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**IDAHO DEPARTMENT OF PARKS AND RECREATION  
POLICY AND PROCEDURES MANUAL**

**PROCEDURE TITLE:** Compliance Enforcement

**APPROVALS:** *Nancy E. Merrill*  
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**1.0 PHILOSOPHY**

The intent of the Idaho Park and Recreation Board is to provide for an environment of safety, livability, and enjoyment within Idaho Department of Parks and Recreation's (IDPR) recreation areas and park boundaries. By enacting park rules, IDPR seeks to accomplish this philosophy and is not seeking conviction, punishment, arrest, reprimand, or revenue through the forfeiture of fines or bails. The policy directives by which IDPR is guided must be relevant to the agency's mission and acceptable to those using the resource. All persons are allowed in state parks regardless of age, race, creed, color, religion, or disability.

Compliance enforcement activities are to be conducted in a courteous and professional manner. This includes the recognition of the fact that our visitors are often in unfamiliar surroundings and may be confronted with rules that are new to them. Also emphasized is the need for education through enforcement by using the least stringent means to achieve compliance. The IDPR will encourage proactive measures that will increase compliance. The employee's approach and behavior can make the difference between solving the problem or becoming a part of it. Non-threatening communication demonstrates competence, professional ability, and encourages respect and confidence from the visitor.

**2.0 DEFINITIONS**

**2.1 Compliance Enforcement Committee:** Consists of four (4) individuals who are appointed by the Deputy Director.

**2.2 Compliance Enforcement Coordinator:** Individual appointed by the Deputy Director to direct and oversee the day-to-day operation of the compliance enforcement program.

**2.3 Compliance Enforcement Officer (CEO):** Any full- or part-time classified or seasonal IDPR employee who has successfully completed the POST Council approved eighty (80)-hour compliance enforcement training course and has been commissioned by the IDPR Director.

**2.4 Employee Assistance Program (EAP):** An Idaho state government-sponsored program that provides counseling services for issues such as marital problems, drug and alcohol abuse, suicide intervention, etc.

**2.5 Grandfathered Certification:** Classified employees who have previously completed enforcement training that included instruction in all of the elements or classes covered by the current IDPR compliance enforcement curriculum are

eligible to be considered for grandfathered certification status (Section 50.12).

**2.6 POST:** Peace Officers Standards and Training

**2.7 Work Unit Manager:** Individual having direct supervisory responsibility over the IDPR compliance enforcement officer. This would routinely include the Park Manager, Assistant Manager, Region Manager, or Deputy Director.

### **3.0 AUTHORITY and JURISDICTION**

**3.1** Idaho Park and Recreation Board, pursuant to Section 67-4223, Idaho Code, has the power to adopt, amend, or rescind such rules as may be necessary for the proper administration of Title 67, Chapter 42, Idaho Code, and the use and protection of park and recreational areas and facilities subject to its jurisdiction.

**3.2** Pursuant to Section 67-4223 and 67-4239, Idaho Code the Idaho Park and Recreation Board enacted the following rules:

**Authority Conferrable on Employees:** The Director may authorize any employee of the Department to exercise any power granted to, or perform any duty imposed upon the Director (IDAPA 26.01.20).

Compliance Enforcement Officers are authorized to issue uniform citations to violators of Title 67, Chapters 42 (State Parks), 70 (Safe Boating Act), 71 (Recreational Activities), 75 (Marine Disposal Act), and rules adopted under those chapters, within properties owned or managed by IDPR. IDPR certified Compliance Enforcement Officers have no authority to enforce any rules or utilize defensive tools outside of state park boundaries.

Consistent with these provisions, the Director has authorized all duly appointed employees who have successfully passed the required compliance enforcement training to have commission authority.

**Cooperative Agreements:** The Director or the Director's designee may enter into management agreements with other law enforcement entities that are mutually desirable to both parties. These agreements may include allowing employees to cross county and/or state lines in the performance of their duties.

### **4.0 ASSISTANCE TO LAW ENFORCEMENT AGENCIES**

Employees will cooperate with all law enforcement agencies that have jurisdiction within lands owned or managed by the IDPR.

### **5.0 POLICY REVIEW PROCESS**

It is the responsibility of the employee to be familiar with this policy and it is the supervisor's responsibility to inform employees of any changes that are distributed.

