

FPS Authority and Jurisdiction Orientation

(b)(6),(b)(7)(C)

FPS Ops Attorney Advisors



Homeland
Security

DHS-001-2553-000001

Agenda

- 40 U.S.C. 1315 LEO Designation
- 1315(a) – Jurisdiction & Mission
- 1315(b) – Police Powers
- 1315(c) – Criminal Regulations



DHS-001-2553-000002

40 U.S.C. 1315 Designation

- FPS Director signed 1315 cross-designations for DHS officers on 6/4/20.
- 1315 designation applicable only to those DHS officers nominated by name on master list.
- 1315 designation valid for 45 days from 6/4/20 subject to operational demands.



DHS-001-2553-000003

40 U.S.C. 1315 Designation

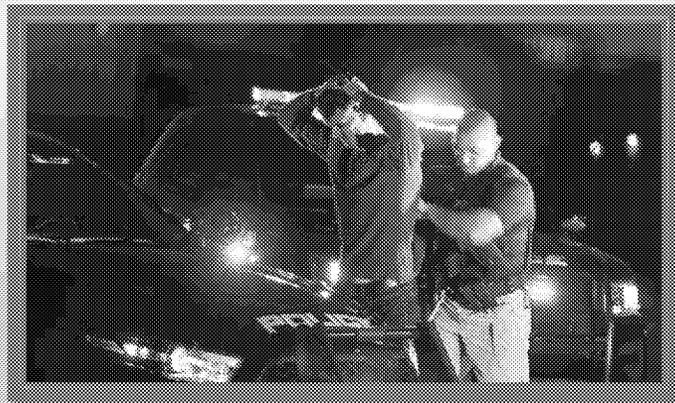


- Prior to utilizing 1315 authority, all nominated DHS officers must complete FPS-provided legal orientation.
- 1315 designation confers specific law enforcement authority for the limited purpose of protecting federal property and occupants.

40 U.S.C. 1315 Designation

Authorized to ...

- conduct investigations;
- require/receive information re offenses;
- serve and execute search/arrest warrants;
- serve subpoenas/summons;
- administer oaths;
- make certain warrantless arrests;

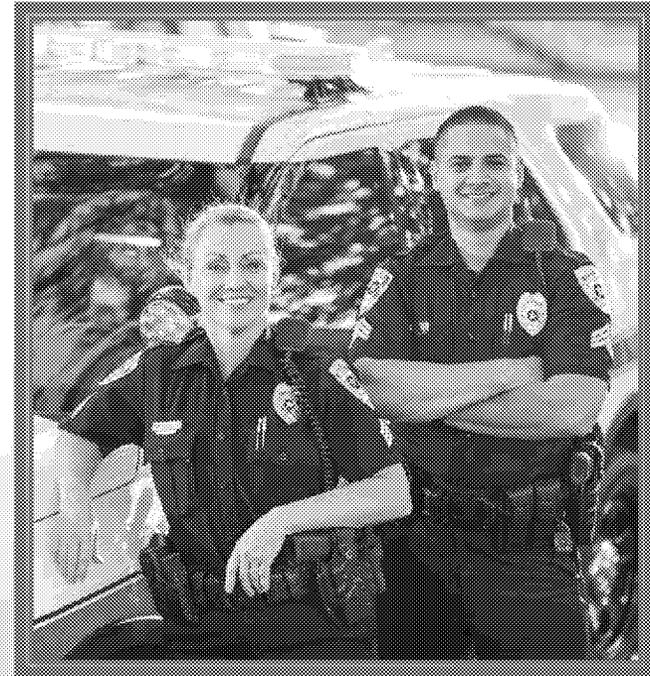


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40 U.S.C. 1315 Designation

Authorized to ...

- take actions to preserve the peace while protecting federal government facilities and personnel;
- bear firearms; and
- perform other activities for the promotion of Homeland Security in accordance with Title 40 United States Code Section 1315 as created by the Homeland Security Act of 2002.



