

Committee on Resources

Subcommittee on Forests & Forest Health

Witness Testimony

TESTIMONY OF ROBERT C. JOSLIN,
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UNITED STATES DEPARTMENT OF AGRICULTURE
Before the
Subcommittee On Forests And Forest Health
Committee On Resources
United States House Of Representatives
Concerning
LAW ENFORCEMENT
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Madam Chairman and Members of the Subcommittee:

I am appearing before you today to discuss law enforcement on National Forest System lands. I am accompanied by Bill Wasley, Director of Law Enforcement and Investigations (LE&I) for the Forest Service. I will cover the law enforcement program and structure, authorities, cooperation with others, and the special problems and challenges facing the Forest Service law enforcement program.

The Forest Service manages approximately 192 million acres of land in the United States. We are responsible for the administration, use, and protection of the water, vegetation, wildlife and fish, cultural, mineral, and other resources on these lands. The National Forests and grasslands are also host to over 800 million people who visit and use these lands each year. We administer tens of thousands of permits, contracts, and other authorizations that produce goods and services from the National Forest System lands.

Law enforcement is an integral part of the Forest Service's mission of "Caring for the Land and Serving People". The goal of the law enforcement program is to protect the public, employees, and natural resources and other property under the jurisdiction of the Forest Service.

Population increases around the country are driving urban problems onto National Forest System lands. Drug use and sales, alcohol incidents, assaults, thefts, murders, suicides, rape, assault and gang activities are increasingly common on these lands, as are threats and assaults directed against our employees. The monetary value of forest products, and the increased value of commercial recreation and special uses has increased theft and other illegal activities. In short, the need for law enforcement has increased.

Structure And Program

The Director of the Forest Service Law Enforcement and Investigations (LEM) organization reports directly to the Chief. The Director has a Deputy Director and 4 Assistant Directors in the Washington Office. The Director also has 9 Regional Special Agents-In-Charge who supervise the law enforcement program in each

region of the Forest Service. Regional organizations vary, but generally consist of a small regional staff, a zone supervisory level, and a supervisory level at the forest. The uniformed law enforcement officers work under the zone and forest-level supervisors. At this time the Forest Service has approximately 450 uniformed law enforcement officers and 130 criminal investigators.

Law enforcement officers perform a full range of patrol-type enforcement duties, such as enforcing compliance with regulations for woodcutting, fire use, or dealing with unauthorized occupancy and use of National Forest System lands. Law enforcement officers regularly encounter and handle public safety incidents such as traffic accidents, search and rescues, disputes, shooting incidents, drug and alcohol possession and use problems, and assaults. They conduct preliminary investigations and assist Forest Service criminal investigators in conducting some full investigations. Criminal investigators conduct investigations regarding timber theft, theft of archeological artifacts, threats against Forest Service employees, wildland arson and human-caused fires, marijuana cultivation, and damage to public property, among others.

In addition to patrol and investigation, our officers advise and assist other field employees of the Forest Service as they perform their public contact and administration work. The natural resource backgrounds of many of the law enforcement officers and criminal investigators greatly facilitates this assistance.

The Forest Service grants full-range law enforcement authority (the authority to carry and use defensive equipment) only to law enforcement officers and criminal investigators. Law enforcement officers complete an 11-week training course, while criminal investigators complete an 8-week training course. Both of these courses are taught at the Federal Law Enforcement Training Center (FLETC). These basic training courses teach basic law enforcement and investigation skills, and train officers in federal law enforcement legal requirements, ethics, court systems and procedures. Both types of officers also attend a 2 week course in land management enforcement which focuses on timber theft, fire, illegal drug enforcement and other programs or techniques unique to the Forest Service. Officers must annually complete a minimum of 40 hours of in-service law enforcement training regarding policy, enforcement issues and legal updates. They meet regular training and qualification standards with their defensive equipment, including quarterly firearms training. This training is provided by Forest Service instructors trained and certified at FLETC. Officers may also receive specialized advanced training in timber theft, archeological resource theft, marijuana cultivation enforcement, computer crime, white collar fraud, and fire cause determination. Because of the extensive work we do in these fields, some of our officers are nationally and internationally recognized experts.

