

Department of the Interior Law Enforcement Policy

Effective Date: January 15, 2016

Series: Law Enforcement and Security

Chapter 4: Interagency Assistance

Originating Office: Office of Law Enforcement and Security

4.1 **Purpose.** This chapter establishes policy for bureaus/offices that provide and receive assistance from other law enforcement agencies.

4.2 **Scope.** This policy applies to all DOI bureaus/offices with law enforcement programs.

4.3 **Authority.** This policy is issued pursuant to 112 DM 17 and 212 DM 17.

4.4 **Responsibilities.**

A. Director, Office of Law Enforcement and Security (OLES) is responsible for policy development and provides program guidance and oversight of the Department's law enforcement programs.

B. Bureau Directors of Law Enforcement (BDLE) are responsible for promulgating and complying with this policy, and the corresponding *Law Enforcement Handbook*.

4.5 **Policy.** Bureaus/offices will develop policy and procedures concerning providing and receiving emergency and non-emergency assistance to/from other law enforcement or non-law enforcement agencies. Bureaus and offices must ensure that:

A. All written agreements meet specified standards.

B. All requests for emergency assistance are supported by a valid legal authority.

C. All requests for non-emergency assistance are supported by a valid legal authority.

D. All deputations are supported by a valid legal authority, and officers meet all training and eligibility requirements.

4.6 **Standards.** Bureau/office law enforcement programs will establish and implement procedures that comply with this chapter and meet requirements specified in the corresponding *Law Enforcement Handbook*.

Law Enforcement Handbook

Chapter 4: Interagency Assistance

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4.1 What does this chapter do? This chapter establishes policy for bureaus/offices that provide and receive assistance from other law enforcement agencies.

4.2 What is an emergency? For this purposes of this policy an emergency is a sudden, urgent, usually unexpected event or set of circumstances requiring immediate action. Special events by themselves are not deemed to be law enforcement emergencies.

4.3 What is a catastrophic/critical incident? A serious incident including, but not limited to, a terrorist action, a life threatening situation, a natural disaster or a significant threat to Department resources (212 DM 17).

4.4 What is a National Emergency? A situation or a condition, declared by the President pursuant to 50 U.S.C. 1601 et seq. or by the Congress, which authorizes certain emergency actions to be undertaken in the national interest. Actions to be taken may include partial or full mobilization of national resources.

4.5 What are the OLES notification requirements? When a law enforcement emergency exists which currently or has the potential to exceed the capabilities of the bureau/office, the BDLE will immediately notify the Director, OLES.

4.6 What records must be maintained? Bureaus/offices will maintain a central and up-to-date jurisdictional inventory of all authorities, and of all written agreements established at the national level.

4.7 Should bureaus/offices maintain written agreements with cooperating law enforcement agencies? Bureaus/offices will develop written agreements in advance with neighboring law enforcement agencies they may rely upon to provide mutual aid in emergency situations, special events or unusual situations.

4.8 What are the standards for written agreements? All written agreements should include the following elements: 1) objectives, 2) mutual benefits, 3) legal authority, 4) officer eligibility/minimum training requirements, 5) command and control, 6) term of agreement, 7) on scene communications, 8) public relations, 9) reporting requirements, and 10) fiscal responsibilities. All agreements will be updated/renewed at least every five years.

4.9 Is solicitor review required for written agreements? Bureaus/offices will create standards for the review of agreements by attorney advisors to verify legal sufficiency.

4.10 Can bureaus/offices assist other law enforcement agencies during emergency incidents? When supported by the proper legal authority, bureaus/offices may provide emergency assistance to local, state, tribal and Federal partners during emergency situations when a specific request has been made and/or when authorized by written agreement. Bureaus/offices will establish standards for their organizations, which detail the scope of law enforcement actions that may be taken outside of DOI lands.

4.11 Can bureau/office LEOs be appointed or deputized by other law enforcement agencies? Yes, when such appointments have a direct benefit to the administration of DOI lands or in response to national emergencies, such as part of the ESF-13 framework. Appointments should be reviewed on a recurring basis to ensure the appointment and/or deputation continues to benefit the Department.

4.12 Can bureaus/offices request and utilize emergency assistance from other law enforcement agencies? Bureaus/offices may request assistance from local, state, tribal and Federal partners during emergency situations when necessary to accomplish their law enforcement responsibilities.

4.13 Is there a requirement to utilize DOI law enforcement resources? In most non-emergency situations, when Department resources are available they should be utilized before requesting assistance from state, local, tribal or other Federal partners.

