



Supporting Documentation provided by Kane County Utah Sheriff Tracy Glover

I am the Sheriff of Kane County Utah. I have about 4000 square miles that borders Arizona to the south. I have about 90% federal land in my county including the Dixie National Forest, part of Bryce Canyon National Park, Zion National Park, Glen Canyon National Recreation Area and the Grand Staircase Escalante National Monument. I regularly work with federal law enforcement including the US Forest Service, the BLM and the National Park Service. I have been in Law enforcement for the past 18 years. I took office as the elected Sheriff January 5<sup>th</sup> 2015 after serving as the Undersheriff for Sheriff Lamont Smith for 15 years. The comments shared in this document are my opinions based on my own personal experiences.

I could tell many sad war stories but I think it is more useful to discuss the broad issues in order to solve the broad problem.

I think it is important to start with the basics in federal law enforcement. We must always discuss jurisdiction separate from authority.

We must separate the agencies instead of making the common mistake of lumping them all together under the "federal law enforcement" label.

### **Authority**

The USFS, BLM and National Park Service each have law enforcement divisions that are unique and different in their roles and responsibilities. Each Agency has been created by some piece of enabling legislation that lays out the legislative intent of congress at the time of their creation. Each respective piece of enabling legislation is where the individual agency draws their unique law enforcement authority.

### **Jurisdiction**

The National Park Service works under three types of jurisdiction

Exclusive (Yellowstone, Yosemite, etc.)

Concurrent (Grand Canyon, etc.)

Proprietary (Zion National Park, Bryce Canyon National Park, Glen Canyon NRA, etc.)

The USFS and the BLM only work under proprietary jurisdiction, which is limited in scope to the basic jurisdiction of a landowner. As opposed to exclusive and concurrent jurisdictions, the scope of proprietary Jurisdiction does not include federal criminal

enforcement or prosecution and does not allow the assimilative crimes act (18 USC 13) to be used for the federal prosecution of assimilated state crimes.

It is important that sheriffs, legislators, upper level managers and cabinet officials understand that not all federal agencies are created equal. Federal agency philosophies must be adjusted to fit the type of authority and jurisdiction each respective agency is working under.

Because I am aware of your vast knowledge of USFS practices, I am going to focus my comments toward the BLM.

### **The Problem(s)**

Over the past 15 years, the law enforcement philosophies of the BLM seem to be transforming at a rapid pace. I would only be speculating if I were to state where the changes are being driven from, but there is no question that there have been marked changes. One explanation might be a response to the designation of large tracts of land under the BLM's management as National Monuments. Another might simply be a new and more aggressive philosophy that arrived with personnel changes in the upper levels of law enforcement within the BLM. Either way, we as sheriffs have good reason to be concerned with the duplication of our traditional duties. What used to be a routine call to the county sheriff is often a call to a federal LEO. What used to be a handful of friendly federal rangers protecting natural resources has now turned into thigh-rigs, riot gear, federal k-9 units and tactical teams with POLICE written down their sleeves and on their backs. Line managers are now encouraged to only call the Sheriff as a last resort and to rely on rangers as much as possible.

Across Utah, successful long-term law enforcement contracts were cut with no reasonable explanation. We were told that the BLM State Director wanted to keep the contracts in place, as did the local BLM managers, the sheriffs and county commissioners. We were told that the decision to cut the contracts was made by the Special Agent in Charge and were not given any opportunity to revise practices or review the scope of work.

Since Bill Woody resigned as the director of law enforcement for the BLM, trust between rural Utah sheriffs and BLM LEO leaders has eroded significantly. There have been a series of botched law enforcement raids, protest events and public meetings that have undermined the Sheriff's role in his community all across Southern Utah and Nevada. There are many solid officers that work under the BLM, USFS and NPS umbrella. Public trust for the men and women that serve in BLM law enforcement is at an all time low. Sheriff's are constantly being urged to step up and exercise our authority as the lead law enforcement agent in the county. The aggressive change in philosophy on the federal level continues to cause state, local and federal relationships to struggle. And the sad thing is that it does not have to be this way.

### **The Solution**

If possible, we must find our way back to a place where the federal agencies have unwavering confidence in their local sheriff. I often remind the folks at my local BLM office that I am their sheriff too. We must convince the federal LEO leaders that we are not a threat to them but instead we are passionate about fulfilling our statutory responsibilities as the County Sheriff. We are proud of what we do and we want them to be proud to be forest rangers, park rangers and BLM rangers. Resource protection is what they signed up for. It should not feel degrading for them to pass along law enforcement duties to us. Their reluctance to rely on us is a learned behavior. As sheriffs we are willing to work together in partnerships as long as we all respect the traditional law enforcement roles that have been successful for hundreds of years. The philosophy of BLM law enforcement should be adjusted from the aggressive and confrontational style that is becoming more common, to more of a focus back on resource management. Coordination and cooperation with the local sheriff in all law enforcement matters should be the ultimate goal and federal LEO personnel should be made to feel comfortable in doing so. Line managers should also be encouraged to coordinate and cooperate with their local sheriff regarding needs and concerns that exist in their respective management areas. Contracts for additional local law enforcement should be reviewed and offered where appropriate, effective, efficient and desirable. The intent of congress in FLPMA to achieve maximum feasible reliance on local law enforcement is pretty clear. This concept should be the shared desire of sheriffs and federal agencies alike.

It has been my experience that when this model is followed, problems cease to exist and progress is sure to follow. I have never been more frustrated than when my BLM contract was cut and my local manager was not sure whether he could still call me or not. It took years and great effort to develop the successful, effective relationship that existed and only one poor decision to call it into question.

What we need is simple shift in the aggressive philosophy and newly established practices of federal law enforcement personnel accompanied by some good old-fashioned effort on the part of the county sheriffs.

Sheriff Tracy Glover  
Kane County Utah

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1998

*OVERSIGHT HEARING ON FOREST SERVICE LAW ENFORCEMENT*

OVERSIGHT HEARING

before the

SUBCOMMITTEE ON FOREST AND FOREST HEALTH

of the

COMMITTEE ON RESOURCES  
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

SECOND SESSION

JUNE 23, 1998, WASHINGTON, DC

Serial No. 105–94

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## C O N T E N T S

Hearing held June 23, 1998

### Statements of Members:

Chenoweth, Hon. Helen, a Representative in Congress from the State of Idaho

### Statements of witnesses:

Hill, Barry, Associate Director, Energy, Resources, and Science Issues, General Accounting Office

Prepared statement of

Joslin, Bob, Deputy Chief, United States Forest Service, Department of Agriculture, accompanied by  
William Wasley, Director, Law Enforcement and Investigations, U.S. Forest Service

Prepared statement of

## OVERSIGHT HEARING ON FOREST SERVICE LAW ENFORCEMENT

TUESDAY, JUNE 23, 1998

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House of Representatives, Subcommittee on Forests and Forest Health, Committee on Resources,  
*Washington, DC.*

The Subcommittee met, pursuant to notice at 10:06 a.m., in room 1334, Longworth House Office  
Building, Hon. Helen Chenoweth (chairman of the Subcommittee) presiding.

Mrs. **CHENOWETH**. The Subcommittee on Forests and Forest Health will come to order.

The Subcommittee is meeting today to hear testimony on Forest Service law enforcement, and under Rule 4(g) of the Committee rules any oral opening statements at hearings are limited to the chairman and the Ranking Minority member. This will allow us to hear from our witnesses sooner and help members keep to their schedules. Therefore, if other members have statements, they can be included in the hearing record under unanimous consent.

STATEMENT OF HON. HELEN CHENOWETH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IDAHO

Mrs. **CHENOWETH**. Now this week, we resume our series of oversight hearings on the various programs within the Forest Services.

On Thursday, we will review the agency's employee training programs.

Today, we're going to take a close look at the Law Enforcement Investigations Division of this agency.

In the last few years, Congress has expressed significant concern over the Forest Service law enforcement activities. And while everyone agrees that there must be a strong law enforcement presence in our national forests, there is considerable debate over who is best able to perform that function.

Many, including myself, believe that local law enforcement organizations are generally most qualified and capable and have the clearest legal authority, so the appropriateness of the Forest Service even having their own law enforcement organization is a question we will want to discuss. But we will also want to discuss the strengths and weaknesses of the law enforcement organization as it's currently structured and attempt to determine what can be done to make it more responsive to Congress and to the public.

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In 1993, a new organizational structure for law enforcement and investigations was established. Up until that time, law enforcement personnel reported directly to the Forest Service line officers at the Forest level.

Now, law enforcement and investigations is a completely independent organization, reporting only to the chief.

In 1996, the House Appropriations Committee ordered that an independent study be done to determine the viability and effectiveness of the new structure. That report was completed and delivered to Congress in January 1997. The study, called the "Star Mountain Report," expressed major concerns with the accountability of this organization and made a number of recommendations for addressing them. The agency has had over a year and one half to respond to these concerns presented in that particular study.

Unfortunately, we have found that little progress has been made by the agency to respond to the problems brought forth in the Star Mountain Report.

In preparing for this hearing, we requested copies or examples of all reports generated by law enforcement and investigations. What we found, to our astonishment, was that no systematic reporting is done to document what the organization is doing, and how it is spending the \$68 million appropriated for its management.

When I said that law enforcement reports only to the chief, I used the term report loosely, because, as far as we can tell, the only reporting done to the chief is verbal and infrequent.

The Star Mountain Report flatly states: "There is no measurement of system performance." The report goes on to say, "both line management and law enforcement are missing the basic quantitative and qualitative performance metrics and measurement systems to monitor and evaluate performance or customer service. For example, customer satisfaction is a valid measure for any organization, but no vehicle exists to provide this kind of data.

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The new organizational structure has been in place for 5 years. The Star Mountain Report was completed over a year and one half ago, and, yet, no basic accountability standards and processes have been implemented. This is unacceptable and remarkable, considering the vision statement for law enforcement and investigations, as stated in the Forest Service Strategic Plan, saying that "the law enforcement organization is a diverse work force committed to integrity, responsibility, and accountability."

Forest Service law enforcement has, for all intents and purposes, become a stealth organization lying under congressional radar. This lack of reporting and accountability has made it very difficult, if not impossible, for us to adequately measure the effectiveness of the organization.

