts should be made to protect the persons involved and any evidence that may exist, until local law enforcement officers arrive. State Forest Officers shall assist local law enforcement agencies in providing for the safety of all forest users.

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### 11. Law Enforcement Information Network (LEIN) System

The LEIN system will be utilized only by commissioned State Forest Officers or other staff authorized by the Chief of FMFM, for official business. Misuse of LEIN privileges will result in disciplinary action. Access to the system will be through the Lansing Law Enforcement Division's Communication Section, or through a cooperating Michigan State Police post, utilizing the common ORI number issued to FMFM. Specific details and access numbers will be provided to each State Forest Officer upon commissioning.

The other authorized use of the LEIN system is for conducting background investigations of FMFM employees being considered for State Forest Officer commission, or for occasional screening of current State Forest Officers. These checks will only be initiated in Lansing, upon approval of the Chief of FMFM.