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United States Department of the Interior

NATIONAL PARK SERVICE

Law Enforcement Office

**Grand Canyon National Park**

**Jurisdictional Inventory**

 Approved:

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 Steve Martin Date

 Superintendent

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 Bill Wright Date

 Chief Ranger

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# Executive Summary

This document is designed to provide an incoming Chief Ranger, District Ranger or individual Field Ranger with an outline of their Law Enforcement Authority within and outside the boundaries of Grand Canyon National Park (GRCA).

The foundation of law enforcement authority for commissioned personnel within the National Park System is derived from the 1976 General Authorities Act. The act gave the Secretary of the Interior authority to designate certain officers and employees to maintain law and order and protect persons and property within areas of the National Park System.

GRCA is invested with concurrent jurisdiction granting both the federal government and the state the authority to enforce their own laws with the park. The concurrent designation also authorizes GRCA to exercise the enforcement of 18 USC and to assimilate or (adopt) state laws, not addressed by the federal government, under the Assimilative Crimes Act.

The size and isolation of Grand Canyon National Park necessitate close cooperation with the federal, state, and tribal agencies bordering it. The park encompasses approximately 1,218,735 acres of public land on the southern end of the Colorado Plateau running from the Paria River to the Grand Wash Cliffs including tributary side canyons and surrounding plateaus. GRCA and surrounding agencies including the Forest Service, Bureau of Land Management, and Coconino County rely on each other to accomplish their missions. Such relationships are mutually beneficial, economical, and advantageous to the public interest. The park mandates law enforcement agreements with many of these entities including agency specific and “blanket” contracts that cover most federal land management agencies.

The GRCA Visitor & Resource Protection Division is committed to maintaining and strengthening working relationships with all of its surrounding and cooperating agencies. These relationships support a common goal: providing public safety at the highest level possible for the visitors and residents of Grand Canyon National Park and Northern Arizona.

Prepared August 2010

# Definitions/Types of Jurisdiction

### A. Jurisdiction: “The term jurisdiction defines the sphere of authority and outlines the legally-defined boundaries or territorial limits within which any particular authority may be exercised.”[[1]](#footnote-1)

## B. Authority: “The lawful grant of specific powers.”[[2]](#footnote-2)

## C. Exclusive Legislative Jurisdiction: “The Federal government possesses all the authority of the State, subject only to the right of the State to serve criminal and civil process for actions occurring outside the unit. Law enforcement must be provided by the United States since State law may not be enforced by a State officer within a NPS unit under this jurisdiction. Exclusive jurisdiction allows the NPS to enforce Federal criminal statutes and also to assimilate State law under Title 18 U.S.C. 13, when no applicable Federal law or regulation exists.”[[3]](#footnote-3)

## D. Partial Legislative Jurisdiction: “This type of jurisdiction is very similar to exclusive jurisdiction, except that the State has reserved the right to exercise certain authority, such as the right to tax or to sell fishing licenses. Partial legislative jurisdiction allows the NPS to enforce Federal criminal statutes and also to assimilate State law under Title 18 U.S.C. 13, when no applicable Federal law or regulation exists.”[[4]](#footnote-4)

## E. Concurrent Legislative Jurisdiction: “The United States and the States jointly hold and exercise all rights accorded a sovereign, with the broad qualification that such authority is held concurrently. The United States, however, has the superior right under the supremacy clause of the Constitution to carry out Federal functions unimpeded by State regulation. Concurrent jurisdiction allows the NPS to enforce Federal criminal statutes and also to assimilate State law under Title 18 U.S.C. 13, when no applicable Federal law or regulation exists.”[[5]](#footnote-5)

## F. Proprietary Legislative Jurisdiction: “The United States has no legislative jurisdiction or measure of the State’s authority over Federal land, but exercises all the rights of a property owner. The United States has, however, certain other constitutional powers that a private individual does not hold. Congress has delegated a measure of that constitutional authority to the NPS to make and enforce regulations (36 CFR Chapter 1) in all NPS areas (see 16 U.S.C. 1a-2 (h), 1c and 3). A State may exercise its legislative jurisdiction (police power) over the acts of private persons in park areas to the same extent as on privately owned lands. The State may exercise its full civil and criminal jurisdiction over private activities on Federal lands held under proprietary status. The State may not impose its regulatory power directly upon the United States without specific congressional consent, nor may it tax Federal land. The State also may not regulate in a way that would directly interfere with the performance of a United States function, law or regulation.”[[6]](#footnote-6)

The following CFR regulations are applicable, “regardless of land ownership, on all lands and waters within [the park] that are under the legislative jurisdiction of the United States”[[7]](#footnote-7) :2.2, 2.3, 2.4, 2.13, 2.22, 2.30, 2.31, 2.32, 2.34, 2.36, 4.1, 5.8, 5.9, and 5.13.

