

## U.S. Forest Service Manual

### 5303.12 - Enforcement Activities

1. Law enforcement personnel and forest protection officers (FPOs) may use discretion when deciding what type of action to initiate when handling Class B Misdemeanor violations pursuant to Title 36, Code of Federal Regulations (CFR), Part 261, Subparts A, B, and C, and Part 242 (36 CFR 261 and 36 CFR 242). Discretion may be appropriate if, in the officer's opinion and in the absence of contrary policy, educating or warning the violator is likely to result in future compliance. They may not use discretion and must, at a minimum, issue a form FS-5300-4, Violation Notice if:

- a. Violations are of the types that are not normally referred to the Department of Justice for prosecution.
- b. Acts are clearly malicious, willful, or deliberate.
- c. The safety or rights of other users are in jeopardy.