During our investigations, we raised these concerns over lack of a reporting and accountability repeatedly. Fortunately, last week, we heard that the agency has responded to some of our concerns and will be making some changes in its reporting requirements. This will be a prime focus of today's hearing, to determine why the agency, as it developed a data collection and reporting system, and to determine what the agency plans to do to rectify this problem.

The Star Mountain Report also made a number of suggestions for improving the efficiency of the organization. Most important was the strong recommendation to more rigorously use cooperative agreements with local, State, and country law enforcement personnel. Cooperative agreements count for 8 percent of law enforcement's budget. We hear today how the agency plans to greatly expand the use of these cost-savings agreements. We hope we hear that today.

The report also recommended that the agency analyze the potential for using block grants to more efficiently fund activities through local governments. In some many cases, local governments can provide better expertise at lower cost. The agency must be willing to utilize block grants where these conditions are met or Congress will make that decision for you.

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To deal with the serious problems of our national forests, such as drug trafficking, arson, timber and property theft, vandalism, and wild fire crimes, we all understand the need to have the most effective law enforcement program possible. This is why we are holding this oversight hearing, to better understand current programs and structures and to make sure that the necessary improvements and changes are or will be taking place to ensure that our national forests are as crime free and safe as possible.

I look forward to the testimony of the panel. And we'll recognize the Ranking Minority member for any opening statement he may have. Should he not appear today, that statement will be made a part of the record.

And now, I'll introduce our witnesses. Barry Hill—if you'll come to the panel table—Associate Director of Energy, Resources, and Science Issues from the General Accounting Office; Robert Joslin, Deputy Chief, United States Forest Service, Department of Agriculture. Accompanying Mr. Joslin is William Wasley, Director, Law Enforcement and Investigations, with the U.S. Forest Service.

As explained in our first hearing, it is the intention of the chairman to place all outside witnesses under oath. This is a formality of the Committee that is meant assure open and honest discussion, and should not affect the testimony given by our witnesses. I believe all of the witnesses were informed of this before appearing here today. And they have each been provided a copy of the Committee rules.

Now, if the witnesses will please stand and raise your right hand, I will administer the oath.

[Witnesses sworn.]

Let me remind the witnesses that under our Committee rules, they must limit their oral testimony to 5 minutes, but that your entire statement will appear in the record. We will also allow the entire panel to



testify before I will begin the questioning of the witnesses. The chairman now recognizes Mr. Barry Hill, with the GAO, to begin his testimony.

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#### STATEMENT OF BARRY HILL, ASSOCIATE DIRECTOR, ENERGY, RESOURCES, AND SCIENCE ISSUES, GENERAL ACCOUNTING OFFICE

Mr. **HILL**. Thank you, Madam Chairman, and members of the Subcommittee.

Before I begin, allow me to introduce my colleague. With me today is Ned Woodward who is responsible for compiling much of the information that we will be presenting today.

I'm pleased to, once again, appear before this Subcommittee and to have the opportunity today to discuss law enforcement activities in the Forest Service. My remarks today are based primarily on a report that we issued last July. That report was done at the request of this Subcommittee, among others, and asked us to provide information on the number of Forest Service law enforcement activities. Most of the information provided focused on two areas.

First, the number of employees involved in law enforcement activities. And second, the costs associated with these activities.

In addition, you asked us to provide information on other aspects of Forest Service law enforcement, including interaction with other Federal, State, and local enforcement agencies, the number and types of crimes committed on national forest lands, and the number of complaints against the agency's law enforcement staff.

To meet the needs of the Subcommittee, our 1997 report was prepared under very tight timeframes. To obtain the information we needed in the timeframe requested, we obtained information that was readily available from Forest Service headquarters. Due to time constraints, we were unable to assess or verify the accuracy of the data we obtained. Our report was based on Fiscal Year 1996 data, which were the latest available at the time. However, in preparation for this hearing we worked with the Forest Service to update much of the information we are providing to Fiscal Year 1997.

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Before I present the data, let me provide some background or context about law enforcement activities within the Forest Service. The Office of Law Enforcement and Investigations within the Forest Service is responsible for investigating offenses against the United States that occur within or have a nexus to the national forest system lands, which include 155 national forests and 20 national grasslands, covering about 192,000,000 acres. The types of investigations and enforcement actions in which the Forest Service is involved include wildlife crimes, fire and arson, theft of timber and other property, theft and or destruction of archaeological resources or natural resources, drug cultivation and manufacturing, illegal occupancy of national forest system lands, and threats and assaults against Forest Service employees.

In summary, in Fiscal Year 1997, the Forest Service's law enforcement program included 708 agency staff, including 479 law enforcement officers; 149 special agents; 41 reserve law enforcement officers; and 39 administrative staff. The cost of law enforcement in the agency included about \$43.8 million in salaries, and \$18.4 million in support costs for such items as rent for office space, fleet equipment, travel, training, and uniforms.

In addition, the Forest Service entered into 717 cooperative agreements with State and local law enforcement agencies at a cost of \$6.3 million. Of these agreements, 546 were cooperative patrol agreements, which involve conducting routine patrols through the Forest Service's developed recreation areas; and 171 were agreements focusing on drug enforcement issues.

Our 1997 report also provided information on the number of offenses that occurred on national forest

system lands. For definitional purposes, an offense means that a crime has occurred; whereas, arrest generally means that someone has been identified as committing an offense. In 1996, there were 3,481 offenses involving serious misdemeanors and felonies, such as assaults, grand theft, and murder, and 118,596 petty offenses, such as careless driving, discharging a firearm, use of firecrackers, alcohol violations, and permit violations.

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Concerning the number of complaints against Forest Service law enforcement personnel, Forest Service information shows there were four complaints in 1992; 13 complaints in 1993; 20, in 1994; 25, in 1995; 11, in 1996; and 14 complaints in 1997. In 1997, as an example, the types of complaint made against agency law enforcement staff included falsifying time and attendance reports, verbal threats, and inappropriate discharge of a weapon.

The Forest Service has a system to track the investigation and resolution of complaints against law enforcement staff. Depending on the nature of the complaint, it will either be investigated by agency regional human resources staff, the Department of Agriculture's Office of the Inspector General, Forest Service law enforcement staff, or the Department of Justice.

Madam Chairman, this concludes my statement at this time.

[The prepared statement of Mr. Hill may be found at end of hearing.]

Mrs. **CHENOWETH**. Thank you, Mr. Hill.

The Chair recognizes Mr. Bob Joslin.

STATEMENT OF BOB JOSLIN, DEPUTY CHIEF, UNITED STATES FOREST SERVICE,  
DEPARTMENT OF AGRICULTURE, ACCOMPANIED BY WILLIAM WASLEY, DIRECTOR,  
LAW ENFORCEMENT AND INVESTIGATIONS, U.S. FOREST SERVICE

Mr. **JOSLIN**. Thank you, Madam Chairman.

Today, I have with me Bill Wasley, who is our director of Law Enforcement and Investigations for the Forest Service.

Thank you for the opportunity to be here.

I would just like to highlight briefly some of the parts of my testimony and that it be it incorporated, the entire testimony, be incorporated in the record.

The national forests and grasslands are also host to over 800,000,000 people who visit and use these lands each year. As you know, we administer tens of thousands of permits, contracts, and other authorizations that produce goods and services from the national forest system lands.

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

The Director of the Forest Service Law Enforcement and Investigations organization does report directly to the chief. The director has a deputy director and four assistant directors in the Washington office. He also has nine regional special agents in charge, who supervises the law enforcement of programs 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 approximately 130 criminal investigators.

The law enforcement officers perform a full range of patrol-type enforcement duties, such as

enforcing compliance with regulations for wood cutting, fire use, or dealing with unauthorized occupancy and use of the national forest system lands. Law enforcement officers regularly encounter and handle public safety incidents, such as a traffic accidents, search and rescues, disputes, shooting incidents, drug and alcohol possession and use problems, and assault. They conduct preliminary investigations, and assist Forest Service criminal investigators in conducting some full investigation.

Criminal investigators conduct investigations regarding timber theft, theft of archaeological artifacts, threats against Forest Service employees, wildland arson and human caused fires, marijuana cultivation, and damage to public property, among others.

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 cover—recover the costs of suppression and the value of resources damaged. Arson cases investigated by Law Enforcement and Investigation personnel in recent years have resulted in civil recoveries of over \$7 million.

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The Forest Service has played a significant role in drug enforcement for over 20 years. In 1997, 80 drug labs or drug lab dumps were found on the 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 \$950,000,000 from approximately 4,400 sites. Officers made over 2,400 arrests and seized nearly \$14 million of processed marijuana, \$20 million of cocaine, and over \$1.1 million in assets.

The Forest Service Law Enforcement and Investigation program is funded by a separate line item in the budget. The appropriated funding for LE&I in Fiscal Year 1997 was just over \$59 million. The appropriated funding for the program in Fiscal Year 1998 is nearly \$64 million. And the president's budget request for Fiscal Year 1999 is just over \$67 million.

Each year, increases in public and commercial use of national forest system lands causes increases in crimes against people and resources. Other State, Federal, 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—cooperation with State and local agencies in the enforcement of these laws on public lands is encouraged.

Total incidents reported by the Forest Service officers in 1997 were triple those reported in 1992. The trends of increased uses of national forest and increased 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 the national forest system, further impact our local coverage by requiring us to move our enforcement personnel around the country.

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 investigative duties and to increase the staffing of uniformed law officers, especially in areas where there has been little or no coverage.

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In summary, our law enforcement program is a valuable part of the Forest Service mission of "Caring for the Land and Serving People." Crime problems have increased and have migrated to the national forest system. Our officers meet accepted standards for Federal law enforcement training, and a strong cooperative law enforcement program allows us to efficiently share scarce resources.

This concludes my remarks. I would be happy to answer any questions you might have.  
[The prepared statement of Mr. Joslin may be found at end of hearing.]

Mrs. **CHENOWETH**. Thank you, Mr. Joslin.

And the Chair now recognizes Mr. William Wasley for his testimony. Mr. Wasley?

Mr. **WASLEY**. I have no testimony, Madam Chairman.

Mrs. **CHENOWETH**. All right. Thank you very much. That does conclude the testimony. I'd like to open up my questioning with a question to Mr. Hill or to Mr. Woodward. Mr. Hill or Mr. Woodward, did Mr. Woodward complete the work for you at the GAO?

Mr. **HILL**. Yes, he did.