40 U.S.C. 1315(a)

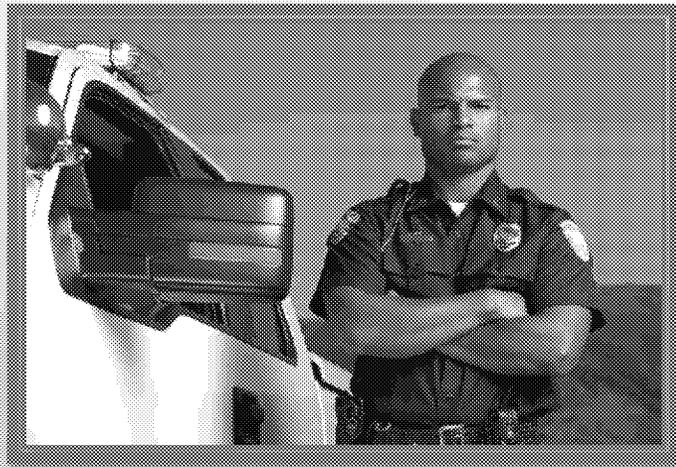
- 40 U.S.C. 1315 is FPS's organic law enforcement authority.
- Delegated down from the DHS Secretary to FPS Director.
- Section (a) states FPS's basic mission: protect federal property and the people on the property.
- 1315 authority requires a nexus to the protection of federal property.



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40 U.S.C. 1315(b)

- Lays out the police powers given by a designation under 40 U.S.C. 1315.
- All 1315 police powers limited to use “while engaged in the performance of official duties.”





Nexus

- Protection of Federal Property does not require that you must be standing on federal property.
- 40 U.S.C. 1315 permits officers to go off property if there is a nexus to protecting federal property or the people thereon.



Nexus

- 1315(a): “...shall protect the buildings, grounds, and property that are owned, occupied, or secured by the Federal Government ... and persons on the property.”
- 1315(b): “...including duty in areas outside federal property to the extent necessary to protect the property and persons on the property.”
- 102-74.365: “The rules in this subpart apply to all property under the authority of GSA and to all persons entering in or on such property.”

Common Federal Charges for Assaults and Threats

- 18 U.S.C. 111
 - Assaults or threatens federal employees
 - While in engaged in official duties
 - Employees can be contractors
- 18 U.S.C. 113
 - Assaults within maritime and territorial jurisdiction
- 18 U.S.C. 115
 - Assaults, impedes, or kidnaps federal officials



Common Federal Charges for Property Crimes

- 18 U.S.C. 661
 - Whoever, within the special maritime and territorial jurisdiction of the United States, takes and carries away, with intent to steal or purloin, any personal property of another
- 18 U.S.C. 1361
 - willfully injures or commits any depredation against any property of the United States
- 18 U.S.C. 1363
 - Special maritime or territorial jurisdiction



Enforcement of Rules & Regulations



U.S. General Services Administration

Rules and Regulations Governing Conduct on Federal Property

November, 2003

Federal Management Regulation Title 41, Code of Federal Regulations, Part 102-74, Subpart C

Restrictions on Federal Property. (41 CFR 102-74.200) Federal property is to be used only for purposes within the authority of the agency. Any use of Federal property for other than the authorized purpose shall be reported to the appropriate GSA office and the appropriate Federal agency. (41 CFR 102-74.201) Federal property is to be used only for purposes within the authority of the agency. Any use of Federal property for other than the authorized purpose shall be reported to the appropriate GSA office and the appropriate Federal agency.

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WARNING WEAPONS PROHIBITED

Federal law prohibits the possession of firearms or other dangerous weapons on Federal facilities and Federal court facilities by all persons not specifically authorized by Title 18, United States Code, Section 9203. Violators will be subject to fine and/or imprisonment for periods up to five (5) years.