# Concurrent Criminal Jurisdiction within Grand Canyon National Park

A. **Federal Law Governing Concurrent Criminal Jurisdiction in GCRA**

1. The following federal statutes pertain to concurrent criminal jurisdiction in GRCA: [18 USC § 7](http://www.law.cornell.edu/uscode/html/uscode18/usc_sec_18_00000007----000-.html), [18 USC § 13](http://www.law.cornell.edu/uscode/html/uscode18/usc_sec_18_00000013----000-.html), and [16 USC § 1a-3](http://www.law.cornell.edu/uscode/html/uscode16/usc_sec_16_00000001---a003-.html).

Under the Assimilative Crimes Act, certain state criminal laws apply on federal enclaves (e.g. areas within concurrent state and federal jurisdiction such as Grand Canyon) if the conduct in question is “not made punishable by any enactment of Congress.”

 **B. State Law Governing Concurrent Criminal Jurisdiction in GCRA**

1. [A.R.S. 37—620](http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/37/00620.htm&Title=37&DocType=ARS) Vesting of concurrent criminal jurisdiction in the United States over certain lands and areas.

2. In accordance with A.R.S. 37—620 concurrent criminal jurisdiction for GCRA within Coconino and Mohave Counties was fulfilled through the following correspondence shortly after the General Authorities Act of 1976. (see attached correspondence)[[8]](#footnote-8)

# Jurisdiction Within Grand Canyon National Park

## [16 USC 1a-6](http://www.law.cornell.edu/uscode/html/uscode16/usc_sec_16_00000001---a006-.html)--Authority to Carry out Law Enforcement Duties

### USC 1a-6 authorizes the Secretary of the Interior to “designate, pursuant to standards prescribed in regulations by the Secretary, certain officers or employees of the Department of the Interior who shall maintain law and order and protect persons and property within areas of the National Park System. In the performance of such duties, the officers or employees, so designated, may:

### 1. Carry firearms and make arrests without warrant for any offense against the United States committed in his presence, or for any felony cognizable under the laws of the United States if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony, provided such arrests occur within that system or the person to be arrested is fleeing therefrom to avoid arrest;

### 2. Execute any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law arising out of an offense committed in that system or, where the person subject to the warrant or process is in that system, in connection with any Federal offense; and

### 3. Conduct investigations of offenses against the United States committed in that system in the absence of investigation thereof by any other Federal law enforcement agency having investigative jurisdiction over the offense committed or with the concurrence of such other agency.”

**B.** [**Title 36 – Code of Federal Regulations**](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=5bd86e83447e992b0c8d2a7da44c5c3d&c=ecfr&tpl=/ecfrbrowse/Title36/36tab_02.tpl) **(CFR)**

 1. 36 CFR 1.1 –General Provisions

The regulations in this chapter provide for the proper use, management, government, and protection of persons, property, and natural and cultural resources within areas under the jurisdiction of the National Park Service.

These regulations will be utilized to fulfill the statutory purposes of units of the National Park System: to conserve scenery, natural and historic objects, and wildlife, and to provide for the enjoyment of those resources in a manner that will leave them unimpaired for the enjoyment of future generations.

**C.** [**Departmental Manual (DM) # 446**](http://elips.doi.gov/app_DM/act_getfiles.cfm?relnum=3326) **– Law Enforcement Handbook**

 1. DM #446, 1.1 – Purpose

The purpose of Part 446 is to maintain effective and efficient professional law enforcement (LE) programs within the Department of the Interior to comply with applicable laws and regulations and to discharge the Secretary’s authority, which may be delegated through Assistant Secretaries to the bureau and office heads. These directives and standards implement statutory provisions, Public Law, and regulations relating to Federal law enforcement. The Departmental Law Enforcement Official will be provided with a copy of all supplemental policies or instructions developed by bureau and office Law Enforcement Administrators prior to release or publication.

--or—

DM446 is the Department of Interior’s law enforcement manual and includes standards which require an officer to possess intelligence, tact, sound judgment, emotional stability, and a good personality. The NPS law enforcement ranger, both seasonal and permanent, must comply with the standards set forth by the Department of Interior’s DM 446 (Lukas, 24).

 **D.** [**NPS Management Policies, Chapter 8.3**](http://www.nps.gov/refdesk/mp/chapter8.htm)

1. Chapter 8.3.1

The law enforcement program is an important tool in carrying out the NPS mission. The objectives of the NPS law enforcement program are:

1) the prevention of criminal activities through resource education, public safety efforts, and deterrence; and

2) the detection and investigation of criminal activity and the apprehension and successful prosecution of criminal violators. In carrying out the law enforcement program, the Service will make reasonable efforts to protect the natural and cultural resources entrusted to its care and to provide for the protection, safety, and security of park visitors, employees, concessioners, and public and private property.