Mrs. **CHENOWETH**. All right. I'd like to know what role you found in terms of cooperation there was with the Forest Service with regards to the Drug Enforcement Agency and the FBI? What kind of cooperation did we find there?

Mr. **HILL**. Cooperation in terms of them providing information to us or cooperation between the Forest Service and the FBI and DEA?

Mrs. **CHENOWETH**. Let me use an example. In Idaho, we had a huge drug bust—a huge drug bust. And in our western States, we know that there's a lot of marijuana growing on the public lands. What kind of cooperative relationship exists between Drug Enforcement and the FBI with the Forest Service?

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Mr. **HILL**. It's our understanding that generally the DEA and the FBI do defer most of the investigative work to the Forest Service; that the majority of violations and crimes that occur in the national forests are being investigated by the Forest Service. Now, obviously, when you get into the marijuana and drug issue, then there would be some overlap. I don't know to what extent there is cooperation or coordination between the two agencies.

Mr. **WOODWARD**. It is our understanding that basically the FBI and DEA defer to the Forest Service responsibilities for crimes committed within the border of the national forest service. When the Forest Service needs some assistance, they will request it, and rarely, if ever, will the FBI or DEA deny such a request. But it's not something that occurs very frequently.

Mrs. **CHENOWETH**. That is not good to hear. Perhaps we ought to do away with the DEA and just have the Forest Service handle drug interdiction in the western States. This is not good to hear. Congress set forth laws for the DEA to implement in drug enforcement, and you're telling me that there's very little cooperation with DEA and the FBI in drug enforcement?

Mr. **WOODWARD**. It's our understanding that the role of the DEA is largely based on looking at our nation's borders and looking at drugs coming in from outside of our borders. In talking with the Forest Service about their cooperation with DEA, they felt that they had—when they needed—the assistance of the DEA. But, in many cases, working with the field, the staff on the ground, and also with local and State law enforcement, with issues such as eradicating marijuana and that sort, the Forest Service didn't need the assistance of the DEA for something that was inside the borders of the national forests.

Mrs. **CHENOWETH**. Mr. Wasley, what is your opinion of that?

Mr. **WASLEY**. My opinion is, Madam Chairman, is that we have great cooperation with both the FBI and DEA. Very often, our—the nature of the work that we do, especially on marijuana eradication within the borders of the national forest, lends itself more to our expertise than it does the expertise of DEA. And it's in no fashion demeaning the capabilities of DEA. That means simply that DEA has deferred to us something that falls completely within our realm of expertise.

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Mrs. **CHENOWETH**. Outside the public lands, who handles investigation of drugs on private land, State, or other Federal land—outside of the Forest Service land? Whose? Which agency has the primary role for investigation?

Mr. **WASLEY**. Well, it's a multiple agency role actually. There would be local, Federal and State for drug enforcement.

Mrs. **CHENOWETH**. I'll get back to you on that.

Mr. Hill, who investigates the complaints against the Forest Service law enforcement staff?

Mr. **HILL**. That, to a large extent, depends on the nature of the complaint that's being investigated. If the complaint deals with generally with misconduct, they'll generally be investigated by the agency itself, its human resources staff. If it's a criminal complaint it can be either handled by the Agriculture Office of Inspector General or by the Forest Service law enforcement staff itself. And it's our understanding that the OIG would be investigating the more serious criminal complaints. If the complaint relates to a deprivation of civil rights, then those will be investigated and referred to by the Justice Department.

Mrs. **CHENOWETH**. Is there a mechanism in order for complaints to get to the chief or to get to the region—regional forester—or to the supervisor?

Mr. **WOODWARD**. I think there are variety of mechanisms. The Department of Agriculture office of Inspector General has a hotline. Many complaints come by that venue. Other complaints will come to the forest supervisor who will forward them up the chain of command, at which point they may be—

Mrs. **CHENOWETH**. Mr. Woodward, I question the number, because I have heard hundreds of complaints myself. Now there's a reason you're not finding them in your report. I want to know that reason. This is ridiculous for me to hear a number of 14 from you, when I have personally heard hundreds in just one district. Now I'm asking you, is there a mechanism for the regional forester or for the supervisor or the ranger to hear complaints? That's my question. Mr. Hill?

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Mr. **HILL**. We really can't give you a firm answer on that.

Mrs. **CHENOWETH**. Why can't you?

Mr. **HILL**. Because we really have not looked at that issue. The majority of what we're providing you today is based on what we were told by the same gentleman at the table here, quite frankly. We have not investigated the process that's in place or just how things operate in terms of when a complaint comes in, how it's surfaced up and handled by the Forest Service.

Mrs. **CHENOWETH**. Well, I do want to say that I don't want you to defend the numbers if they're inadequate. I want you to find out why the numbers are inadequate. And I'm telling you, those are inadequate numbers.

Mr. **HILL**. Well, Madam Chairman, we're not defending any numbers. I think we tried to make it clear that what we're presenting is the information that we obtained from the Forest Service headquarters officials, and we have not had the opportunity to verify that information; although if you'd like us to do some of that work, we would be more than happy to do that in the future.

Mrs. **CHENOWETH**. I would like to talk to you about that.

Mr. **HILL**. Certainly.

Mrs. **CHENOWETH**. What types of complaints generally have been filed against the Forest Service enforcement staff?

Mr. **HILL**. There's a variety of complaints, and here again, this is based on the records that they have provided us. Complaints include falsifying time and attendance reports on the part of the Forest Service staff, racial harassment, verbal threats, inappropriate discharge of weapons—things of that order.

Mrs. **CHENOWETH**. Can you tell me how these—how the Forest Service agents are trained? What must they be qualified in? Are they trained in law enforcement specifically?

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Mr. **HILL**. I have to apologize, Madam Chairman. We don't have any information on that at this time.

Mrs. **CHENOWETH**. All right. Let me review your testimony here. There were—unfortunately, we only had 5 minutes, and your written testimony is very, very interesting.

All right, I will call on the Forest Service, either Mr. Joslin or Mr. Wasley. Mr. Wasley, let me ask you first, what is your background? How long have you been with the Forest Service?

Mr. **WASLEY**. I've been with the Forest Service since October 1996. Prior to that, I was a local policeman in California. I was 21 years with the United States Secret Service. I worked three and a half years with the Office of Foreign Assets Control in main Treasury. I was a customs agent, and I worked for the Bureau of Prisons.

Mrs. **CHENOWETH**. And you were brought to the Forest Service for what specific purpose?

Mr. **WASLEY**. To run the Law Enforcement and Investigations program.

Mrs. **CHENOWETH**. Is there, Mr. Joslin or Mr. Wasley, is there specific authority granted by the Congress for this position?

Mr. **WASLEY**. Yes.

Mrs. **CHENOWETH**. Could you cite where it is?

Mr. **WASLEY**. Well, my understanding is it's in 16 United States Code 559, to start with.

Mrs. **CHENOWETH**. Sixteen five five nine. For this particular position, right?

Mr. **WASLEY**. Well, not specifically for my position. But I believe implied in that would be the regulation of criminal behavior on the national forests.

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Mrs. **CHENOWETH**. Sixteen five five nine is the section of the code that allows for the agency to hire up to a 1,000 people to involve themselves in law enforcement, right?

Mr. **WASLEY**. I'm not sure if that's 559.

Mrs. **CHENOWETH**. With regards to the reporting mechanism, how are crimes or misdemeanors or any kind of offenses reported in this system and who to? Do you receive the reports? Or does the chief?

Mr. **WASLEY**. I receive the reports. And then, as appropriate, I pass them on to the chief, normally in a condensed version. I might say for the record that we are in the process now of totally reevaluating our data collection systems within law enforcement.

When I became Director in October 1996, I saw the immediate need for a total reworking of the way we collect our data. It was my impression at that time it was inadequate. The systems were not as efficient as they could be, and consequently we have a study in progress which is due for a publication of their final result in December of this year, which hopefully will make some appropriate recommendations on the direction that we should go in our data collection efforts.

Mrs. **CHENOWETH**. Mr. Joslin or Mr. Wasley, I'm interested in more than data collection systems. I'm interested in knowing how Forest Service law enforcement personnel are relating to citizens in the forests. And it's not good. It reaches far beyond 14 incidences. If there were just 14 incidences of offenses or complaints, I, believe me, we would not be having these hearings. But everywhere I turn, there are complaints. And my greatest concern is that what happened upon your hiring and with this administration is that we're seeing a centralization of everything regarding law enforcement here in Washington, DC, under your command. And this is chilling. And it is not in keeping with the general attitude that had prevailed about the Forest Service being a land management agency. And so, I really do want more. I do need the information from a sufficient data collection system, and the agency has had 2 years to do that. And the report that we got from GAO is totally inadequate, not because Mr. Hill and GAO don't do good work—normally, they do. No one, no one can get the information. It's all contained within you. And that cannot continue to exist.

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I am launching this in a hearing today. But tomorrow, it will become a major national issue, no matter what the consequences may be unless we can work together to see a better reporting system to the Congress, and unless we can see more responsibility and more jurisdiction and accountability in the local level. This centralization for law enforcement in the Forest Service is not good.

Mr. Wasley, if we were to set up a system in the northwest where we could have people illegally growing drugs, you have managed to set it up, along with the Forest Service in their land management policies, to a degree that it would be a drug growers dream, because you simply don't have enough agents to get into the millions and millions and millions and millions of square acres to see what's going on in terms of growing cannabis or whatever else may be going on in the public land.

In addition to that, we're shutting off roads and trails and access by humans. In addition to that, we are charging fees to humans to access the back country. Now what better system do we have in America than to set up a system like that? I am truly alarmed. And that's why we are launching into a series of hearings on law enforcement in the forests. As far as I'm concerned, you get a D minus minus for this. It's not working. It's not only broken, it's working with an adverse effect.

So, let me continue with some questioning, and then I will defer to Mr. Peterson. In your testimony, Mr. Joslin, you stated that 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. Is limited range law enforcement authority granted to any non-law enforcement officers and criminal investigators?

Mr. **JOSLIN**. No, I'll let Mr. Wasley answer that. But we only want those people that are specifically trained in order to handle that.

Mrs. **CHENOWETH**. Mr. Wasley?

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Mr. **WASLEY**. We have Forest Protection Officer program, where there is very limited authority given to those folks. But the primary responsibility for law enforcement clearly falls on the folks who work for me.

Mrs. **CHENOWETH**. Pardon me?

