 Forest, Mineral and Fire Management	<b>POLICY AND PROCEDURES</b>	Number <b>701</b>	Page(s) 1 of 7
	<b>LAW ENFORCEMENT ADMINISTRATIVE PROCEDURE</b>	<b>Date Approved:</b>  <b>November 1, 2002</b>	

## **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**


Administrative responsibilities involved with law enforcement in Forest, Mineral and Fire Management (FMFM) will be managed at the FMFM Management Unit level.

## **C. PROCEDURE**

### 1. APPEARANCE TICKETS

#### a. TICKET AUTHORITY

A State Forest Officer, based on authority granted in A. AUTHORIZATION/REFERENCE, may issue an appearance ticket for violations committed in their presence on properties administered by the Department.

 <b>DNR</b> Forest, Mineral and Fire Management	<b>POLICY AND PROCEDURES</b>	Number <b>701</b>	Page(s) 2 of 7
	<b>LAW ENFORCEMENT ADMINISTRATIVE PROCEDURE</b>	<b>Date Approved:</b>  <b>November 1, 2002</b>	

b. **LOCAL PROCEDURES**

The FMFM Unit Manager, or their designee, in consultation with the local Conservation Officer Sergeant, is responsible for establishing procedures with local courts and prosecutors.

c. **PROPERTY**

If property is seized in conjunction with ticket issuance, the FMFM Unit Manager, or their designee, is responsible for producing either:

- (1) the seized property, or
- (2) a signed property receipt

In all cases, Rules of Evidence guidelines cover the proper security and chain of custody for evidence and seized property. Local secure storage must be developed.

d. **OATH PROCESS**

State law provides that a complaint signed by a peace officer shall be treated as made under oath if the alleged offense is a minor offense which was committed in the signing State Forest Officer's presence and if the complaint contains the following statement immediately above the date and signature of the State Forest Officer.

"I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief." (MCL 764.1e)


This statute exists to relieve the peace officer from the burdensome procedure of personally appearing before a court officer to swear to the allegations of the complaint and then having to re-appear to testify to the same allegations at the trial. The defendant's constitutional rights are protected by the trial process without this unnecessary redundancy in the criminal justice process.

State Forest Officers, as peace officers acting under their statutory authority, are relieved from the requirement of personal appearance before a court officer to swear to the contents of the complaint simply by signing and dating the lower right portion of the appearance ticket. This procedure is encouraged as a matter of efficiency in Department operations. Nevertheless, State Forest Officers should become familiar with local court procedures and they should comply with them. Should guidance be needed, the State Forest Officer should consult with their Supervisor and the local Conservation Officer Sergeant.

e. **APPEARANCE TICKET GUIDANCE**


Appearance tickets are pre-numbered and require an accountability record for all tickets.

When providing needed information on a ticket, it should be complete, accurate, and printed legibly. A fine-point, black, ballpoint pen is preferred; blue ink does not copy as clearly if a warrant must be

 <b>DNR</b> Forest, Mineral and Fire Management	<b>POLICY AND PROCEDURES</b>	Number <b>701</b>	Page(s) 3 of 7
	<b>LAW ENFORCEMENT ADMINISTRATIVE PROCEDURE</b>	<b>Date Approved:</b>  <b>November 1, 2002</b>	

produced by the photocopy process. State Forest Officers are directed to double check all tickets for completeness, accuracy, and legibility before submitting them to the court. Retention of appearance tickets will be until audited and disposition approved by the Auditor. The FMFM Unit Manager or their designee is responsible for maintaining an ample supply of appearance ticket books for personnel under their supervision.