The Compliance Enforcement Committee will review this policy annually. This is to ensure that this document is kept current with court decisions; federal, state, and local

laws; and IDPR Board policy and direction. Participation by staff is also essential to the review process. Employee-suggested changes should be sent to the immediate supervisor and forwarded through the chain of command.

## **6.0 ETHICS**

Compliance Enforcement Officer employees shall abide by the laws, rules, and directives governing the performance of their duties; and shall endeavor to understand and obey all local, state, and federal laws and regulations recognizing that they hold a unique position of traditional high public trust.

The employee, while acting as a representative of IDPR and as a CEO, will complete all enforcement functions impartially and thoroughly. Reports will be completed objectively and accurately.

In connection to an employee's official duties, an employee will not accept any item of value or service beyond those allowed by statute (Sec. 18-1356, Idaho Code). The employee should recognize that acceptance of a gift and/or service may result in a conflict of interest or the appearance of a conflict of interest in the performance of their duties. Questions on the acceptance of gifts and/or services will be routed through the chain of command for resolution.

## **7.0 DEPARTMENT COMPLIANCE ENFORCEMENT COORDINATION**

The IDPR will have a Compliance Enforcement Committee, which will consist of four (4) individuals comprising at least one (1) from each region, who are appointed by the Deputy Director. The Committee will provide recommendations on matters pertaining to compliance enforcement with regard to lands, facilities, and programs managed by the IDPR, both in the park and on a statewide level. The Committee shall make recommendations on training and/or changes or additions to IDPR rules and compliance enforcement policy.

## **8.0 POST-TRAUMA COUNSELING**

Employees involved in a serious incident or an accident involving serious injury or death are required to participate in an in-park review within twenty-four (24) hours of the incident or accident. The review is to be facilitated by the Work Unit Manager or his designee. Additionally, if the employee(s) shows the need for professional counseling, he or she will be encouraged to contact their local EAP representative as soon as possible. If an employee refuses the advice of their Work Unit Manager to seek assistance through the EAP program, that information shall be forwarded through the chain of command to the Deputy Director for further assessment.

## **9.0 TRAINING**

Pursuant to Section 67-4239 Idaho Code, IDPR will develop, with the guidance and approval of the POST Academy, an appropriate training course for employees applicable to issuing citations as authorized and delegated in this section. The Director shall ensure, before delegating authority under this section, that employees successfully complete the

training course.

#### **10.0 IN-SERVICE TRAINING**

Certified CEO employees will be required to obtain twenty (20) hours of annual refresher-training as approved by IDPR. The Compliance Enforcement Coordinator will establish approved courses and must approve additional training opportunities.

#### **11.0 TRAINING RECORDS**

The Compliance Enforcement Coordinator will keep all compliance training records. Employees are responsible to submit any training records and documentation that they receive during the year.

#### **12.0 REQUIREMENTS FOR COMPLIANCE ENFORCEMENT CERTIFICATION**

An employee must meet the following requirements to be certified:

- 12.1** Be a full- or part-time classified or seasonal IDPR employee,
- 12.2** Successfully pass background/history check, and
- 12.3** Successfully complete the prescribed course of instruction

#### **13.0 IDENTIFICATION**

All certified CEOs will be issued a photo identification card which will be carried at all times while on duty.

#### **14.0 SUPERVISORY RESPONSIBILITY**

New compliance enforcement personnel will be thoroughly oriented, carefully trained, and their performance monitored regularly by their supervisors. Work plans will provide compliance performance expectations, as determined by the employee and their supervisor(s). Employees failing to meet performance standards may have their credentials suspended or revoked.

#### **15.0 SUSPENSION/REVOCAION OF COMMISSION**

An employee's enforcement credentials may be suspended for cause; they may not perform enforcement duties during the period of suspension. Prior to this action, the Director will follow the appropriate personnel process in accordance with current IDPR and State of Idaho Department of Human Resources (DHR) personnel policies. During the period of suspension, the employee's identification card shall be surrendered.

In addition to DHR employment standards, the following conditions will be reviewed by the Director and may be cause for revocation of credentials:

1. Job assignment no longer requires enforcement duties
2. Employee is no longer employed by the IDPR
3. If the employee is convicted of a crime
4. If it is determined by agency management that the employee intentionally misused authorized IDPR-issued compliance enforcement equipment
5. If the employee can no longer meet the established minimum program proficiency requirements

6. If it is determined by agency management that the employee willfully used his/her commissioned status for personal gain, to avoid consequences of an illegal act, or to obtain privileges not otherwise available

#### **16.0 REINSTATEMENT OF CREDENTIALS**

The Director may reinstate suspended or revoked credentials for an otherwise qualified staff person when recommended by the Compliance Enforcement Coordinator and Deputy Director.