Mr. **WASLEY**. The law enforcement responsibilities within the Forest Service fall on those folks who work for me. In other words, the uniform branch and the agent branch.

Mrs. **CHENOWETH**. What type of law enforcement authority is granted to these individuals?

Mr. **WASLEY**. The full range of law enforcement abilities, such as the authority to carry firearms, to effect arrests, to serve search warrants to the affiants, and search warrants, to testify in court—the entire range.

Mrs. **CHENOWETH**. Where is that authority found?

Mr. **WASLEY**. There again, to my knowledge, it's codified in the United States Code.

Mrs. **CHENOWETH**. And which cite?

Mr. **WASLEY**. I would have to look that up. But I don't recall the specific cite.

Mrs. **CHENOWETH**. Do you have legal counsel sitting right behind you? Would you mind consulting with him?

Mr. **WASLEY**. I was just informed by counsel that it is at 16 United States Code 559, and further by the Drug Control Act of 1986.

Mrs. **CHENOWETH**. I'm sorry. I didn't hear you.

Mr. **WASLEY**. It's at 16 United States Code 559, and also in the Drug Control Act of 1986.

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Mrs. **CHENOWETH**. Drug Control Act of 1996.

Mr. **WASLEY**. 1986.

Mrs. **CHENOWETH**. 1986. And specifically where is it granted to the Forest Service in the Drug Control Act of 1986?

Mr. **WASLEY**. I'm told that it's at 559C.

Mrs. **CHENOWETH**. 559C. 16559C.

Mr. **WASLEY**. Correct.

Mrs. **CHENOWETH**. What type of Forest Service employees would be granted this kind of authority?

Mr. **WASLEY**. Those personnel who have undergone certain training that we require.

Mrs. **CHENOWETH**. What kind of training do you require?

Mr. **WASLEY**. We have a basic law enforcement training that last 11 to 13 weeks in Glencoe, Georgia. And then there are specific training courses or modules offered after that.

Mrs. **CHENOWETH**. And what do they learn? What courses do they take in the training?

Mr. **WASLEY**. In the basic course, having participated in the basic course myself, you learn Federal law, you learn certain search and seizure requirements, you would learn defense tactics—firearms training, any special skills, that might belong to the Forest Service—perhaps backpacking, if you will. The entire range of basic law enforcement skills.

Mrs. **CHENOWETH**. How does that compare to the training of a DEA officer?

Mr. **WASLEY**. The basic training would be approximately the same, be it the Secret Service, Customs, DEA, FBI. They're all approximately the same—the core training that is.

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Mrs. **CHENOWETH**. What is the typical background of one of your officers? What is their major usually?

Mr. **WASLEY**. Up until the present, we have taken the vast majority of the law enforcement folks from existing Forest Service ranks, so there's generally a pretty heavy background in forestry and the outdoors and all things germane to the Forest Service.

Mrs. **CHENOWETH**. So we take a biologist and give him a 3-month law enforcement and law course, and expect him to perform all the duties that one would if they were in the FBI or the DEA or the local sheriff or a State patrolman, right?

Mr. **WASLEY**. That could be the case. We also, of course, take local deputies very often and make them Forest Service officers.

Mrs. **CHENOWETH**. Why, in your opinion, are the Forest Service employees better suited to enforce the law than the local law enforcement agencies?

Mr. **WASLEY**. Generally speaking, the Forest Service has a certain amount of skills that may not be possessed at the local level. There, again, it could have to do with backpacking, trailing, packing—all the forest skills that may not be readily possessed by—Of course, there are exceptions, but generally speaking it's the skill level that is—falls in our domain.

Mrs. **CHENOWETH**. Mr. Wasley, during a briefing with the Committee staff, you mentioned that you are currently working on standards for investigative staff, and that is it hard to set these standards because of the Office of Personnel Management. Would you please expand on why it is hard to set these standards?

Mr. **WASLEY**. There, again, I'm speaking from 30 years experience in this field. It's extraordinarily difficult to get a plan that satisfies all the requirements that are existence today. For example, what is fit for duty in the Forest Service may well not be what is fit for duty in the DEA, and may not be what is fit for duty in the Secret Service. The educational requirements are very, very different. And to get a consensus, to get a package through that we could apply unilaterally for hires in the Forest Service is



extraordinarily difficult.

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Mrs. **CHENOWETH**. You also mentioned in that same briefing that training was an important issue; that people don't qualify because of lack of funding. Could you please expand on that?

Mr. **WASLEY**. People don't qualify, excuse me?

Mrs. **CHENOWETH**. Because of lack of funding.

Mr. **WASLEY**. I think that's a bit out of context. What I said was, if memory serves correctly, that our training packages have suffered due to lack of funding.

Mrs. **CHENOWETH**. What's the difference between the 8- and 11-week training programs for law enforcement officers and investigators?

Mr. **WASLEY**. Certain specialized portions of it. For example, an investigator may well have more of a timber theft module, more of Archeological Resource Protection Act module. There may be more defensive tactics involved in one than the other.

Mrs. **CHENOWETH**. How does the 8-week training course differ from the 11-week training course specifically? Other than training? Tactics? I mean, what is it specifically?

Mr. **WASLEY**. Excuse me. I was informed that the extra 3 weeks has to do with the, again, as I said, the skills levels involved. It may well focus more on the legal processes—what it takes to present a case, for example, in the United States court system or the local system, to understand the judicial process and also more of skill level development of anything that we do—the entire range.

Mrs. **CHENOWETH**. Mr. Wasley, I want to know particularly what the skill level is and what the difference is. This isn't exactly fair to you, either, because you've never been before my Committee. But I want to know specifics. What is the difference? And if your counsel can't advise you now, so you can get it on the record, that's a shame. Because I don't want to hear round, pear-shaped concepts. I want to know specifically what's the difference between the 8-week training system and the 11-week. Why the 3 week difference? Who qualifies for what at 8 weeks and who qualifies for what at 11 weeks?

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Mr. **WASLEY**. As a general response to this, I can tell you from personal experience.

Mrs. **CHENOWETH**. All right.

Mr. **WASLEY**. That GS-1811 series investigators, the investigative branch, will devote more of their time to the investigational attributes of the job—interrogation procedures, search and seizure procedures, surveillance procedures. Whereas, the uniformed branch of the Forest Service will be more inclined to have a basic approach to that, and also to develop more skills along the things that are inherent in the uniformed branch. It could be anything from weaponry practice to certain identification guides of things in the forest. The patrol function, if you will, which is very much akin to a county sheriffs' departments would be emphasized more with the uniform branch than would be the investigators.

Mrs. **CHENOWETH**. I wonder, Mr. Wasley, if you could do this for me? I wonder if you could submit to the Committee the training manuals and then maybe we can be more precise. We are going to have other hearings on this. And so in preparation for the other hearings, would you mind doing that?

Mr. **WASLEY**. Not at all.

Mrs. **CHENOWETH**. Thank you. And the Chair recognizes Mr. Peterson.

Mr. **PETERSON**. Thank you, Madam Chairman.

I guess my question to the Forest Service would be what percentage of your crime control or enforcement is done by your officers and what percent is done by contracting with local agencies to enforce the law?

Mr. **WASLEY**. I don't think we have an exact percentage on that. Clearly, the vast majority, I will tell

you from personal experience, is done by us. We have over 700 cooperative law agreements that greatly assist us in our function, but the vast majority of work done on national forest is done by us.

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Mr. **PETERSON**. OK, tell me what are the most predominant issues in your law enforcement effort.

Mr. **WASLEY**. Anything from keeping the peace on a campground, drunk and disorderly, traffic accidents, search and rescue—that's on the uniform level. On the investigational branch, we have certain priorities—timber theft, archeological theft, wildland fire, cannabis eradication. Those are the primary investigational things we do.

Mr. **PETERSON** Is the majority of the enforcement on public land that you control done by your people?

Mr. **WASLEY**. Yes, that's correct. Now you—what kind of contracts do you enter into? With local?

Mr. **WASLEY**. With patrol agreements primarily, where they will be paid to patrol a certain area a certain number of times over a given period of time.

Mr. **PETERSON**. Well, I guess there's a real resistance, in this country of Federal police officers. In rural America, where you are—the DEA's not very popular there because of their tactics. And they don't like Federal police officers. The look at police as a local jurisdiction, at the State at the best, helping. I guess my theory would be that it would make more sense, because you're in rural areas where police protection is difficult to have, period. You don't have a lot of policemen running around the forest, on the outside of the forest as well as in the forest.

But it seems to me, it would make more sense that you would have people with the expertise that's needed for the forest in the things you talked about. You would expand the ability to contract with local law enforcement because then you would be strengthening them that helps in the forest and those who know the people and know the area. It just seems to me that you would be doing a double service, because you would be strengthening law enforcement in the rural part of America, which is pretty thin, instead of having your own forces. And also at the State I come from, we had the game commission, which also assists in law enforcement. And I'm sure they patrol your lands, and it would seem to me that maybe they could be a part of that contract.

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Instead of having three and four and five different groups doing something, there would be an overall plan. And the locals would play a major role. You'd be the supervisors, using game commissions or whoever else is out there, because, you know, they have the right to make arrests on almost any crime, at least they do in Pennsylvania if they see it.

So it just seems to me that we spread out a very thin resource historically in this country. And I'm not picking on the Forest Service. It's done routinely by States, too. Because we have all these different people working the same area, and we don't have enough people to begin with. But if it was a coordinated effort, it would seem to me it would make more sense. Would you like to respond to that at all?

Mr. **WASLEY**. I would say that cooperation is the rule rather than the exception. In my 20 months or so on the job, I've been all over the United States now. And I have talked to local sheriffs, police chiefs, deputies—as a matter of fact, I attended the Western States Sheriffs' Association. I'm a member of the National Sheriffs' Association, International Association of Chiefs of Police. The amount of actual complaints that I've heard from people at the working level are very minimum—are very minimal. They like our cooperation. And, in fact, what really happens is the cooperation is very good at the local levels.

One of the problems that I have seen is, again, the local folks are spread even more thinly than we are very often. They have certain responsibility—the local folks—to respond to their population centers,

which are probably not on the national forests. And one of the inherent problems of the scenario you just laid out, to think that we could get a county police or county sheriff's office to devote a disproportionate amount of their time to the national forest system, I'm skeptical of that.

