

# WESTERN STATES SHERIFFS' ASSOCIATION



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December 4, 2024

Members, United States Congress  
Washington D.C.

Honorable Members of Congress,

The Western States Sheriffs Association (WSSA) is an organization representing over 1200 Sheriffs in 18 States west of the Mississippi. Our mission is to assist Sheriffs with federal, state and local legislative issues and work to keep the Office of Sheriff strong.

Over the past year our organization has been working to halt the promulgation of RIN 0596-AD57, proposed changes to 36 CFR 261, U.S. Forest Service Proposed Criminal Prohibition Rule. This rule, if implemented, would provide the law enforcement officers within the U.S. Forest Service federal authority over personal property crimes and crimes against persons on all National Forest System lands managed by the USFS.

The leadership within the WSSA has reviewed this rule and has vigorously argued against its implementation. The rule is wrought with legal and constitutional hurdles that we feel cannot be overcome by its passage. The Assimilation of state crime into federal code is not legal nor can it be allowed on lands of proprietary interest. With some limited exceptions in the east half of the United States, all lands managed by the USFS are lands of proprietary interest and therefore cannot be subject to assimilation standards as might normally be applied.

In our conversations with leadership within the USFS, we are told they are happy to cede jurisdiction of personal property crimes and crimes against persons in those counties where the Sheriff indicates the desire to be the first responder. This philosophy is flawed in that the primary jurisdiction for crimes against persons and property already rests with the Sheriff. The USFS cannot delegate authority they do not have.

We feel it is in the best interest of the citizens of the western United States that this rule be struck down in the congressional review process at this time. An alternate course of action is to engage the leadership of the USFS and the WSSA to promulgate a National Memorandum of Understanding to provide a clear path forward for the collaborative enforcement efforts on National Forest System lands.

We ask that those responsible within congress take the appropriate actions now to stop this rule and allow for open and frank conversation moving forward that protects the sovereign authority of the Sheriff while retaining a focus on serving the public who visit and recreate on NFS managed lands.

Please contact us should you have any questions

Sincerely,

Gary Bettencourt, Sheriff  
Gilliam County, Oregon  
President, WSSA