Investigations have positive results. Every year our officers investigate thousands of wildfires to determine their cause. In addition to any criminal prosecutions that may result from these investigations, the Forest Service often seeks civil remedies to recover the cost of suppression, and the value of resources damaged. Arson cases investigated by LE&I personnel in recent years have resulted in civil recoveries of over \$7 million. Cases investigated by criminal investigators resulted in the conviction of a man who burglarized Forest Service facilities (over \$31,000 in loss and damage), as well as the conviction of an equipment company owner who had filed \$66,000 in fraudulent claims. Hundreds of convictions have been obtained from the enforcement of archeological resources protection laws and regulations, including one case in Utah where 9 individuals were convicted of multiple felonies involving the theft of hundreds of artifacts from, and nearly \$500,000 in damage to, a prehistoric cave site. Civil recoveries have also resulted from these cases. Convictions for timber theft or damage have been obtained. Last April, a man in Washington state was convicted of causing \$850,000 in damage while cutting and removing 50 old-growth cedar trees in the Mt Baker-Snoqualmie National Forest.

The Forest Service has played a significant role in drug enforcement for over twenty years. In 1997, eighty drug labs or drug lab dumps were found on National Forest System lands. Working cooperatively with our state and local law enforcement partners, the Forest Service eradicated over 300,000 marijuana plants valued at nearly \$950 million dollars from approximately 4,400 sites. Officers made over 2,400 arrests, and seized nearly \$14 million dollars worth of processed marijuana, \$20 million dollars of cocaine, and over \$ 1.1 million in assets. Marijuana cultivation and other drug activity continue to present a risk to the public using the National Forest System lands as well as our employees. In 1997, 26 people were assaulted by growers on National Forest System lands, 211 weapons were found in the possession of growers, and 48 booby traps were found at growing sites.

The Forest Service LE&I program is funded by a separate line item in the budget. The appropriated funding for LE&I in fiscal year 1997 was \$59,637,000; the appropriated funding for the program in fiscal year 1998 is \$63,967,000. The President's budget request for Fiscal Year 1999 is \$67,373,000.

Authorities

Law enforcement has been an integral part of resource protection since the formation of the forest reserve system in 1897. Section I of the Organic Administration Act of 1897, authorizes the Secretary of Agriculture to issue

regulations for the protection and use of national forests and prescribes criminal sanctions for violations of the regulations. Enforcement of the Forest Service's criminal regulations and other authorities protect natural resources and ensure the safety of the public on National Forest System lands. Upon creation of the agency in 1905,, Congress authorized agency employees to make arrests for violations of laws and regulations relating to national forests.

While the federal mandate to control and regulate the national forests is clear, States retain civil and criminal jurisdiction to enforce state laws on National Forest System lands. When authorized, Forest Service law enforcement officers may enforce laws other than those pertaining to the national forests. In the Act of May 23, 1908, Congress authorized Forest Service officials to enforce within national forests certain state laws as well as federal laws unrelated to the national forests. The Cooperative Law Enforcement Act, authorizes the Forest Service to reimburse local law enforcement agencies for enforcement of state and local laws on National Forest System lands.

In 1986, Congress passed the National Forest System Drug Control Act, which was amended in 1988, authorizing the Forest Service to investigate drug offenses where they occur on, or affecting the administration of, National Forest System lands. The Forest Service drug control program is an important element in meeting strategic goals and objectives articulated in the 1998 National Drug Control Strategy. We work closely with the Office of National Drug Control Policy on drug control.

Cooperation With Others

Each year increases in public and commercial use of National Forest System lands causes increases in crimes against people and resources. Other federal, state, and local law enforcement agencies are similarly faced with increasing crime trends that tax their abilities to accomplish their work with limited resources. Although Forest Service officers have various authorities to enforce state and local laws, cooperation with state and local agencies in the enforcement of these laws on public lands is encouraged. Due to the remoteness of most National Forest System lands, and the limited staffing of other agencies,-our officers are

often the first or only officer able to respond.