## E. [Director’s Order # 9](http://www.nps.gov/policy/dorders/dorder9.html) –Law Enforcement Authority

## 1. Inside Park Boundaries: Within national park system boundaries, the Service will fulfill its law enforcement responsibilities using NPS employees. However, the NPS is authorized by 16 U.S.C. 1a- 6(c) to appoint (deputize) another agency's qualified law enforcement personnel as special police when it will benefit the administration of a park area. Deputations may be issued only for the purpose of obtaining supplemental law enforcement assistance when deemed economical and in the public interest, and with the concurrence of the other agency. Deputations may not be used to delegate NPS law enforcement responsibilities to state or local governments. All such appointments must be approved by the bureau director of law enforcement or his/her designee, and supported by a written agreement with the other agency at the park or national level, except when there is insufficient time because of an emergency law enforcement situation.[[9]](#footnote-9)

**F.** [**Reference Manual #9**](http://www.nps.gov/policy/DOrders/RM-9.pdf) **– Law Enforcement Reference Manual**

 1. Background and Objectives, 1.1

To fulfill its Congressional mission and mandate, the NPS will strive to administer areas under its care in such a manner that they are free of criminal activity that threatens or compromises the ecological health and integrity of protected natural and cultural resources and/or disrupts an atmosphere conducive to public safety and enjoyment.

**G. Designation of Authority to Render Aid to Visitors**

 [16 USC § 12](http://www.law.cornell.edu/uscode/html/uscode16/usc_sec_16_00000012----000-.html) – Aid to visitors in emergencies

 “The Secretary of the Interior is authorized to aid and assist visitors within the National parks or national monuments in emergencies.”

 Although authority is granted to the National Park Service, there is no legal mandate to conduct search and rescue. Instead search and rescue on the part of the National Park Service is viewed as being a **discretionary function**[[10]](#footnote-10) of the agency.

 The NPS may respond to those who are determined to be unjustifiably overdue, those in need of medical or physical assistance, downed aircraft, boaters in trouble, or any type of situation in which assistance is required from those responsible for the safety of people.

**V.** **Jurisdiction Outside Grand Canyon National Park**

## [Director’s Order # 9](http://www.nps.gov/policy/dorders/dorder9.html) –Law Enforcement Authority

1. Outside Park Boundaries: Per [16 U.S.C. 1b(1)](http://www.law.cornell.edu/uscode/html/uscode16/usc_sec_16_00000001---b000-.html) the Service is also authorized to use appropriated funds for "Rendering of emergency rescue, fire fighting, and [other] cooperative assistance to nearby law enforcement and fire prevention agencies and for related purposes outside of the National Park System."[[11]](#footnote-11) Further, insofar as federal law does not confer arrest authority to NPS personnel who act outside park boundaries, *State arrest authority is first needed before NPS personnel can enforce State law or engage in law enforcement activity outside national park system boundaries.[[12]](#footnote-12)*

It has been the NPS’s long-standing interpretation of 16 U.S.C. 1b (1) that such NPS law enforcement assistance generally stems from some sort of an *unexpected occurrence* that requires *immediate action* [emphasis added] and may include one or more of the following:

a) Emergency responses such as life or death incidents, serious injury/fatality accident/incident scenes, crime scenes involving the protection of human life, officer in trouble, threat(s) to health or safety of the public.

b) Emergency or law enforcement incidents directly affecting visitor safety or resource protection.

c) Probable cause felonies and felonies committed in the presence and observed by National Park Service Rangers

d) Misdemeanors committed in the presence or National Park Service Rangers that present an immediate threat to the health and safety of the public

## Non-Emergency Cooperative Assistance To Nearby Law Enforcement and Emergency Service Agencies

Under Authority granted by 16 USC, park management has made a determination that it is the park’s best interest to provide occasional, non-emergency cooperative assistance to nearby law enforcement and emergency service agencies with which the park works very closely. This includes a wide variety of Federal, State and local departments in Arizona that frequently provide mutual-aid and cooperative assistance to the National Park Service. This type of non-emergency cooperative assistance is authorized based on a finding by park management that providing this type of assistance is an important and effective management tool for improved administration and management of the park. Indentified benefits include enhancing interagency relationships that better facilitate mutual-air responses within and outside the park, improved protection of park resources and visitors, improved officer safety, improving community relations, and other related purposes.

Per DO-9 and RM-9, both emergency and non-emergency cooperative assistance provided to these nearby law enforcement and emergency service agencies must be limited to those actions which support and/or assist those agencies. Under no circumstances may NPS personnel take the lead role in performing law enforcement operations outside of park boundaries, except as provided by 16 USC 1a-6.

In addition, it shall be the policy of this park that non-emergency cooperative assistance provided to nearby law enforcement and emergency service agencies must be at the request of the receiving agency, have a clear nexus to the park and its surrounding communities and be approved by the participating employee’s supervisor.

All forms of assistance provided to other agencies, whether emergency or non-emergency, will be fully documented in a Case Incident Report (Assistance to Other Agency).