Mr. **PETERSON**. Well, I guess my theory would be that if you furnished them with some of the resources you're spending, you could give them added capacity. And I don't think you'll find—now there's exceptions—that most of your forest land is not real close to urban areas. It's not real close to a large population. It's kind of in the most remote parts of the country—at least the ones I'm thinking of at the moment are—which has very limited law enforcement to begin with because of the sparsity of population. But I think we waste resources when we have State, Federal, and local agencies doing separate things in a rural area where you don't have enough people to begin with.

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And you're never going to have people out there that are going to observe most of the crimes. It's going to be. You're not going to catch people in the act real often. And let me conclude. I see my time's up. But the one issue I noticed in the Allegheny National Forest, which is in my district, is that one of the major problems we have there is that it's very fertile ground for growing marijuana. And I know the DEA has flights in there all the time. And they're surveilling now. They're getting ready to go out and harvest the crop ahead of the growers this fall.

I'm critical of how they do that, because they basically go in and cut and burn and arrest very few people. I never see where they arrest anybody, but they do stop it from hitting the marketplace. And that's part of State police in Pennsylvania and the other groups that are part of that—it's kind of a cut and burn theory. And they do a lot of surveillance work all summer long, with low flights looking for the patches of marijuana growing in the Allegheny National Forest and trying to stop it from getting to the market.

But there, again, it seems to me that we don't have a coordinated effort. I don't know what role your agency plays in that. But again, it would seem to me that would be more effective if there was a local, State, and national consensus of how we're going to do that. I guess I struggle with all these agencies trying to be there.

I mean, you're out there to manage land. Law enforcement should not be one of your major roles. You should have people who know what's needed there, but it would seem to me using State and local resources it would be more cost effective and more productive. That's just my own personal theory.

Mr. **WASLEY**. There again, I would say we are probably more coordinated than you might notice at first glance. There again, I've had hands on experience, especially with marijuana eradication. And it is really a team effort. If you look at the agencies involved on a sheet of paper, it may look disjointed. But in fact when things happen, it's my experience that things happen properly and they come together. Of course, errors are made, and, of course, there's some inefficiency, and, of course, we can improve. But generally speaking, the law enforcement that I found in the Forest Service is at least well coordinated.

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Mr. **PETERSON**. We thank you.

Mrs. **CHENOWETH**. The Chair recognizes the gentleman from Colorado, Mr. Schaffer.

Mr. **SCHAFFER**. Thank you, Madam Chairman. I have a number of questions. I didn't notice in your—I was not here for your testimony. I had a chance to just briefly go through it. But the Star Mountain Report suggests that targeted block grants could be a means to supplement these cooperative agreements, and I didn't notice that you addressed that in here. What kind of thought or consideration has been given by your or your department to that particular recommendation?

Mr. **WASLEY**. There again, my remarks are based on not my 20 months in the Forest Service, but 30

years in law enforcement. I'm suspect of block grants for a couple of reasons.

First of all, I'm suspect of their ability to be properly accountable. If blocks of money were given to, say, a county sheriff, I'm not sure that we would have the wherewithal to ensure that those moneys would directly benefit the national forest system. County sheriff, city police, other agencies have other conflicting priorities, which may take some of that block grant money, and thereby not give us enough bang for the buck, if you will. That's a personal opinion.

Are we exploring it? Of course, we're exploring it. We're looking at it as a possibility. As a matter of fact, as we speak, I have a study underway right now to examine all of our 700 plus cooperative law enforcement agreements, some of which have not been audited since 1971. So I'm having this study done now. And, as a matter of fact, on the 14th of July, I'm meeting with the folks involved in that study in Denver, hopefully to give me some insight on what they've found.

Mr. **SCHAFFER**. Well, let me go at this cooperative issue from another direction then and that is why do we enter into these cooperative agreements with local law enforcement agencies in the first place?

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Mr. **WASLEY**. We need their assistance. That's the short answer. We cannot do our job alone. The State, city, county officers have primary jurisdiction for State laws on the national forest system. They, in fact, do that sort of enforcement all the time. We have a certain responsibility, a resource protection responsibility which I think fits nicely with their state enforcement responsibilities. Hence, some sort of cooperative agreement has to be codified, has to be put to paper. You will do this, and for your services we will reimburse you this amount. And frankly speaking, in some places we get a good bang for the buck and other places apparently we don't. Consequently, I've ordered an audit of all of our systems—all of our agreements.

Mr. **SCHAFFER**. This focuses primarily, you know, the report, the whole hearing and so on today is primarily focused on management, which is important. But an important part of managing this budget, staff, and allocating them, and so on also entails a certain amount of preventative activities that try to drive down the occurrence of crime and the need to police national forests to the extent that we do so far. Can you give me an idea? Why are we seeing an increase in the need for law enforcement for our agents to be placed in more dangerous situations, more now than 10, 15 years ago? What is the cause for the trend and the need to police national parks, public lands, and public places more vigorously?

Mr. **WASLEY**. I think the short answer is simply demographics. If you have 800,000,000 visitors now and a billion visitors within a couple years time, there's going to be criminality that's going to follow that upward trend of visitors. And the forests will unfortunately suffer that. To my knowledge, there are very few non-urbanized forests in the United States now. Even the "rural forests" are suffering the effects of urbanization and more visitor days. You cannot avoid criminality. There is going to be certain ilks of persons that patronize the forests that are going to bring their criminality with them. Consequently, the responsibility for this within the forest falls on us.

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Mr. **SCHAFFER**. Has there been any thought given—you know, the Forest Service, without question, is moving away from the concept of multiple use and having a number of folks involved in national forests for economic activity of various sorts, and we've kind of moved away from that. Has there been any thought given or analysis done as to whether moving toward forests that are less functional from an economic perspective had any impact on criminal activity?

Mr. **JOSLIN**. When you ask that—could you repeat that? I'm not sure I understand.

Mr. **SCHAFFER**. Yes, I don't think there's any question—well, there may be in some people's

minds—but there's not much question that we're moving forests away from the whole concept of the land of many uses. You took that off the signs, for example, when you enter the forests. Economic activity of various sorts, whether it's timbering or grazing or mining and so on, seem to be restricted rather than encouraged. And there's a different type of activity and focus of the national forest system now than it was 50 years ago. I'm just curious as to whether anybody that there's some correlation between the shifting or drifting vision of the Forest Service and criminal activity that takes place on Forest Service land.

Mr. **JOSLIN**. I don't think we've looked at that. But I think that, you know, we're still managing those lands out there for multiple uses. Granted, the amount of that is certainly varied, but I don't think there's been any kind of studies like that. And I'm not sure that there would be a correlation. There's just so many more people that are coming out there, using those national forests, those public lands nowadays that it's mind boggling. As I know you're well aware in your particular part of the country too, more and more people out there everyday.

Mr. **SCHAFFER**. Well, I don't mean to mischaracterize my part of the country. You know, a lot of kids from the city who are out having a—out carousing in the national forests, sometimes they have more respect—well, sometimes they seem to be more afraid what may happen to them if they start messing around with somebody's cattle out there in the middle of woods than they are if the start harassing, you know, a nice innocent family having a—you know, trying to catch a night's sleep in the camper next door. And it seems to me that when there are a number of—when there are more vested interests in managing and being a part of our national forest system that you just kind of engender a little more respect for your friends and neighbors and for the outdoor and for the law than when you're simply dealing with a government agency. You know, again, if you haven't looked into that, or if nobody has, that doesn't surprise me.

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But it seems to me, though, just from the way people behave out west anyway that, you know, it would just seem to be more a polite society when you had a bunch of ranchers, farmers, loggers, mining companies, and so on all maintaining their varied and assorted public interest in maintaining a strong national forest system.

Mr. **JOSLIN**. I think the other thing that would go along with that, too, is the understanding and appreciation for natural resources out there has really gone down. The more people come out there, we haven't been able to get that message across to them, which I think really relates to what you're talking about.

Mr. **SCHAFFER**. Thank you, Madam Chairman.

Mrs. **CHENOWETH**. Thank you, Mr. Schaffer.

Mr. Wasley, I want to ask you when there's a complaint with regards to the Forest Service law enforcement activities, how are they documented? What is the process for documentation?

Mr. **WASLEY**. It's put to paper. It really depends on the method by which we receive it. If it's a verbal complaint, say, to a Forest Supervisor from a citizen on the national forest, we would ask that it somehow be reduced to writing, so we have some document. We have a computer system in which these complaints are placed. All the complaints that we received—formal complaints—are going to be investigated, either by us, by the Department of Justice, by the Inspector General, or by the Forest Service non-law enforcement.

Mrs. **CHENOWETH**. Well, what happens when a citizen doesn't know how to make a formal complaint because the regional forester or Forest Supervisor will say, I don't have any jurisdiction over that. And they don't record the complaints because they say all the jurisdiction has been centralized in Washington, DC, so don't talk to me about it. So how do we get—how do you find out through documentation? Or what system is in place for you to know? I mean, it's not fair to you, Mr. Wasley, for

me to hear all the complaints, and, as you can tell, I'm pretty concerned about it. And you not know why I'm concerned: because you're not getting the information. How would a normal citizen who is, say, stopped on a snowmobile asked to stop his snowmobile, is searched, and then issued a ticket for operating a snowmobile on a road that he's operated it on for 30 years. How would we make a complaint that could be documented and get to you and the chief?

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Mr. **WASLEY**. If the person—we're speaking hypothetically now—on this snowmobile went to the, say, district ranger and received no satisfaction certainly that person would have the wherewithal to go to the next level, which might be the district ranger's supervisor. I would. If I got no satisfaction there, I would probably call my Congressman.

Mrs. **CHENOWETH**. Do you realize that that's going on in the field, that the rangers and supervisors are saying we have no jurisdiction over this activity, we have no jurisdiction over those Forest Service employees who are issuing tickets?

Mr. **WASLEY**. That statement may be made, but I will tell you this that, again based on my history and the fact that in the Secret Service, I served 2 years in the internal affairs division of the Secret Service, all complaints will be investigated. And if I find someone that is not bringing complaints forward in my branch, then appropriate action will be taken.

Mrs. **CHENOWETH**. What juncture in time and in documentation occurred so that all jurisdiction rested with you? When did that happen? And it was taken away from the local rangers and local forest supervisors?

Mr. **WASLEY**. It was in Fiscal Year 1994—October 1993.

Mrs. **CHENOWETH**. Pardon me?