• **41 CFR, Part 102-74, Subpart C, Conduct on Federal Property.**

• **Notice Required – constructive (signs) or actual (verbal).**

• **Posting Required – conspicuous place, public entrances.**

• **Cite & Release – reasonable detention time, totality of circumstances.**

Punitive Nature

- 40 U.S.C. § 1315(c)(2), shall be fined under title 18, United States Code, imprisoned for not more than 30 days, or both.
- Rule 58, Rules of Criminal Procedure, *Petty Offenses and Other Misdemeanors*
- 18 U.S.C. § 19, *Petty Offense defined* – includes class C misdemeanor
- 18 U.S.C. § 3559(a)(8), 30 days or less but more than 5 days as a Class C misdemeanor
- 18 U.S.C. § 3571(b)(6), for Class C misdemeanors not more than \$5,000
- 41 CFR 1-2-74.450, *Penalties* – shall be fined under title 18 and imprisoned for not more than 30 days or both

Common Citations

- **Admission to Property**, 41 C.F.R. 102-74.375
- **Preservation of Property**, 41 C.F.R. 102-74.380
- **Conformity with Signs and Directions**, 41 C.F.R. 102-74.385
- **Disturbances**, 41 C.F.R. 102-74.390
- **Narcotics and Other Drugs**, 41 C.F.R. 102-74.400
- **Photographs for News, Advertising or Commercial Purposes**, 41 C.F.R. 102-74.420
- **Weapons**, 41 C.F.R. 102-74.440

U.S. District Court Violation Notice

Discussion Point

- Offense charge block
- Defendant information
- Payment amount
- Statement of probable cause

United States District Court		CVB Location Code	
Violation Notice		5F8	
Violation Number	Officer Name (Print)	Officer No.	
1234567	John Smith	4151	
YOU ARE CHARGED WITH THE FOLLOWING VIOLATION			
Date and Time of Offense (mm/dd/yyyy)	Offense Charged	<input type="checkbox"/> CFR	<input type="checkbox"/> USC <input type="checkbox"/> State Code
05/05/2020 12:00 PM	18 USC 13		
Place of Offense			
Gardenia St, Palm Beach Country, FL			
Offense Description			
Fail to stop at stop sign			
DEFENDANT INFORMATION		Phone () 202 324 1268	
Last Name	First Name	M.I.	
Anderson	Amelia	A.	
Street Address			
N. POMPANO BEACH, BLVD			
City	State	Zip Code	Date of Birth (mm/dd/yyyy)
POMPANO BEACH	FL	33064	04/23/1985
Drivers License No.	D.L. State	Social Security No.	
H 630 535 651 360	FL	123-45-6789	
<input type="checkbox"/> Adult <input type="checkbox"/> Juvenile	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	Hair	Eyes
		RED	GRN
		Height	Weight
		5,9	150
VEHICLE DESCRIPTION		VIN: 123457753	
Tag No.	State	Year	Make/Model
1687VM	FL	20	Mazda
			Color
			Black
A <input type="checkbox"/> IF BOX A IS CHECKED, YOU MUST APPEAR IN COURT. SEE INSTRUCTIONS ON BACK OF YELLOW COPY.		B <input type="checkbox"/> IF BOX B IS CHECKED, YOU MUST PAY AMOUNT INDICATED BELOW OR APPEAR IN COURT. SEE INSTRUCTIONS ON BACK OF YELLOW COPY.	
		\$ 34 Forfeiture Amount	
		+ \$25 Processing Fee	
PAY THIS AMOUNT →		\$ Total Collateral Due	
YOUR COURT DATE			
(If no court appearance date is shown, you will be notified of your appearance date by mail.)			
Court Address		Date (mm/dd/yyyy)	
		Time (hh:mm)	
My signature signifies that I have received a copy of this violation notice. It is not an admission of guilt. I promise to appear for the hearing at the time and place indicated or pay the total collateral due.			
X Defendant Signature _____			
Original - CVB Copy			

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2024-FPCO-00014-000017

**For More Information or questions
contact**

(b)(6), (b)(7)(C)



**Homeland
Security**

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