WHO	DOES WHAT
1. State Forest Officer	1. Completes inventory stub on newly issued ticket book and forwards to the FMFM Unit Manager.  Notifies FMFM Unit Manager of lost tickets or ticket books.  Upon changing work location to a different management unit, returns unused tickets to the FMFM Unit Manager.
2. FMFM Unit Manager or Designee	2. Enters the issued ticket numbers into the Management Unit log book and files the inventory stub.  When notified of the loss of a ticket or ticket book, identifies the appropriate ticket numbers as "LOST" in the unit log.  When a State Forest Officer changes work locations to a different management unit, receives from the State Forest Officer the unused portion of the issued ticket book. The unused portion can be re-issued to a different State Forest Officer after the Management Unit log has been changed to show the appropriate ticket numbers have been re-issued.
3. State Forest Officer	3. Records the ticket number and the name of the person to whom it was written on the front cover of the ticket book. Forwards the top white and goldenrod copies to the court, retains the green copy, and provides the white copy (misdemeanor) or blue (civil infraction) to the recipient/defendant. Retains the unused copy (white or blue) for their permanent files.  If a ticket is voided, note the voiding on the front cover with the ticket number, and retain all copies of the ticket.
4. Court	4. Returns the goldenrod copy of the ticket to the State Forest

 <b>DNR</b> Forest, Mineral and Fire Management	<b>POLICY AND PROCEDURES</b>	Number <b>701</b>	Page(s) 4 of 7
	<b>LAW ENFORCEMENT ADMINISTRATIVE PROCEDURE</b>	<b>Date Approved:</b>  <b>November 1, 2002</b>	

		Officer once the case is completed.
5.	State Forest Officer	5. Forwards the goldenrod copy of the ticket, with any officer comments, to the FMFM Unit Manager or Designee.
6.	FMFM Unit Manager or Designee	6. Records the infraction and case disposition with the appropriate ticket number in the Management Unit Log Book. Files the copy.
7.	State Forest Officer	7. Staples the completed ticket book to the green copies and forwards to the FMFM Unit Manager or Designee.
8.	FMFM Unit Manager	8. Files the completed ticket books and green copies. Makes sure all tickets in the book have been accounted for and entered in the log.

## 2. USE OF INTERIM BOND RECEIPTS PR-9155


<b>Who</b>	<b>Does What</b>
1. State Forest Officer	1. Consults with the District Court concerning the need for taking interim bonds and receives guidance on how the court wants this done.
2. FMFM Unit Manager or Designee	2. Upon guidance that the District Court wishes the State Forest Officer to take interim bonds issues Interim Bond Receipts (PR9155) to the State Forest Officer and records the receipt numbers issued in the Management Unit log.  When a State Forest Officer changes work locations to a different management unit, receives from the State Forest Officer the unused portion of the issued bond receipt book. The unused portion can be re-issued to a different State Forest Officer after the Management Unit log has been changed to show the appropriate receipt numbers have been re-issued.

 Forest, Mineral and Fire Management	<b>POLICY AND PROCEDURES</b>	Number <b>701</b>	Page(s) 5 of 7
	<b>LAW ENFORCEMENT ADMINISTRATIVE PROCEDURE</b>	<b>Date Approved:</b>  <b>November 1, 2002</b>	

3. State Forest Officer	3. As appropriate, issues Interim Bond Receipts when taking bonds according to court-given guidance. <ol style="list-style-type: none"> <li>a. Provides defendant with the white copy, forwards the pink copy to the Management Unit office, and retains the goldenrod copy for their files.</li> <li>b. Provides the canary copy to the district court, along with the appearance ticket and the bond money received from the defendant.</li> <li>c. If a bond receipt is voided, notes the voiding across the receipt, and forwards the white, pink, and canary copies to the Unit Manager or designee; retains the goldenrod copy for their files.</li> <li>d. If a bond receipt or receipt book is lost, notifies the Unit Manager.</li> </ol>
4. District Court	4. Provides the State Forest Officer with a receipt for the bond funds.
5. State Forest Officer	5. Attaches the court's receipt to goldenrod copy of the interim bond receipt and retains both in their files for audit.
6. FMFM Unit Manager or Designee	6. Logs the information from the pink copy in the Management Unit Log, and retains the pink copy on file for audit. <p>Identifies voided bond receipts appropriately in the Management Unit log.</p> <p>When notified by the State Forest Officer of the loss of a receipt bond(s), identifies the appropriate receipt number as "LOST" in the Management Unit log.</p>

