 Forest, Mineral and Fire Management	POLICY AND PROCEDURES	Number 706	Page(s) 1 of 3
	INCIDENTS, PROPERTY DAMAGE AND LARCENY PROCEDURE	Date Approved: November 1, 2002	


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

State Forest Officers will carefully investigate complaints or reports of property damage, larceny or other incidents within Department Facilities and ensure that such incidents are reported on an Incident Report Form (R1004e), as required in Forest, Mineral and Fire Management (FMFM) policy 121. All pertinent facts should be documented on this form. Any incident, which appears to have potential for legal action against the State, should be reported with full details.

1. An incident is defined as a situation or circumstance in which:
 - a. A person or persons are evicted from a facility.
 - b. State Forest Officer or other DNR employee is assaulted during the conduct of their official duties.
 - c. Action by a cooperating law enforcement agency takes place where a report is filed with that agency involving a FMFM facility without the assistance of a FMFM employee.

 DNR Forest, Mineral and Fire Management	POLICY AND PROCEDURES	Number 706	Page(s) 2 of 3
	INCIDENTS, PROPERTY DAMAGE AND LARCENY PROCEDURE	Date Approved: November 1, 2002	

- d. Personal injury, theft (in excess of \$50), or property damage is experienced. Personal injury to Department employees will also be reported utilizing R-7200e, Accident Report.
- e. A person causes or participates in a confrontation, which may involve issuance of a ticket.
- f. A person suffers serious personal discomfort brought about by parties other than self, such as threats causing fear for personal safety.
- g. Vandalism of State property occurs causing damages in excess of \$50.
- h. A request is made involving law assistance from another enforcement agency.

Where appropriate, these types of incidents should be dealt with by a cooperating police agency, such as Township or Village Police, Sheriff Department, State Police, or the Department's Law Enforcement Division.


State Forest Officers who witness a larceny shall immediately contact one of these agencies, and if possible, detain the suspect and preserve the evidence until the responding police agency arrives. Officer safety must always be a prime consideration in the immediate action taken by the State Forest Officer in these situations.

State Forest Officers who receive a report of a larceny shall not initiate an investigation. Larceny investigation must be accomplished by a trained officer from a cooperating law enforcement agency.

C. PROCEDURE

Thorough reports are extremely important when a personal injury, larceny, or damage incident occurs. The following report procedure shall be used in reporting incidents involving personal injury, property damage, plus serious complaints involving the public within State lands and facilities under FMFM administration. Minor accidents or injuries such as bee stings, stubbed toes, and minor cuts and bruises need not be reported.

1. Incident Report, Form R-1004e, shall be submitted for incidents described in this policy.
2. Incidents involving loss of life shall immediately be reported to the FMFM Chief with all available details. The FMFM Chief will make the necessary contacts with DNR Executive Office. The FMFM Management Unit will also notify the FMFM Division Training and Safety Officer, the FMFM Field Coordinator, and the FMFM District Supervisor via telephone as soon thereafter as possible.
3. If State or local law enforcement agencies are involved, a copy of their report shall be secured and attached to the reporting form as supplemental information. The exception to this procedure will be in the event of automobile accidents on public county roads or State highways lying within, or passing through State forest lands. If FMFM personnel render assistance, a report shall be prepared.
4. Incidents involving theft or damage to a citizen's personal property shall also be reported when the FMFM Unit Manager determines the damage to, or loss of, personal property warrants the preparation

 DNR Forest, Mineral and Fire Management	POLICY AND PROCEDURES	Number 706	Page(s) 3 of 3
	INCIDENTS, PROPERTY DAMAGE AND LARCENY PROCEDURE	Date Approved: November 1, 2002	

of a report. For example, damage to a vehicle or camping unit caused by a falling limb shall be reported. The theft of a beachball in a swimming area would not be reported.

5. Incidents that precipitate significant discomfort to a visitor, brought upon by parties other than themselves, shall be reported. These may include serious confrontations, or violations of rules and regulations, which result in major displeasure and discomfort to other persons. The FMFM Unit Manager shall determine whether or not an incident of this type merits reporting.
6. FMFM shall report losses of \$1,000.00 or more of State property to Internal Audit, in accordance with DNR Procedure 6204.4.
7. Restitution should be sought in cases of destruction to Department property.
 - a. All restitution cases should be handled by the court system. Prior contact with the prosecutor on this issue aids in the success of collecting restitution for damages from individuals. Restitution collected will be handled at FMFM District offices per DNR Administrative Procedure 06.03-04.
 - b. Court ordered labor that is a condition of non-prosecution, sentence, or parole, will be accepted, as official acts of the court. Such labor will be utilized on trash cleanup, erosion control, or similar basic work, or for other work as may be identified by the agency and fitting for the individual's skill.
 - c. State Forest Officers shall not take it upon themselves to require any person to perform work in lieu of or under threat of prosecution.