Mr. **WASLEY**. October 1993, which would be Fiscal Year 1994.

Mrs. **CHENOWETH**. And what documentation was issued that made that change? Was it statutory authority?

Mr. **WASLEY**. If memory serves, there was congressional intent to go that way, and the chief of the Forest Service at that time made the decision. It was an internal decision where it was actually implemented. But I believe congressional intent was that we go to the current straight line reporting organization.

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Mrs. **CHENOWETH**. Mr. Wasley, I wonder if you would submit to the Committee all the complaints that have been made to you, that have gotten to you in the last 3 years?

Mr. **WASLEY**. OK. Fine.

Mrs. **CHENOWETH**. OK, it won't be hard, there's only about 21 documented.

Mr. Hill, can you advise the Committee what documentation or what executive order or what was issued to allow for the centralization of law enforcement jurisdiction?

Mr. **HILL**. My recollection—our understanding of some of the concerns that caused that to happen dealt with providing independence to the law enforcement staff. I think there were some concerns and issues back in 1993 about complaints that were being made concerning Forest Service employees that were not being investigated at the time because basically they were investigating themselves. I think the general feeling there was there was a need for some independence in the law enforcement staff that could, therefore, go ahead and investigate these things.

Mrs. **CHENOWETH**. Isn't it in your testimony that in 1993 there was a document issued that made this change?

Mr. **HILL**. I'm not certain what you're referring to in terms of documentation?

Mrs. **CHENOWETH**. Was there an order issued by the chief or a report issued by the chief?

Mr. **HILL**. I'm not certain of that, Madam Chairman. We could look at that and get back to you on that one.

Mrs. **CHENOWETH**. OK, I have seen it. I had studied a lot of things last night. And I did see it. I thought it was in your testimony.

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Mr. **HILL**. I apologize. We could research that and provide it for the record.

Mrs. **CHENOWETH**. All I want to know is where they get their authority to make a centralized system—set up the centralized system that they're operating under now?

So, whoever can provide that for me, I'd appreciate it.

Tell me, Mr. Wasley, what written report—what kind of written report do you give to the chief, and can we have copies of that for the Committee?

Mr. **WASLEY**. The reports that I give to the chief are primarily verbal. If there's a particular situation or an issue, then I generally put it in memorandum format.

Mrs. **CHENOWETH**. They are verbal. They are not written?

Mr. **WASLEY**. It really depends on the nature of the issue. For example, I would be not doing my job if I was to put to paper the elements of an ongoing criminal investigation that the chief should be aware of, lest that become discoverable in a criminal case. I would be more inclined to tell the chief verbally the nature of the criminal case, so he's aware of what's happening. This is very, very common practice—not to put such thing to paper.

Mrs. **CHENOWETH**. Mr. Wasley, this is not common practice in the Forest Service. It may be common practice in the Secret Service, but that's why I mentioned in my opening statement this has become a stealth organization, operating under the radar of the Congress. We must have documentation. This is not the Secret Service. This is the United States Forest Service, and we expect documentation. And I hope that we, as required and as mentioned in the Star Mountain Report, I hope that we will see systems implemented so that there will be documentation and soon. This is an embarrassment, sir. And I don't know who's idea this was, the chief is not here today. But it is absolutely wrongheaded.

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Recent articles revealed that the training exercises by anti-timber tourist groups have continued to expand. They train extremists in how to block roads, damage roads, and otherwise block and disrupt Forest Service and timber management activities. The result is damage to Federal property to private property and disruption of lawful government and commercial activity. What has the Forest Service done to interdict such activities under conspiracy or Rico statutes?

Mr. **WASLEY**. We have an open line of communications with the Federal Bureau of Investigations who is the primary agency in this sort of domestic terrorism. We have agents that work cooperatively with the FBI almost on a daily basis on these issues.

Mrs. **CHENOWETH**. OK, that's a question that we need more detail on, sir. This activity is widespread in the northwest. It's fierce. And I'd like a written report as to what the Forest Service has done to interdict such anti-timber terrorist group activities under conspiracy or Rico standards. Would you mind submitting a report to the Committee?

Mr. **WASLEY**. I will.

Mrs. **CHENOWETH**. Thank you, sir.

What are the criteria in deciding whether to seek civil recovery of damages in these cases?

Mr. **WASLEY**. The first—the first consideration, of course, lies with the United States Attorney. It's the United States Attorney that makes the prosecutorial decision whether or not to proceed or not to

proceed. And once we do the investigation, the choices, the decisions are in the Department of Justice. It's not in the Forest Service.

Mrs. **CHENOWETH**. But leading up to that decision, what are the criteria in deciding whether to call in the U.S. Attorney's office?

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Mr. **WASLEY**. In every criminal matter, the United States Attorney office will be contacted.

Mrs. **CHENOWETH**. Would you mind making a report to the Committee with regards to the criteria that you have lined out in deciding whether these anti-timber terrorists groups, their activities when they have to do what they must rise before you decide whether to call in the U.S. Marshall or the U.S. Attorney office?

Mr. **WASLEY**. We call them in any case.

Mrs. **CHENOWETH**. In any case?

Mr. **WASLEY**. I would be happy to submit a report, but we call the United States Attorney on any matter like that. Any criminal matter, especially involving eco-terrorism or terroristic things involving timber or any other matter on the national forest system, the United States Attorney's office will be contacted.

Mrs. **CHENOWETH**. Do you ever recommend that we seek recovery of damages for the Forest Service, Mr. Joslin?

Mr. **JOSLIN**. Yes, we do that. We make recommendations, whether it be timber theft or damages to road or whatever it is. Our resource specialists in the field compile the information that constitutes the amount of damage, so that's what we use in working with the law enforcement and investigation folks to help provide the recommendations in those situations.

Mrs. **CHENOWETH**. Well, as a matter of policy if significant damage, say, tens of thousands of dollars is done to Federal land or property, shouldn't they claim for recovery always—always be sought?

Mr. **JOSLIN**. We may recommend but the United States Attorney may not follow through.

Mrs. **CHENOWETH**. Now, my line of questioning is because it's law enforcement who has the responsibility to investigate crimes, not the U.S. Attorney. And so, as you make your report, please understand that is the direction that I'm taking this questioning.

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One more time, we do need a copy at every briefing—of every briefing memo given to the chief on law enforcement activities for the last 3 years, or since the time you were hired. OK?

All right, I defer to Mr. Schaffer from Colorado.

Mr. **SCHAFFER**. Thank you, Madam Chairman. I have more questions on the issue of cooperation with local agencies, just so I can try to get an idea for myself when we're—when these cooperative agreements make sense and when they don't, along those lines. Can you tell me when—what kinds of things can only be done by Federal law enforcement agents on Federal lands, as opposed to contracting completely perhaps with the county sheriff or the State division of wildlife. Tell me when you're the only guys who can do it.

Mr. **WASLEY**. From my personal experience, I saw on the Tonto National Forest, for example, that the county sheriff, working in concert with our folks out there, would not cite for particular Federal violations, i.e., bringing bottles on a beach. It was against Federal regulations to bring breakable things on the beach, lest they be broken and people cut their feet. The county sheriffs who were there in force, who was the Maricopa County sheriffs, deferred totally to the Forest Service to write this kind of ticket.

Mr. **SCHAFFER**. Was there an agreement in this case with them? Were they being compensated?

Mr. **WASLEY**. There was no need. It was just law. There was no need for such an agreement. I



mean, because as police you know what you're going to do. On the other hand, if there was a fight, certainly the Forest Service folks in uniform would assist the county sheriffs, but the county sheriffs or deputies would make the arrests.

Mr. **SCHAFFER**. Are there any specific crimes that occur on national forest lands that are unique to Federal law enforcement that States or counties just are incapable of dealing with?

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Mr. **WASLEY**. Much like certain Federal agencies—other Federal agencies have expertise—ATF and firearms, Secret Service and counterfeiting, FBI and perhaps in kidnaping—the Forest Service does a really good job in timber theft, archeological resource protection, and wildland fire arson. A county sheriff's department would certainly defer investigation to us on those issues. And also cannabis eradication, quite honestly.

Mr. **SCHAFFER**. Now, again, that is with an agreement or just as a general course of being, you know, a national forest that's in a certain county?

Mr. **WASLEY**. It would be by general knowledge. There may well be an agreement that would spell that out. I don't know the particulars of all 700 agreements, but I would say the vast, vast, vast majority of county sheriffs and city police would understand that.

Mr. **SCHAFFER**. In the—hang on a minute. Sorry about that, Madam Chair. The—you mentioned earlier about those occasions when you end up calling the FBI or DEA and others, how often does that occur?

Mr. **WASLEY**. In my tenure, very, very rarely. We had a particularly vicious arson in the northwest, which we're working still very closely with the FBI on. We had a kidnap case of one of our employees in Oregon and we worked hand in hand with the FBI. Most recently, the unfortunate shootout and killing in Cortez, Colorado. We were involved—the FBI was there.

There's not really much friction at all between the Forest Service and DEA or FBI. As a matter of fact, I lunch monthly with the heads of those agencies, and we have an open dialogue.

Mr. **SCHAFFER**. But do you end up consulting them for their help and assistance when these investigations become broader than Forest Service boundaries?

Mr. **WASLEY**. Oh, of course.

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Mr. **SCHAFFER**. Or multi-state? I guess that's what I'm asking. How often does that occur? Is that rarely? Is it—

Mr. **WASLEY**. Yes, I'd say rarely.

Mr. **SCHAFFER**. Is it couple, three times a year? Is it 50 times a year? What?

Mr. **WASLEY**. I can't give you a number, but I would say rarely. It has nothing to do with turf protection or anything like that. It has to do only with—they offer—we would seek their expertise when we deemed it necessary. And if they—certainly, we have, again, open lines of communication with those agencies, so there's nothing being done in a vacuum.

Mr. **SCHAFFER**. With respect to these organizations that exist to essentially train members and perpetuate this eco-terrorism, are those the kind of issues where outside agencies are consulted and where their advice is sought?

Mr. **WASLEY**. Yes. We simply don't have the expertise—well, I can't say the expertise—we don't have the resources available to conduct our own investigations of that type of group in general. There may be certain exceptions from time to time. But in general, the FBI is far, far, far better equipped to handle investigations of those groups.

Mr. **SCHAFFER**. Are they handling any of those investigations right now?

Mr. **WASLEY**. The short answer is yes.