- a. The FMFM Unit Manager, or their designee, is responsible for retaining an inventory of unassigned books, books issued, mutilated, lost, or voided.
- b. The FMFM Unit Manager will secure the tickets, ticket books, and other associated sensitive material until audited and destroyed. These materials are confidential and will be accessed on a need-to-know basis only.

### 3. LEIN ARREST DOCUMENTATION FORM APPLICATION AND USE

 Forest, Mineral and Fire Management	<b>POLICY AND PROCEDURES</b>	Number <b>701</b>	Page(s) 6 of 7
	<b>LAW ENFORCEMENT ADMINISTRATIVE PROCEDURE</b>	<b>Date Approved:</b>  <b>November 1, 2002</b>	

a. **FORM APPLICATION**

Whenever an arrest is made by a State Forest Officer as the result of a LEIN “hit”, an immediate record must be maintained using DNR form # R-9120-3, 8/ 82.

b. **RESPONSIBILITIES**

The FMFM Unit Manager, or their designee, is responsible for maintaining the original LEIN Arrest Documentation Form in the FMFM Management Unit Office files. Since the form may be available to the public, the State Forest Officer is responsible for recording only relevant and proper remarks. Do not send any copies of the form to Law Enforcement Division.

4. **DOCUMENTATION OF ISSUED EQUIPMENT**

The Secretary at the Gaylord Repair Shop will maintain the division inventory of appearance ticket books, interim bond receipts, law enforcement equipment, and badges. This individual will be responsible for maintaining an account of this inventory, and for properly receipting items as they are assigned.

The State Forest Officer is responsible for reasonable care of all issued law enforcement equipment. The FMFM Unit Manager, or their designee, shall keep accurate property receipts to account for all such equipment.

5. **DAILY LOG**


State Forest Officers will keep a daily log of all enforcement activities. This law enforcement log will be kept separate from any other activity log. The law enforcement log should be kept on a daily reminder, diary, or other notebook.

6. **REPORTING**

A monthly report will be submitted through the Chain of Command to FMFM. This report will detail all law enforcement activity that occurred on the FMFM Management Unit during the previous month. This report is the responsibility of the FMFM Unit Manager, or their designee, or the District Supervisor of State Forest Officers that are not part of a FMFM Management Unit. Unit Law Enforcement Report Form *FMFM #xxxx will be utilized.*

7. **CITIZENS COMPLAINTS**

When a complaint is received regarding the actions/inaction’s of a State Forest Officer, the complainant will be directed to contact the appropriate FMFM Unit Manager. Each complainant will be asked if they would like to file a formal complaint.

 Forest, Mineral and Fire Management	<b>POLICY AND PROCEDURES</b>	Number <b>701</b>	Page(s) 7 of 7
	<b>LAW ENFORCEMENT ADMINISTRATIVE PROCEDURE</b>	<b>Date Approved:</b>  <b>November 1, 2002</b>	

If they choose to file a formal complaint, they will be provided with a copy of the citizen's complaint form and assisted in the completion of the form. (*Form # xxxx*) The FMFM Unit manager will initiate an investigation and provide a written response to the complainant. This response and the original complaint will be maintained in a citizen's complaint file. Copies will be forwarded to the appropriate FMFM District Supervisor and FMFM Field Coordinator.

If an individual desires to lodge the complaint by telephone the FMFM Unit Manager will still initiate an investigation, but the response will be verbal. A synopsis of the complaint and response will be included in the citizen's complaint file.

All complaints regarding State Forest Officers will be logged in the file. The retention period for documents in this file is five years; these documents should be destroyed after that time.