Note: While 16 U.S.C. 1b (1) authorizes the NPS to provide law enforcement assistance to localities outside park areas, the statue itself does not confer arrest authority to NPS personnel to act outside park boundaries. Congress cannot provide the authority to enforce State laws; only the State can confer such authority on NPS personnel.”[[13]](#footnote-13)

**C.** **Authority of Peace Officers Outside Geographical Area of Agency –A.R.S. 13, Article 6**

 1. Authority of Peace Officers, [A.R.S. 13-3871](http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/13/03871.htm&Title=13&DocType=ARS)

The authority of a peace officer may extend in any of the following circumstances to any place within the state:

1. Where he has the prior consent of the chief of police, marshal, sheriff, or other department or agency head with peace officer jurisdiction, or his duly authorized representative, having the primary responsibility for law enforcement within the jurisdiction or territory.

2. Under any of the circumstances set forth in section 13-3883.[[14]](#footnote-14)

2. Cross-certification of federal peace officers; policy; powers; qualifications; liability; records, [A.R.S. 13-3875](http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/13/03875.htm&Title=13&DocType=ARS)

1. The sheriff of each county shall develop and adopt a policy on cross-certification of federal peace officers, including whether cross-certification shall be permitted in that county.

B. A federal peace officer who is employed by an agency of the United States and who has completed the basic training curriculum for the officer's agency shall possess and exercise all law enforcement powers of peace officers in this state for one year, including, if directed by the officer's employer, the capability to enforce the criminal laws of this state if the federal peace officer:

1. Submits to the sheriff a written request for certification as a peace officer in this state.

2. Submits evidence that the officer has been certified as a federal peace officer, is authorized by federal law to engage in or supervise the prevention, detection, investigation or prosecution of a violation of federal law and is authorized by federal law to make arrests, serve warrants and carry firearms.

C. Each federal peace officer who requests cross-certification may submit to the sheriff a written request for certification as a peace officer in this state pursuant to subsection B. The cross-certification remains in effect for one year from the date on which the certification was authorized by the sheriff.

D. Neither the state nor any political subdivision is liable for any acts or failure to act by a federal peace officer.

E. The Arizona peace officer standards and training board shall maintain records of all federal peace officers who are certified as peace officers in this state.

**D.** **Arrest -13 A.R.S., Article 7**

1. Arrest by officer without warrant, [A.R.S. 13-3883](http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/13/03883.htm&Title=13&DocType=ARS)

A. A peace officer, without a warrant, may arrest a person if the officer has probable cause to believe:

1. A felony has been committed and probable cause to believe the person to be arrested has committed the felony.

2. A misdemeanor has been committed in the officer's presence and probable cause to believe the person to be arrested has committed the offense.

3. The person to be arrested has been involved in a traffic accident and violated any criminal section of title 28, and that such violation occurred prior to or immediately following such traffic accident.

4. A misdemeanor or a petty offense has been committed and probable cause to believe the person to be arrested has committed the offense. A person arrested under this paragraph is eligible for release under section 13-3903.

5. The person to be arrested has committed any public offense that makes the person removable from the United States.

B. A peace officer may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of any traffic law committed in the officer's presence and may serve a copy of the traffic complaint for any alleged civil or criminal traffic violation. A peace officer who serves a copy of the traffic complaint shall do so within a reasonable time of the alleged criminal or civil traffic violation.

**VI.** **Law Enforcement Agreements with Cooperating Agencies**

 **A Agreements for Cross-Designating Law Enforcement Authority**

1**.** **Coconino County, 2008**

 Article II-Statement of Work

A. In-park Law Enforcement Pursuant to 16 U.S.C. § 1a-6 and Search and Rescue

1. NPS Law Enforcement Officers may enforce state laws and county ordinances within the portion of GRCA located within Coconino County.

2. As between the parties, the NPS shall be primarily responsible for responding to, investigating, prosecuting, or taking other appropriate action respecting violations of state law or county ordinances within the portion of GRCA located within Coconino County.

B. Out-of-park Emergency Law Enforcement assistance pursuant to 16 U.S.C. Subsection 1b(1)

The situations for which the NPS is authorized to render emergency law enforcement assistance outside of GRCA under this agreement are the following:

1. Accidents or incidents involving a serious injury or fatality;

2. Crime scenes involving the protection of human life;

3. Officer in trouble;

4. Threats to public health or safety;

5. Incidents directly affecting park visitor safety or park resource protection;

6. Felonies; and

7. Misdemeanors committed in the presence of NPS Law Enforcement Officers that pose an immediate threat to the public’s health or safety.[[15]](#footnote-15)

  **2.** **Forest Service, 2006**

This agreement provides for the “cross-designation of law enforcement authorities between Law Enforcement Officers of the “Agencies” [NPS and USDA Forest Service] . . . and “that in cases where a law enforcement emergency or a violation in progress exists, it shall be beneficial, . . . to cross-designate law enforcement officers.”

“For violations-in-progress, law enforcement officers . . . of one agency who have received training in the other agency’s laws and regulations may take appropriate action when they encounter a violation-in-progress on lands administered by the other agency.”[[16]](#footnote-16)

  **3.** **United States Fish and Wildlife Service, 2009**

 “The U.S. Fish and Wildlife Service and National Park Service hereby cross-designate law enforcement officers for the following purposes:

1. Investigative support and law enforcement assistance. This requires a request and approval from the Regional Chief Ranger NPS, Special Agent in Charge OLE or Regional Chief ORLE USFWS, and any designated law enforcement officers.