Mr. **SCHAFFER**. How often, just generally, on those types of issues are they consulted during the course of a year?

Mr. **WASLEY**. Do we consult the FBI on that?

Mr. **SCHAFFER**. Yes, on those—of those kinds of cases.

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Mr. **WASLEY**. Again, I would say specifically in certain portions of the United States, we have a daily dialogue.

Mr. **SCHAFFER**. Well, am I the chairman now? Oh, there she is. I thought maybe she ran to the floor.

I don't have any more questions.

Mrs. **CHENOWETH**. Thank you, Mr. Schaffer. We do have a vote, and so I will recess the Committee for 20 minutes. We will make the vote and come right back. And so this Committee stands recessed.

[Recess.]

Mrs. **CHENOWETH**. The Committee will come to order. Mr. Wasley, I wanted to continue with my line of questioning. During a briefing to Committee staff, you mentioned that you report directly to Chief Dombeck, but you also mentioned that you report to Francis Pandolfi and that he and the chief are one in the same. What was your rationale for reporting to Mr. Pandolfi in lieu of the chief regarding law enforcement activities?

Mr. **WASLEY**. It think it fair we have to clarify the statement there—they are one and the same. I probably meant in terms of a reporting. That said, Francis is a day-to-day operational reporting that I have. Events that would occur on a day-to-day basis I would probably pass those more to Francis than I would to the chief. I would probably give the chief a summation rather than an ongoing report. So.

Mrs. **CHENOWETH**. Well, how do you provide this information to Mr. Pandolfi, in a memo, or e-mail, or verbally?

Mr. **WASLEY**. All of the above. All of the above. I use e-mail. We have the IBM e-mail system which I use. Yesterday, for example, I sent Francis several status reports of an ongoing situation we have in New Mexico now. And I saw no purpose in sending the chief status reports. What I'll probably do with the chief is, as I get a trend or a situation develop that I think is worthy of his note, then I'll send him a condensed version. I will keep Francis apprised of the day-to-day stuff.

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Mrs. **CHENOWETH**. What type of law enforcement issues have you reported to Mr. Pandolfi specifically? Could you give us an example other?

Mr. **WASLEY**. The most recent, again, happened yesterday.

Mrs. **CHENOWETH**. Yes, I am aware of that. But other than that what type of issues have you reported to Mr. Pandolfi?

Mr. **WASLEY**. The Cortez City Police Department killing, where we are directly involved. A series of other investigations that were ongoing I've reported to Francis. We had another shooting in Georgia I believe it was, and I don't recall the forest there, wherein a camper shot three burglars. This type of day-to-day events that may well be newsworthy when I get them, I would prefer that the chief and Francis get them before they read about them in the newspaper.

Mrs. **CHENOWETH**. What does Mr. Pandolfi do with the information that you provide to him regarding law enforcement issues?

Mr. **WASLEY**. I would assume that he passes it on to the chief.

Mrs. **CHENOWETH**. You would assume. Does Mr. Pandolfi—you don't know if he does pass information on to the chief?

Mr. **WASLEY**. Certainly, in some cases he does because the conversations I've had with the chief reflects a certain level of understanding of issues that he would have had to have gotten somewhere, and I assume it was Francis.

Mrs. **CHENOWETH**. Is there anyone else with whom Mr. Pandolfi shares the law enforcement information that you provide to him?

Mr. **WASLEY**. It probably depends on the nature of the information. If some of the information is sensitive, I would ask that he hold to himself and share only with the chief. Other information may have impact on other deputy chief areas within the Forest Service, at which time I would assume that he would pass it on as he sees fit.

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Mrs. **CHENOWETH**. I had earlier asked you to provide for the Committee all copies of reports that you have made to the chief. Let me be very specific. I wonder if you would provide for the Committee copies of all e-mails or memos or memos to the files with regards to verbal reports that you have provided to Mr. Pandolfi or anyone else.

Mr. **WASLEY**. OK.

Mrs. **CHENOWETH**. Pardon me?

Mr. **WASLEY**. Yes, ma'am we'll try.

Mrs. **CHENOWETH**. Pardon me?

Mr. **WASLEY**. We will try.

Mrs. **CHENOWETH**. Will you do that?

Mr. **WASLEY**. Yes, I will do that.

Mrs. **CHENOWETH**. All right. Would you also submit to the Committee a list of all computer systems and brief description of their purpose and sample of the data fields used to collect the data, who has access to these systems, and what reports are created from each system?

Mr. **WASLEY**. Yes.

Mrs. **CHENOWETH**. Thank you.

Mr. Wasley, in a recent news article I read that as a result of a loophole that exempts some ex-Secret Service workers that you are able to receive your entire pension of \$44,600 a year on top of your salary of \$110,000 for a total of \$154,600 a year, more than a Cabinet member's salary. Is this fair? And?

Mr. **WASLEY**. The figures are not correct.

Mrs. **CHENOWETH**. Would you clarify that for us?

Mr. **WASLEY**. Only the figures are not correct. I will clarify anything that's a matter of the public record.

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Mrs. **CHENOWETH**. What is correct with regards to your salary and your pension?

Mr. **WASLEY**. The simple fact is I collect a salary of \$110,700 a year as a GS-15 Step 10 with the Forest Service. As a retiree and an annuitant under the DC Police and Fire system I was entitled to a certain percentage of my service time with the United States Secret Service. I collect that also.

Mrs. **CHENOWETH**. And that pension is \$44,600 a year.

Mr. **WASLEY**. No, it is not.

Mrs. **CHENOWETH**. What is it?

Mr. **WASLEY**. I'm not sure that's germane to this hearing. And I'm not attempting to be flippant or anything else. I believe this is a private matter, and I don't believe my retirement annuity is subject to the

public record.

Mrs. **CHENOWETH**. You've been with the agency for almost 2 years, yet the reporting requirements and accountability measures of your department are almost non-existent, sir. And I would imagine that even the Secret Service has better accountability than the Forest Service law enforcement does. How do you account for this lack of accountability?

Mr. **WASLEY**. Speaking for the law enforcement investigations division, we are a new—relatively new organization, born only in 1994. There are certain adjuncts to our organization that take time to develop. The necessity for true data to be collected and utilized in staffing and in all decisionmaking process was not inherent in former Forest Service law enforcement structure. I'm trying to make it that way now.

Mrs. **CHENOWETH**. What is the rate of turnover in your work force?

Mr. **WASLEY**. Very low.

Mrs. **CHENOWETH**. You mentioned large events as a special challenge. What can you tell us about the Rainbow Family event that is planned for early July that is already getting underway in eastern Arizona?

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Mr. **WASLEY**. As of yesterday, we have 3,000 or so Rainbow Family folks there on the Apache Sitgraves National Forest. We have made, to my knowledge, three arrests so far. There have probably been somewhat less than 100 incident reports—anything from complaints to injuries, to the traffic accidents—all of the things you might imagine with that sort of gathering. That's as of this morning.

Mrs. **CHENOWETH**. How will this event impact your ability to meet other law enforcement needs?

Mr. **WASLEY**. Certainly, we have limited resources. We have to devote a certain amount of resources to this gathering. There will be some impact. At this time of the year, I don't think it's going to be measurable.

Mr. **JOSLIN**. Madam Chairman, if I could?

Mrs. **CHENOWETH**. Yes, Mr. Joslin.

Mr. **JOSLIN**. Not just the impact of large group gatherings such as the Rainbows on the Apache-Sitgraves in eastern Arizona is not only on law enforcement, but also on our regular work force to deal with those situations. And every year, as you know, they're somewhere, always on a national forest. And what we have set up there is an incident command team, the type of command team that we use for fires and other large events, and the law enforcement folks are a part of that. But it's all done in cooperation with the local and State law enforcement agencies. So it's an impact not only on our law enforcement people, but all the rest of our people in those areas, plus the other law enforcement agencies involved. It's a tremendous impact.

Mrs. **CHENOWETH**. Thank you. How do you feel that this Rainbow Family event will impact your overall costs to the program?

Mr. **WASLEY**. We have budgeted a certain amount for this type of large group gathering. I don't know the figures off the top of my head. But we have planned for this.

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Mrs. **CHENOWETH**. Let me say that I'm about to draw this particular hearing to a close. We will have other hearings on this issue. We will be asking you for more information. But, in closing, we are going to follow through with more oversight into this exceedingly important issue. And we'll be working with the GAO to do a much more detailed investigation into the data collection and reporting mechanisms within this agency. We will also be doing a complete analysis of the legal authorities for law enforcement activities for the agency. We need to understand exactly who has what authority by law

so that we can better determine how best to coordinate law enforcement activities. And we would appreciate your submitting all of the data which we requested today in a timely manner. I would like to ask before I make my closing statement if there is anything else anyone would like to add for the record.

Mr. Woodward?

Mr. **WOODWARD**. No, thank you.

Mrs. **CHENOWETH**. Thank you. Mr. Hill?

Mr. **HILL**. No, thank you, Madam Chairman.

Mrs. **CHENOWETH**. Mr. Joslin.

Mr. **JOSLIN**. One thing that I would add is in connection with law enforcement national forest system, the area that I work in, we hold meetings daily—on a daily basis. Mr. Wasley has at least one member of his staff there are those meetings to keep us fully informed, and we, in turn, keep his folks fully informed of activities going in the national forest system so that we are coordinated in that fashion. And thank you for the opportunity to be here today.

Mrs. **CHENOWETH**. You're welcome.

Mr. Wasley?

Mr. **WASLEY**. I would just like to comment on our, the officers' routes to the local community. I just had the good fortune to travel to Kentucky, where I worked with two law enforcement officers in the Forest Service who had spent in excess of 25 years in the very communities where they were born working for the law enforcement agency of the Forest Service. I gave an award earlier this year to a person, a law enforcement officer from California who had spent 31 years in the same community. All I'm doing is emphasizing the fact that we do have very close ties—local ties to local communities in the Forest Service.

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Thank you for the opportunity to testify.

Mrs. **CHENOWETH**. You're welcome. I'd like to also offer my condolences to the family of national park service ranger Joe Kolodski for this very tragic death in the Great Smokey National Park on Sunday. He was killed by a man who was threatening visitors with a rifle. And I understand and appreciate that law enforcement is a very dangerous profession.

What measures is the Forest Service taking to protect their employees is a question that I think we all have to ask. And, again, I did want to mention him by name for the record.