The Cooperative Law Enforcement Act authorizes the Forest Service to reimburse local law enforcement agencies for expenses associated with law enforcement services on National Forest System lands. In 1997, the Forest Service had 546 cooperative agreements with state and local agencies to perform routine law enforcement patrol activities, and 171 drug enforcement cooperative agreements. These agreements provided funds totaling over \$5 million dollars to local law enforcement agencies in 1997. Each agreement is negotiated at the local level between the Forest Service and the local agency, and funds are paid on a reimbursable basis. The agreements often address other cooperative efforts such as mutual back-up, equipment and information sharing, and enhanced coverage in remote or heavily used areas.

The Forest Service has Memorandums of Understanding (MOU) with a variety of Federal agencies such as the U.S. Marshals Service, the Department of the Interior, and the Drug Enforcement Administration. These MOU's provide for coordination of enforcement or investigative activities that are mutually beneficial to the cooperating agencies.

Special Problems And Challenges

Total incidents reported by Forest Service officers in 1997 were triple those reported in 1992. The trends of increased use of the National Forests and increasing urbanization stretch our patrol and investigation staff. Large events such as the upcoming 2002 Olympics, increasing demonstrations, drug smuggling, a large number of recent natural disasters, and large group events on National Forest System land further impact our local coverage by requiring us to move our enforcement personnel around the country.

Our budget has been impacted by the various law enforcement officer pay requirements of Congress, such as Law Enforcement Availability Pay and law enforcement officer pay comparability.

The tracking of crime trends and our workload and accomplishments are becoming increasingly important. Two computerized data base programs are currently in use. The Forest Service is in the process of developing a new database system that will replace the two existing systems, utilizing the Forest Service's new computer system. The new database system will meet the FBI Uniform Crime Reporting System requirements, and provide modem computer technology to all levels of our law enforcement program. We also recently implemented a new field activity reporting system used by individual officers and organizational levels. These changes will provide us with more accurate and consistent data on our accomplishments.

We have implemented a large number of program and organizational changes since 1994 that have improved the oversight, professionalism, and customer service focus of our organization. Our emphasis in organizational change has been to focus our field criminal investigators on investigation duties, and to increase the staffing of uniformed law enforcement officers, especially in areas where there has been little or no coverage.

Congress directed that the Forest Service complete an independent study of the current LE&I organization and submit a report by March 1, 1997. The report was completed by Star Mountain, Inc., the Star Mountain Report, and made five recommendations:

- 1. LE&I should aggressively apply the decisions from the *LE&I Strategic Plan Report for the Year 2000* throughout the organization and evaluate the effect of improved organizational management

procedures and processes.

- 2. LE&I should identify the resources necessary to maintain effectiveness in the future and communicate those requirements to the Chief, Forest Service.
- 3. The Forest Service should provide a mechanism whereby line management can reprogram funds for additional cooperative effort in support of enforcement activity where appropriate.
- 4. LEM should examine the potential for use of existing block grants and examine the potential for establishing a block grant to fund training and equipment for cooperative law enforcement personnel.
- 5. LE&I should review the alternative approaches for providing full law enforcement coverage while reducing costs.

In looking at alternatives for cooperative efforts with state and local agencies, the report also concluded that block grants were not viewed as a viable alternative to the current cooperative agreement reimbursement program for having other law enforcement agencies assume LE&I law enforcement responsibilities. However, targeted block grants could supplement the existing cooperative agreement program to help fund specialized equipment and training required for Forest Service-type work. We are currently analyzing our cooperative law enforcement program for ways to maximize its effectiveness and best meet the needs of impacted state and local agencies.

Conclusion

In summary, our law enforcement program is a valuable part of the Forest Service's mission of "Caring for the Land and Serving People". Crime problems have increased and have migrated to the National Forest System lands. Our officers meet accepted standards for federal law enforcement training. A strong cooperative law enforcement program allows us to efficiently share scarce resources. We are currently facing a myriad of challenges in public safety, public service, and resource protection, and are working on improving our program and organization through training, updating equipment, and improving our reporting systems to respond to these challenges. This concludes my prepared remarks and we would be happy to answer questions.

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