2. Law Enforcement Emergencies. This requires a formal/informal request for emergency law enforcement response for incidents involving an immediate threat to persons, property, or resources.

3. Violations in Progress. With respect to violations in progress, the cross-designation is effective only for the purpose of taking initial action.

4. Requests for assistance. Requests for response to law enforcement emergencies may be made officer to officer or by telephone/radio dispatch through appropriate dispatch centers.”[[17]](#footnote-17)

 **4.** **Bureau of Land Management, 2009**

The BLM and the NPS mutually agree to cross designate Law Enforcement Officers for the following purposes:

 1. Initial Action

 2. Violations in Progress

 3. Law Enforcement Emergencies

 4. Investigative Support and Law Enforcement Assistance

 5. Routine Law Enforcement

 6. Special Operations/Pre-Planned Events[[18]](#footnote-18)

**B. Cooperative Agreements with Other Agencies**

 **1.** **United States Coast Guard, 2006**

Memorandum of Agreement Between The United States Coast Guard And The National Park Service Regarding Recreational Boating And Passenger Vessel Safety In The Lake Mead National Recreation Area, Glen Canyon National Recreation Area and Grand Canyon National Park

“Generally, under this MOA the NPS will carry out the water side activities normally conducted by the USCG (e.g. boating safety enforcement, search and rescue, accident investigations, etc.). Additionally the NPS will understake safety examinations for uninspected passenger vessels; including passenger vessels carrying 6 or fewer passengers

 **2.** **Havasupai Tribe, 2001**

General Agreement Between the National Park Service and the Havasupai Indian Tribe

“The purpose of this agreement is to recognize the historic use and occupancy of Supai Camp by tribal members and to establish the terms and conditions under which that use and occupancy may continue.”

**3.** **Bureau of Indian Affairs**

Authority for cross designation of law enforcement authority to the BIA is found in [25 USC, Chapter 30, Section 2803 (8)](http://www.law.cornell.edu/uscode/html/uscode25/usc_sec_25_00002803----000-.html)

**VII.** **Authority of other Federal Agencies within the Park**

A. Federal Bureau of Investigation (FBI): The FBI has primary jurisdiction over terrorism, homicide and assaults on federal officers.

B. Drug Enforcement Administration (DEA): The DEA has primary jurisdiction over drug manufacturing cases.

C. U.S.D.A. Forest Service. See U.S.D.A. Forest Service MOU in section [VI, A, 2](#ForestService).

D. U.S. Fish and Wildlife Service (USFWS): The USFWS has limited investigatory authority, including but not limited to the Migratory Bird Treaty Act, Lacey Act, etc. See USFWS MOU in section [VI, A, 3](#UnitedStatesFishandWildlife).

E. U.S. Marshals Service: The Department of Interior has a Memorandum of Understanding with the U.S. Marshalls Service relating to assistance to be provided to Interior agencies in anticipation or response to civil disturbances.[[19]](#footnote-19)

F. U.S. Coast Guard (USCG): See USCG MOU in section [VI, B, 5](#USCG).

G. U.S. Postal Service (USPS): The USPS has authority to “investigate criminal matters related to the Postal Service.”[[20]](#footnote-20)

H. National Transportation Safety Board (NTSB): The NTSB has primary investigatory authority over aviation, railroad, and other transportation accidents.[[21]](#footnote-21)

Consult the following materials when responding to an aviation incident:

1. For Police & Public Safety Personnel: [Responding to an Aircraft Accident - How to Support the NTSB](http://www.ntsb.gov/family/LEO_brochure.pdf) (See Appendix)

2. [Interagency Aviation Mishap Response Guide and Checklist](http://amd.nbc.gov/safety/library/IAMRGC-pms503.pdf) (See Appendix)

I. Federal Aviation Administration (FAA): The FAA has jurisdiction over the airspace above GRCA.

J. Federal Railroad Administration (FRA): The FRA is responsible for enforcing all railroad safety laws. See [49 USC § 103](http://www.law.cornell.edu/uscode/html/uscode49/usc_sec_49_00000103----000-.html)

Note: The above agencies should be notified of offenses for which they have primary jurisdiction that occur within the park.

# VIII. Authority of State, County, City, and other Agencies within the Park

 A. Concurrent Jurisdiction Lands and Waters

1**.** State Officersmay enforce all laws promulgated by the state or the county in which the Park is located.

2. County Officers (Coconino and Mohave) may enforce all laws promulgated by the state or county. The territorial jurisdiction of county officers is limited to their respective county, unless otherwise authorize by state statute.