4.14 Are there special authorities when a National Emergency or catastrophic/critical incident is occurring or is about to occur? The Director, OLES has been delegated the authority to enact decisions about the Department's law enforcement resources including, but not limited to: deployment strategies, allocation of officers to assist at disaster sites and tactical operations.

4.15 Can bureaus/offices designate LEOs from another agency as special police to enforce the applicable laws of the bureau/office? When supported by the proper legal authority, and directly benefitting the mission of the Department, special police deputations may be enacted to grant individual authority for law enforcement functions. Such designations must have the full support and concurrence of both law enforcement agencies. Deputations are not intended to delegate law enforcement responsibilities to another agency in lieu of Department LEOs. Bureaus/offices will create procedures for vesting provider agency personnel with the legal authority to act within the receiving agency's jurisdiction.

4.16 What are the types of deputations? 1) Individual, and 2) Agency-wide. Individual deputations are the preferred method of issuance to supplement DOI law enforcement personnel given the ease of verifying training requirements, and the specificity that can be included in supporting agreements. Some agencies may have large workforces making individual deputations highly impractical. In these cases agency-wide deputations may be appropriate to minimize the administrative burden.

4.17 What is the term of deputation? Special Police Deputations may be issued long-term, as part of a recurring or on-going agreement, or short-term in response to special events or emergencies. Long-term agreements are valid for up to five years, however rosters of authorized LEOs should be updated annually. Short-term agreements should only be issued for the length necessary to cover the event or emergency.

4.18 Who may approve and authorize special police deputations? Bureaus/offices will develop procedures outlining the approval and authorization process within their bureau/office. At a minimum, all deputations that involve greater than 10 LEOs from a single agency require review and approval from the BDLE or their designee and the appropriate solicitor.

4.19 What documents are needed to legally support a deputation? All special police deputations will be enacted as part of a written agreement between all agencies involved. At a minimum, written agreements supporting deputations will include the following key elements: 1) objectives, 2) specific legal citation that allows for the deputation, 3) specific authority being vested, 4) duration or life-span of deputation, 5) statement of work, 6) appropriate financial clauses, 7) plan for coordination of public information, and 8) any special restrictions. In very rare circumstances, (e.g.,

a law enforcement emergency) there may be insufficient time to establish a written agreement with a cooperating agency. In these cases, a temporary deputation may be authorized not to exceed 48-hours. All agreements supporting deputation will be updated/renewed at least every three years.

4.20 What are the minimum training/eligibility requirements for deputations? Only LEOs who meet their respective Federal or state training requirements for law enforcement or peace officers, have no domestic violence convictions as defined by 18 USC 922(g)(9) [Lautenberg Amendment], and have an up-to-date qualification with an authorized firearm on their agency's course of fire are eligible for this designation.

4.21 Are there identification requirements for deputations? Bureaus/offices are not required to issue special police deputation identification cards to LEOs as deputation designations remain administratively established via written agreements. Bureaus/offices are not prohibited from developing their own identification cards and there may be circumstances where cards may provide benefits of enhanced recognition on the part of the public and other law enforcement agencies.

(i) In general, LEOs will wear the uniform of their employing agency.

4.22 What is an individual's employment status when operating under a legal and valid deputation? Special police deputations do not confer upon their holders any status as an employee of the Department of the Interior. LEOs continue to work for their home agency/department in all aspects of employment to include adherence with their agency's policy on use of force.

4.23 What are the incident reporting requirements? Special police will report all actions taken under the authority of the deputation in accordance with bureau/office established reporting requirements.

4.24 Do other protections exist for DOI LEOs? Regardless of jurisdiction and duty status, LEOs are provided liability protection by the Federal Law Enforcement Officers' Good Samaritan Act (GSA) of 1998 (P.L. 105-277) when engaging to protect individuals from crimes of violence. The GSA provides qualified immunity from suit for constitutional torts, "insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." (Harlow v. Fitzgerald, 457 U.S. 800) [1982].

4.25 Should bureaus apply for US Marshal Service deputation during emergency ESF-13 deployments? Law enforcement delegation during ESF-13 deployments will be determined in coordination between the ESF-13 national coordinators at DOJ/ATF and OLES. Often, state or local law enforcement delegation will be preferred over US Marshal Service deputation.

4.26 Is the use of Military Forces authorized? Emergency plans may provide for the use of military support in non-law enforcement duties such as transportation and logistics.