

Law Enforcement Authority & Jurisdiction for BLM Rangers, Special Agents, & Managers

Office of Law Enforcement & Security

May 2012

Overview

- Welcome to the online training module for Law Enforcement Authority and Jurisdiction for BLM Law Enforcement Rangers, Special Agents, and Managers. This course is designed to provide you with the foundation of BLM's law enforcement authority and the scope of our law enforcement jurisdiction.
- By the end of this session you will be able to....
 - list the sources of law enforcement authority in the BLM.
 - identify the type and scope of the BLM's jurisdiction.
 - recognize situations that fall under BLM authority and jurisdiction.
- In addition to establishing an initial base of knowledge, this course and the associated reference materials are designed to serve as a long term knowledge resource on the topic of BLM's law enforcement authority and jurisdiction.



Before you begin

- In order for you to successfully complete this course, you will need to print off or have an electronic copy of the *LE Authority & Jurisdiction Study Guide* available to you while you complete the course. The *Study Guide* is available at [LE Authority and Jurisdiction Study Guide.pdf](#)
- The *LE Authority & Jurisdiction Study Guide* is a series of questions and practical exercises designed to help you explore and learn the subject matter, and to help you apply your knowledge of BLM's authority and jurisdiction to a variety of scenarios.
- The information needed to answer the questions presented in the *Study Guide* can be found within the course material including the references. Links to the reference materials are included throughout the course or in the Reference Section at the end of the course.
- In order to receive credit for completion of this course, please bring your completed *Study Guide* to the first day of Introduction to Resource Protection or Law Enforcement for Manager's Training course.



Enforcement of State and Local Laws by BLM Rangers and Special Agents

- We know from our earlier discussion that BLM managed public lands fall under proprietary jurisdiction. Under proprietary jurisdiction the State has retained all authority, therefore the laws, regulations, and ordinances of the State and it's municipalities apply on public lands.
- In some States, federal law enforcement officers may have some limited or complete state peace officer authority to enforce State laws.
- The application of any state peace officer authority by a BLM Ranger or Agent is limited by the Tenth Amendment to the U.S. Constitution. The 10th Amendment grants all powers to the States not delegated to the United States. It further prohibits a State from expanding the jurisdiction of the federal government beyond what Congress provided. Through FLPMA, Congress established the law enforcement jurisdiction of the BLM as the public lands and property located thereon.
- 43 USC 1733(d) of FLPMA provides that "*In connection with the administration and regulation of the use and occupancy of the public lands, the Secretary is authorized to cooperate with the regulatory and law enforcement officials of any State or political subdivision thereof in the enforcement of the laws or ordinances of such State or subdivision.*"
- This cooperation includes accepting State Peace Officer authority however it must relate to the "*administration and regulation of the use and occupancy of the public lands*". In other words, enforcement of State and Local laws and regulations by BLM LEOs under any State Peace Officer authority must be within the scope of the law enforcement jurisdiction established by FLPMA.



State Peace Officer Authority – cont.

- BLM policy requires that a written Memorandum of Understanding signed by the appropriate State Director, BLM Special Agent-in-Charge, and the authorized State or Local law enforcement official be in place prior to any BLM Ranger or Agent exercising any State Peace Officer authority. Being sworn in as a Special Deputy by the Sheriff is not enough.
- Please see the following policy references for additional information:
 - [General Order 03 Authority.pdf](#)
 - [General Order 23 LE Coordination.pdf](#)
 - [IM 2008-111 - MOUs for Law Enforcement Authority.pdf](#)
- The authority of a State to grant State Peace Officer authority differs from State to State and in some cases does not exist. In some cases where State law provides authority to convey State Peace Officer authority to BLM LEOs, the State or local entity may choose not to for various reasons at their discretion.
- Please see [Guide to Authority and Jurisdiction for BLM Rangers and Agents 2012.pdf](#) for a list of laws in the western States that may convey State Peace Officer authority to BLM Rangers and Agents.



Enforcement of state law through the Assimilative Crimes Act (18 USC 13)

- The Assimilative Crimes Act sometimes adopts and applies state law to violations occurring on federal lands. However the following three criteria must be met before a federal law enforcement officer can assimilate a state law under the Assimilative Crimes Act
 - The U.S. has exclusive or concurrent jurisdiction.
 - There is no federal law covering the conduct, and
 - There is an applicable state law.
- As we learned in our earlier discussion on jurisdiction, the vast majority of public lands fall under propriety jurisdiction. Therefore the Assimilative Crimes Act cannot be used to enforce state law on BLM managed public lands.