3. Sheriff, Duties and Powers, [A.R.S. 11-441](http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/11/00441.htm&Title=11&DocType=ARS)

B. The sheriff may in the execution of the duties prescribed in subsection A, paragraphs 1 through 4 command the aid of as many inhabitants of the county as the sheriff deems necessary

C. The sheriff shall conduct or coordinate within the county search or rescue operations involving the life or health of any person, or may assist in such operations in another county at the request of that county’s sheriff, and may request assistance from any persons or agencies in the fulfillment of duties under this subsection

4. City Police Officers(Flagstaff, Kingman) may enforce all laws authorized by the state or local authority. The territorial jurisdiction of city police officers is limited to the city unless otherwise authorized by state statute.[[22]](#footnote-22)

B. **Tribal Law Enforcement**

**1.** **Tribal Officers** (Navajo, Hualapai, and Havasupai) may enforce all laws and ordinances promulgated by their tribal government and the State of Arizona. The territorial jurisdiction of tribal police is limited to reservation boundaries unless authorized by state statute.[[23]](#footnote-23)

**IX.** **Good Samaritan Act**

The Federal Law Enforcement Officer’s Good Samaritan Act of 1998 does provide important but limited liability protection when NPS officers are involved in three specific situations which occur regardless of jurisdiction, regardless whether inside or outside park boundaries. Found at [Public Law 105-277, Title VI, § 627](http://frwebgate.access.gpo.gov/cgi-bin/useftp.cgi?IPaddress=162.140.64.184&filename=h3839ih.pdf&directory=/diska/wais/data/105_cong_bills), the Act provides that a Federal “law enforcement officer” [which includes permanent commissioned employees in 6c covered positions and Park Police Officers] shall be construed as acting within the scope of his or her employment for common law tort liability purposes, “if the officer takes reasonable action, including the use of force to:

### 1. Protect an individual in the presence of the officer from a crime of violence

### 2. Provide immediate assistance to an individual who has suffered or is threatened with bodily harm

### 3. Prevent the escape of any individual who the officer reasonably believes to have committed in the presence of the officer a crime of violence

### While the Good Samaritan Act does not afford protection against a NPS officer sued for a constitutional tort, it does make clear that the officer was acting within the scope of his or her employment. Finally, the act does not expand the law enforcement authority or jurisdiction of the NPS officer but only addresses his or her potential liability.

**X.** **Special Police Designations with Neighboring Law Enforcement Agencies**

A. 16 USC § 1a-6(c) authorizes the Secretary of the Interior to: “(1) designate officers and employees of any other Federal agency or law enforcement personnel of any State or political subdivision thereof, when deemed economical and in the public interest and with the concurrence of that agency or that State or subdivision, to act as special policemen in areas of the National Park System when supplemental law enforcement personnel may be needed, and to exercise the powers and authority provided by paragraphs (1), (2), and (3) of subsection (b) of this section;”

B. General Agreements with local law enforcement agencies will generally include a Special Police Deputation provision. Section IX, E lists those agencies for which a Special Police Deputation is included in a General Agreement.

**XI.** **Special Jurisdiction Situations**

1. **Navajo Nation/GCRA Boundary Issue**

The eastern boundary between the Navajo Nation and Grand Canyon National Park between Lees Ferry and the confluence of the Colorado and Little Colorado Rivers is an area of contested jurisdiction. In 1969 a field solicitor for the Department of the Interior placed the boundary between River Mile 0 and River Mile 61 a quarter-mile east of the Colorado River. In 1991 the Phoenix Office of the Bureau of Land Management came to a similar conclusion, interpreting the boundary as one quarter-mile east of the river. Based on legal documents establishing reservation lands the Navajo Nation claims the middle or edge of the river as the boundary of GRCA.[[24]](#footnote-24)

Law Enforcement Rangers operating in the area discussed above should be aware of the contested nature of the boundary.

1. **Hualapai Reservation/GCRA Boundary Issue**

The exact location of northern boundary of the Hualapai Reservation is an ongoing issue between the Hualapai Tribe and Grand Canyon National Park. Of particular interest to both parties is the area between River Mile 187 and River Mile 266 where the Hualapai have developed tourist facilities including an airport and marina.

A 1976 Department of Interior field solicitor opinion placed the northern boundary of the reservation at the 1912 Colorado River high-water mark, far beyond the current shoreline. As a result the area where Hualapai tourist activities and facilities are located may be within the jurisdiction of GRCA.

This boundary dispute has been a serious source of contention between GRCA and the Hualapai in the past but a more productive relationship has emerged since the early 1980s. However, Park Rangers should be aware that the situation remains both complex and unresolved.[[25]](#footnote-25)

1. **Private Inholdings**

Privately owned land within the boundary includes some 24,680.54 acres in fee ownership (4 tracts) and 12,309.95 in less-than-fee ownerships (40 tracts). The former number is based upon the park’s interpretation of the GRCA-Navajo Nation boundary as existing a quarter-mile east of the river between River Mile 0 and River Mile 61.

Most of the 24,288 acres of “private land” lies in the contested strip along the park’s eastern boundary with the Navajo Indian Reservation. The remaining private tracts include the 325.87 acre Hearst property, the 34.45 Lee tract, and the 32.22 acre Curtis tract.