#### **17.0 USE OF FORCE**

Defensive tools shall be used only in accordance with IDPR training, in self-defense, or in defense of a third party where there is an immediate threat to the life or safety of the park staff or park visitor. The employee's decision to use any defensive tools must be guided by the following:

**Force may be used in self-defense or in the defense of another when no reasonably effective alternative appears to exist. The amount of force used shall be reasonable and based on the totality of the circumstances.**

#### **18.0 USE OF FORCE REVIEW**

All situations which involve the use of force shall be documented on an incident report and follow the Incident Reporting Program utilizing the Incident Reporting System.

#### **19.0 DEFENSIVE EQUIPMENT**

A Work Unit Manager may require staff to wear, or have readily available, defensive tools at certain times. The Work Unit Manager may not prohibit the wearing of or having defensive tools readily available if the employee has met training, certification, and probation requirements.

Defensive tools are not to be worn outside the boundaries of IDPR owned or managed properties, unless done so in accordance with a cooperative agreement as authorized in Section 50.4 (Assistance to Law Enforcement Agencies) or approved by Work Unit Manager. Employees shall exercise discretion when traveling between separated units of their park or program. Employees may not use defensive equipment outside of state park boundaries except where absolutely necessary for self defense. Any employee using defensive weapons off-site does so outside of Department authority.

#### **20.0 APPROVED DEFENSIVE EQUIPMENT**

The following defensive tools are authorized for certified employees who have been trained and certified to IDPR standards for the particular tool:

1. Chemical Defensive Spray – Oleoresin Capsicum based only (Section 50.21)
2. Collapsible Baton
3. Flashlight – minimum of three C-cell Maglite
4. Micro cassette/digital voice recorder

## **21.0 IDPR CHEMICAL DEFENSIVE SPRAY POLICY**

Chemical defensive spray is intended for use only by a trained compliance enforcement officer to escape an attacker or in self-defense, or in defense of others. IDPR will issue oleoresin capsicum (OC) spray to Compliance Enforcement Officers that have successfully completed the required IDPR training.

In the event OC spray is used, the employee and any third party shall retreat to a safe location and immediately contact local law enforcement for assistance. If there is indication that the subject is experiencing medical problems, such as difficulty breathing or loss of consciousness, or if the subject requests medical assistance, the employee shall immediately contact emergency medical services.

## **22.0 EQUIPMENT INVENTORY**

The Compliance Enforcement Coordinator will keep an individual equipment inventory for issued defensive tool(s). Any item issued by IDPR shall be well maintained and returned in serviceable condition when the employee's certifications are no longer valid.

## **23.0 LOSS/REPLACEMENT OF EQUIPMENT**

The employee is responsible for the security of defensive tools. Any loss of issued defensive equipment must be reported on an incident form. Replacement of all defensive tools will be made through the Compliance Enforcement Coordinator or the Work Unit Manager. Equipment will be replaced/updated as necessary.

## **24.0 VEHICLE/EQUIPMENT USE**

**24.1** All IDPR vehicles and equipment (snowmobiles, boats, etc.) used for patrol or compliance duties shall, at a minimum, be identifiable by the agency logo, as defined by statute. In addition to the agency logo, the Work Unit Manager may outfit certain vehicles that will be used primarily for compliance purposes with the following:

1. Park Ranger Logo: This may be either magnetic or permanently placed on the vehicle. Such logos shall be placed above the front wheel wells and may also be placed on the upper right of the trunk lid or tailgate. They will consist of three-inch reflective lettering in white or dark brown; whichever has the most contrast to the vehicle's color.
2. Emergency Lights: May be used for on-road safety or when responding to an incident to increase staff and/or visitor safety. Approved colors are red, yellow, or white.