There have been criminal activities in the forest. I think a lot of what precipitated this was outlaw theft of timber and logs, and then, of course, so many more people are entering into our national forests as their vacation choice. So this hearing and the other hearings are being held to determine how best to make sure that we have the most efficient law enforcement system, while still remaining very responsive to the local citizens. The last thing I think any of us want to do is create a Federal law enforcement system that is not accountable and that is not responsive and that is angering people out in the west or on public lands.

I don't think that those results are anything that we share, and I think that we need to work together to try to reach a better result than what seems to be emanating out the starts of this new system. I do seriously question the legal authority for such a broad law enforcement agency that is operating in other offenses outside of drugs. And, as I said earlier on, one of the things that we're very concerned about in the west is we have a situation where economic activity has been pushed out of the forest. Even our roads and trails are being closed to human recreational activity. And so it is a perfect setting for those who want to brave the elements in order to raise a lot of illegal drugs.

And I speak from a certain amount of experience, having just gone through it about a year ago, a huge drug bust that was, in part, on private land, and, in part, on public land in Idaho—it was huge—and have received many reports about drug growing activity in the back country. So we need to take a broad look

at what we're doing with regards to either discouraging or actually encouraging illegal activity.

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So with that, I want to thank you all for your time and your effort. I will be back to you with other hearings. And I do want to say that the record will remain open for 10 days for any corrections or additions you may wish to make to the record. And I will be back in touch with personally, individually with regards to future hearings. Thank you very much. And with that, this hearing is adjourned.

[Whereupon, at 12:11 p.m., the Subcommittee adjourned subject to the call of the Chair.]

[Additional material submitted for the record follows.]

#### STATEMENT OF BARRY T. HILL, ASSOCIATE DIRECTOR, ENERGY, RESOURCES, AND SCIENCE ISSUES, DEVELOPMENT DIVISION, GAO

Madam Chairman and Members of the Subcommittee:

We are pleased to be here today to discuss law enforcement activities in the Forest Service. My remarks today are based on a report that we issued in July 1997. [\(see footnote 1\)](#) That report was done at the request of this Subcommittee, among others, and asked us to provide information on a number of questions about key aspects of the Forest Service law enforcement activities. Most of the information we provided focused on two areas: (1) the numbers of employees involved in law enforcement activities, and (2) the costs associated with these activities. In addition, you asked us to provide some information on other aspects of Forest Service law enforcement including interaction with other Federal, state, and local law enforcement agencies; the number and types of crimes committed on national forest lands; and the number of complaints against the agency's law enforcement staff.

To meet the needs of the Subcommittee, our 1997 report was prepared under very tight time frames. To obtain the information we needed in the time frame requested, we obtained information that was readily available from Forest Service headquarters, and we did not have the time necessary to assess or verify the accuracy of the data we obtained. Our report was based on fiscal year 1996 data which was the latest available at that time. In preparation for this hearing, we worked with the Forest Service to update much of the information we are providing to fiscal year 1997.

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In summary, in fiscal year 1997, the Forest Service's law enforcement program included 708 agency staff including law enforcement officers, special agents, reserve law enforcement officers, and administrative staff. The cost of law enforcement in the agency was about \$68.5 million. This included about \$43.8 million in salaries, \$18.4 million in support costs, and \$6.3 million in reimbursements to state and local law enforcement agencies for assisting with law enforcement activities on national forest lands. (A summary table of the number of staff and costs associated with the Forest Service's law enforcement program is included in app. I.)

#### BACKGROUND

Most of the law enforcement activities of the Forest Service are authorized under titles 16, 18, and 21 of the U.S. Code. The Office of Law Enforcement and Investigations within the Forest Service is responsible for investigating offenses against the United States that occur within or have a nexus to the national forest system lands—which include 155 national forests and 20 national grasslands covering about 192 million acres. The types of investigations and enforcement actions in which the Forest Service is involved include wildlife crimes, fire/arson, timber and other property theft, theft and/or destruction of

archeological resources or natural resources, illegal occupancy of national forest system lands, and threats and assaults against Forest Service employees. In addition, drug enforcement actions, authorized by the National Forest System Drug Control Act of 1986, as amended, are designed to detect and prevent the cultivation and manufacturing of marijuana on national forest system lands.

## NUMBER OF LAW ENFORCEMENT EMPLOYEES

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In fiscal year 1997, the Forest Service employed 479 law enforcement officers, 149 special agents, 41 reserve law enforcement officers, and 39 administrative support personnel. With the exception of 16 staff that work in the Washington D.C. office, these staff are primarily assigned to field locations. Law enforcement officers perform and supervise a variety of duties that include the protection of Federal property and resources from natural or user-related degradation, the provision of safety and interpretive information to visitors, assisting search and rescue operations, assisting wildland fire suppression, and other duties. Special agents are involved in planning and conducting investigations relating to alleged or suspected violations of criminal laws. Special agents require a knowledge of such items as laws of evidence, criminal investigative techniques, court decisions concerning the admissibility of evidence, constitutional rights, search and seizure and related issues, and other criminal investigative skills.

The 41 reserve law enforcement officers' principal duties are outside of law enforcement—such as timber or recreation. These staff may be called upon to perform law enforcement duties on an emergency or as-needed basis. Forest Service headquarters officials estimated that reserve law enforcement officers spend between 10 percent and 35 percent of their time performing law enforcement duties. Administrative support personnel perform a variety of functions, including data entry for case management, computer support, budget preparation and analysis, procurement, and time and attendance.

## COSTS ASSOCIATED WITH LAW ENFORCEMENT

The cost of law enforcement in the agency in fiscal year 1997 included about \$43.8 million in payroll, and \$18.4 million in support costs. The total annual payroll for fiscal year 1997 for the law enforcement officers was about \$29.5 million, while the payroll for the special agents was about \$12.6 million. In fiscal year 1997, the payroll for the administrative staff was about \$1.7 million. According to Forest Service officials, no payroll information was available for the 41 reserve law enforcement officers because their principal duties were outside of law enforcement.

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In addition to payroll, in fiscal year 1997, the Forest Service spent about \$18.4 million in support costs for its law enforcement personnel. This included about \$5.2 million for support costs to regions and field units for rent, telephone, computer use, and radio dispatching services; about \$4.8 million for fleet equipment; about \$2.6 million for equipment and supplies; about \$2.2 million for travel; \$1.3 million for transfer of station costs, and about \$2.3 million for other costs, such as headquarters support, training, uniform and special equipment.

For the 1997 report, you asked us to provide information on the pay scales of Federal and nonFederal law enforcement personnel. To address this request, we obtained information from the Department of Justice, which collected 1993 data on starting salaries for entry-level law enforcement officers from 661 state and local law enforcement agencies across the nation. The data showed a wide range of starting salaries from a low of about \$10,000 in Louisiana to a high of about \$50,000 in California. (A listing of the range in salaries for each state can be found in app. II.) As a comparison, the Forest Service's entry-

level salary in 1993 was \$23,678.

## OTHER ASPECTS OF FOREST SERVICE LAW ENFORCEMENT

To assist with providing law enforcement, the Forest Service frequently enters into cooperative agreements with state and local law enforcement agencies. These cooperative agreements provide for the enforcement of state and local laws on national forest system lands. In 1997, there were 717 cooperative agreements with state and local law enforcement agencies. Of these agreements, 546 were cooperative patrol agreements, which involved conducting routine patrols through the Forest Service's developed recreation areas, and 171 were agreements focusing on drug enforcement issues. As part of the agreement, the Forest Service reimburses the state and local agency for the cost of its activities. In fiscal year 1997, the Forest Service paid about \$6.3 million to reimburse state and local law enforcement agencies for the costs of the services provided under both patrol and drug enforcement cooperative agreements.

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For the 1997 report, you asked us to provide some information on how frequently Federal agencies such as the FBI and the Drug Enforcement Agency (DEA) investigate crimes occurring on national forest lands. The FBI and DEA, as a general rule, have deferred to the Forest Service the investigative responsibility for violations occurring within national forest system lands. The Forest Service does not routinely collect information on referrals to FBI and DEA. However, according to the Forest Service, the FBI and DEA are rarely involved in Forest Service criminal investigations. The FBI has primary jurisdiction for a number of crimes, including organized crime, financial crime, foreign counterintelligence, civil rights, and others. By practice, the FBI does not involve itself with the types of crimes handled by the Forest Service. The Forest Service keeps DEA informed of investigations that require investigative or enforcement powers outside the boundaries of the national forest system.

The 1997 report also provided information on the number of offenses that occurred on national forest system lands. (An offense means that a crime has occurred. An arrest generally means that someone has been identified as committing an offense.) In 1996, there were 3,481 offenses involving serious misdemeanors and felonies such as assaults, grand theft, and murder, and 118,596 petty offenses such as careless driving, discharging a firearm, use of firecrackers, alcohol violations, and permit violations.

Finally, the report provided information on the number of complaints against Forest Service law enforcement personnel. In preparing for this testimony, we obtain updated information which showed that there were 4 complaints in 1992; 13 complaints in 1993; 20 complaints in 1994; 25 complaints in 1995; 11 complaints in 1996; and 14 complaints in 1997. In 1997, as an example, the types of complaints made against agency law enforcement staff included falsifying time and attendance reports, verbal threats, obstruction of justice, and inappropriate discharge of a weapon. The Forest Service has a system to track the investigation and resolution of complaints against law enforcement staff. Depending on the nature of the complaint, it will either be investigated by agency regional human resources staff, the Department of Agriculture Office of the Inspector General, Forest Service law enforcement staff, or the Department of Justice.

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This concludes my statement. We would be happy to respond to any questions that you or any other Members of the Subcommittee may have.

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STATEMENT OF ROBERT C. JOSLIN, DEPUTY CHIEF FOR THE NATIONAL FOREST SYSTEM, FOREST SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE

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.

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## **Structure And Program**

The Director of the Forest Service Law Enforcement and Investigations (LE&I) 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 of 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.

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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 from approximately 4,400 sites. Officers made over 2,400 arrests, and seized nearly \$14 million worth of processed marijuana, \$20 million 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.

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## **Authorities**

Law enforcement has been an integral part of resource protection since the formation of the forest reserve system in 1897. Section 1 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.

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## **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.

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## **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 the 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 modern 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:

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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. LE&I 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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*Federal Lands: Information About Law Enforcement Activities* (GAO/RCED-97-189R, July 3, 1997).