Most of the private less-than-fee interests are held by the Santa Fe Railroad Co. They consist of mineral rights (41 tracts) and right-of-way easements (2 tracts).[[26]](#footnote-26)

**XII.** **Appendix**

 **A.** Concurrent Criminal Jurisdiction for Grand Canyon National Park within Coconino and Mohave Counties was fulfilled through the following correspondence shortly after the General Authorities Act of 1976.

October 6, 1977

 From: Raul H. Castro, Governor of Arizona

 To: Honorable Cecil Andrus, Secretary of the Interior

 The United States is granted concurrent criminal jurisdiction over the lands described in 16 United States Code, Section 221 et. al, so long as the United States continues to own or control the lands within these areas. As a further condition of the approval, the United States agrees that only qualified officers who meet or exceed training standards for Arizona Peace Officers (this clause was later amended).

 September 11, 1978

From: Bruce Babbitt, Governor of Arizona

To: Honorable Cecil Andrus, Secretary of the Interior

The above agreement was amended to require that a separate written agreement is reached between the Park Service and each sheriff of Coconino and Mohave Counties, respectively, setting forth the scope and nature of the criminal law enforcement responsibilities of the Park Service and the sheriffs within those portions of Grand Canyon NP with the respective Counties.

September 19, 1978

From: Ralph G. Mihan, Field Solicitor

To: Honorable Michael D. Hawkins, United States Attorney

Notification to the United States Attorney that the October 6, 1997 agreement was amended due to the fact that one of the conditions could not be legally accepted by the United States. It provided that Federal law enforcement officers would have to meet Arizona Peace Officer training standers while enforcing Federal law. Park Rangers meeting the standards in 16 United States Code 1a-6 are already empowered to enforce Federal law. As a result of several meetings with the Governor’s office and the Sheriffs of Coconino and instead would provide that a working agreement between the Sheriffs and the Park would be a condition precedent to the cession would be modified to delete the objectionable condition and instead would provide that a working agreement between the Sheriff’s and the Park would be a condition precedent to the cession.

Suggestions for Future JIs

1. **Further clarification and direction is needed in regard to jurisdictional issues with the Navajo, Hualapai, and Havasupai Nations bordering the park**. This gap might possibly be filled by consulting with the Bureau of Indian Affairs regarding NPS law enforcement jurisdiction (if any) on Indian Nation lands. Similarly, the authorities of tribal law enforcement officers should be clarified for incoming NPS personnel.

Research conducted for this project also indicates that no law enforcement agreements exist with the Navajo, Hualapai, and Havasupai Nations bordering on the park. The establishment of such agreements would seem to be beneficial for GRCA’s mission. Per [25 USC § 2804](http://www.law.cornell.edu/uscode/html/uscode25/usc_sec_25_00002804----000-.html) the Secretary is authorized to enter into law enforcement agreements with Indian tribes. Preliminary research also indicates that the [Tribal Law & Order Act of 2010](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h725eas.txt.pdf) that President Obama recently signed into law may require the Secretary to enter into law enforcement agreements with Indian tribes. Given the strong relationships that have development between GRCA and the various American Indian nations on its borders, it may be prudent for the park to begin thinking about how to implement cooperative law enforcement agreements.

2. **A reference map** detailing the various boundaries of the park and noting special circumstances, such as boundary disputes and private inholdings, would enhance the usefulness of the Jurisdictional Inventory.

3. **The legal status and governance of Tusayan, AZ is evolving**. On March 9, 2010 Tusayan became an incorporated place in the State of Arizona. Although Coconino County currently provides law enforcement for Tusayan on a contractual basis, GRCA should be aware of any developments that may have consequences for the current law enforcement agreement with Coconino County.

4. **Research for this project indicates that no law enforcement agreement exists between GRCA and Mohave County**. Jurisdictional issues in regard to Mohave County require further clarification.

1. DO-9, 5.3 [↑](#footnote-ref-1)
2. RM-9, Chapter 1-4, 2.1.1 [↑](#footnote-ref-2)
3. DO-9, 5.3.1 [↑](#footnote-ref-3)
4. DO-9, 5.2.2 [↑](#footnote-ref-4)
5. DO-9, 5.2.3 [↑](#footnote-ref-5)
6. DO-9, 5.3.4 [↑](#footnote-ref-6)
7. 36 Code of Federal Regulations 2.2 *et seq* [↑](#footnote-ref-7)
8. See Appendix A [↑](#footnote-ref-8)
9. DO-9, Law Enforcement Authority, 2.2. [↑](#footnote-ref-9)
10. **Case Law Supporting the “Discretionary Function”**

The 1991 Tenth Circuit Court of Appeals decision regarding [Hugh B. Johnson v. United States (Buck Mountain Case)](http://classweb.gmu.edu/erodger1/prls560/content/johnson.htm), which alleged the National Park Service (Grand Teton National Park) was negligent in undertaking a rescue is an important court decision with which SAR personnel should be aware. The court made reference to the authority granted by [16 U.S.C. § 12](http://www.law.cornell.edu/uscode/html/uscode16/usc_sec_16_00000012----000-.html): “The Secretary of the Interior is *authorized* [emphasis added] to aid and assist visitors within the National Parks in emergencies.”