**24.2** No employee may use a vehicle to:

1. Transport an individual to jail facilities
2. Pursue a vehicle (pursuit is defined as speeds in excess of the posted speed limit or that which is reasonable for existing road and weather conditions)

**24.3** Emergency response by an employee shall be guided by the following:

1. Obey all rules of the road
2. An employee shall be aware at all times of pedestrians, the possibility of wildlife on the roadway, and congested roadways and intersections to ensure their safety and the safety of others.
3. The use of a light bar does not guarantee the right-of-way for the employee; crowded conditions are common on park roadways due to their design and high-use patterns.
4. Emergency runs involving the use of a light bar or signaling device(s), should be confined to those times where there is the possibility of death or personal injury.

#### **25.0 MEDIA RELATIONS**

An employee's first responsibility at the scene of any incident is to provide for public safety, staff safety, resource protection, crime scene protection, information collection, etc. Whenever possible, employees shall refer the media to the local law enforcement spokesperson or the IDPR Public Information Officer for the controlled release of information through a press conference or news release.

#### **26.0 SEARCH AND RESCUE/MISSING PERSONS**

The responsibility and jurisdiction for the implementation and coordination of search and rescue operations lies with the local sheriff. When an individual is reported missing, local law enforcement should be notified and a search should be initiated immediately. Every effort within the proficiency/ability of the employee should be made to rescue the person. Rescue coordination will be turned over to the appropriate personnel upon arrival. All parks should have an "Emergency Action Plan" to be followed when incidents occur.

#### **27.0 CITATIONS**

The ability to issue infraction citations is one of the tools available for compliance enforcement and can only be issued by a commissioned compliance enforcement officer. Education, a verbal warning, or a written warning may be used to gain compliance prior to issuing a written citation.

Certain circumstances and conditions may require the writing of an infraction citation prior to a verbal warning, written warning, etc. (If the employee's decision is to issue a citation or sign a complaint, the validity of the citation or complaint becomes the responsibility of the court.)

#### **28.0 THIRD-PARTY CITATIONS**

Compliance Enforcement Officers may issue citations for violations that they did not witness, but only if the witnessing person requests and is willing to co-sign the citation.

#### **29.0 EVICTIONS**

Eviction from the park may result from a violation of IDPR laws or park rules. A citation will be issued on all evictions. The employee may wish to consider eviction in situations

that involve repetitive violations or an unwillingness to comply with rules. Where an individual does not comply with a verbal eviction order, the employee will request assistance from local law enforcement.

In cases of eviction, the individual(s) must be informed of the length of the eviction, which is a minimum of 48 hours (26.01.20.100.02 Violators). Eviction for longer periods of time must be requested through the Director. All evictions shall be documented in the IDPR Incident Reporting System, to include the rule or statutory violation(s) and the criteria used in determining to evict the person(s).

### **30.0 DETENTION**

An IDPR certified Compliance Enforcement Officer may detain an individual until local law enforcement arrives if that employee has a suspicion that the individual may have committed an offense, or may pose a danger to themselves, another person, or the employee. The person should be informed that they are not under arrest.

### **31.0 POWER OF ARREST**

IDPR employees do not have arrest authority.

### **32.0 CRIME SCENE PROTECTION**

Local law enforcement has responsibility for the investigation of any crime. It is therefore important that the employee recognizes and secures the crime scene to the extent possible. Protecting the scene from damage, loss of evidence, or the crime scene's integrity (impacted by continuing use) may be important for the investigator to be able to affect a solution to the crime.

### **33.0 SEARCH AND SEIZURE**

IDPR employees will not be engaged in the application for or serving of a warrant for search and seizure. If such action is needed, assistance should be sought from local law enforcement for the purpose of obtaining a warrant to search.

### **34.0 DIPLOMATIC IMMUNITY**

Diplomatic immunity, a principle of international law, is broadly defined as freedom from local jurisdiction and is accorded to accredited diplomatic agents and members of their immediate households. Although these individuals are immune to prosecution or detention, the employee still retains the right to request compliance with rules or stop unlawful behavior. Due to the complexity of diplomatic immunity issues, such cases should be immediately turned over to local law enforcement.

### **35.0 INCIDENT REPORTING**

Incidents involving the safety of visitors or employees, damage, criminal action, use of force, those having a potential negative impact on the IDPR, or of general importance shall be documented in the Incident Reporting System.

### **36.0 COURT APPEARANCES**

The employee should become familiar with the prosecuting attorney and judge within the local jurisdiction. Prior to a court appearance, the employee should schedule a meeting with the prosecutor to ensure they are prepared for their appearance in court.