The court’s rendering stated that, “No statute imposes a duty to rescue, nor are there regulations or formal Park Service policies which prescribe a specific course of conduct for search and rescue efforts. Instead, the decision if, when or how is left to the discretion of the SAR team. Therefore the rangers must act without reliance upon fixed or readily ascertainable standards when making a search and rescue decision in the field.” [↑](#footnote-ref-10)
11. [16 U.S.C. 1b(1)](http://www.law.cornell.edu/uscode/html/uscode16/usc_sec_16_00000001---b000-.html) [↑](#footnote-ref-11)
12. [DO#9, Law Enforcement Authority, 2.2](http://www.nps.gov/policy/dorders/dorder9.html), emphasis added. [↑](#footnote-ref-12)
13. DO-9, 5.4.1 [↑](#footnote-ref-13)
14. See “Arrest - *Revised Arizona Statutes*, Title 13, Article 7” below [↑](#footnote-ref-14)
15. Law Enforcement Mutual Assistance Agreement, Memorandum of Understanding Between the National Park Service and the Coconino County Sheriff’s Office, 2008, pg. 2-3. Authority for this cross designation of law enforcement is found in [16 USC § 1a-6](http://www.law.cornell.edu/uscode/html/uscode16/usc_sec_16_00000001---a006-.html), [16 USC 1b](http://www.law.cornell.edu/uscode/html/uscode16/usc_sec_16_00000001---b000-.html), and [A.R.S. 13-3872](http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/13/03872.htm&Title=13&DocType=ARS). Park Rangers should consult the specific General Agreement, once executed, for details and limitations. See Appendix\_\_\_\_ [↑](#footnote-ref-15)
16. Supplemental Interagency Agreement Between The National Park Service National Park Sites With The States of Arizona, New Mexico, Oklahoma, And Texas And The USDA Forest Service Southwestern Region, 2006, pg. 1-3. Authority for this cross designation of law enforcement is found in [16 USC 559g (b)](http://www.law.cornell.edu/uscode/html/uscode16/usc_sec_16_00000559---g000-.html) Park Rangers should consult the specific General Agreement, once executed, for details and limitations. See Appendix\_\_\_\_ [↑](#footnote-ref-16)
17. Local Operating Agreement Between National Park Service, National Park sites within the states of Arizona, New Mexico, Oklahoma, Texas and the U.S. Fish and Wildlife Service, Southwestern Region, 2009, pg. 2-3. Authority for this cross designation of law enforcement is found in [16 USC § 3375 (b)](http://www.law.cornell.edu/uscode/html/uscode16/usc_sec_16_00003375----000-.html). Park Rangers should consult the specific General Agreement, once executed, for details and limitations. See Appendix\_\_\_\_ [↑](#footnote-ref-17)
18. Interagency Agreement Between The Bureau of Land Management , Arizona/New Mexico/Oklahoma/Texas, and the National Park Service, Arizona/New Mexico/Oklahoma/Texas, 2009, pg. 3. Authority for this cross designation of law enforcement authority is found in [43 USC 1733 (c)(2)](http://www.law.cornell.edu/uscode/html/uscode43/usc_sec_43_00001733----000-.html). Park Rangers should consult the specific General Agreement, once executed, for details and limitations. See Appendix\_\_\_\_ [↑](#footnote-ref-18)
19. RM-9, Chapter 1-5, page 4. [↑](#footnote-ref-19)
20. ##  [18 USC § 3061](http://www.law.cornell.edu/uscode/html/uscode18/usc_sec_18_00003061----000-.html)

 [↑](#footnote-ref-20)
21. [49 USC § 1131](http://www.law.cornell.edu/uscode/html/uscode49/usc_sec_49_00001131----000-.html) [↑](#footnote-ref-21)
22. On March 9, 2010 Tusayan became an incorporated place in the State of Arizona. Currently Coconino County provides law enforcement for Tusayan on a contractual basis. [↑](#footnote-ref-22)
23. Per [25 USC § 2804](http://www.law.cornell.edu/uscode/html/uscode25/usc_sec_25_00002804----000-.html) the Secretary is authorized to enter into law enforcement agreements with Indian tribes. On July 29, 2010 President Obama signed into law the [Tribal Law & Order Act of 2010](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h725eas.txt.pdf) which may require the Secretary to enter into law enforcement agreements with Indian tribes (see section 301). [↑](#footnote-ref-23)
24. Barbara Morehouse, *A Place Called Grand Canyon: Contested Geographies* (Tucson: The University of Arizona Press, 1996), 124-128 [↑](#footnote-ref-24)
25. Morehouse, 130-132. [↑](#footnote-ref-25)
26. Draft Land Protection Plan, Grand Canyon National Park, 1988. (update) [↑](#footnote-ref-26)