

SEMD-SD-EO-301-Interaction with Law Enforcement Officials

1. Purpose

The purpose of this policy is to establish guidelines for Fermilab Security Department personnel to follow in situations where law enforcement officials are needed/present at Fermilab on official business.

2. Scope

This policy applies to those Fermilab personnel who, within their duties, interact with law enforcement personnel on official business and/or are responsible for notifying appropriate Fermilab/DOE personnel of the interaction.

3. Applicability

This policy applies to all members of the Fermilab Security Department, full-time and part-time employed by Fermi Research Alliance (FRA) for Security Services.

4. Effective Date and Date Reviewed/Updated

This policy went into effect on November 6, 1996 and its update was effective on February 1, 2024.

5. Policy

It is Fermilab policy to cooperate with all law enforcement officials in the performance of their official duties. In all cooperative efforts with law enforcement agencies, Fermilab will be guided by consideration for compliance with applicable federal and state statutes and the protection of the interests of the Fermi Research Alliance, LLC (FRA), the Fermi National Accelerator Laboratory, and the United States Department of Energy. These cooperative actions may be pre-planned actions or spontaneous actions. The nature of law enforcement activities means some cooperative actions could evolve into abnormal incidents requiring the involvement of the Fermilab emergency response organization. Fermilab is a concurrent jurisdiction of Federal, State, and County law enforcement.

a. Procedures for Interacting with Law Enforcement Officials

1. General Duties and Notifications for Spontaneous Law Enforcement Actions

Law enforcement officials shall be requested to respond to Fermilab in cases of armed encounters/active shooters, auto accidents, apprehension of persons in the act of committing a crime, civil disturbances, etc. In such cases the following shall be done:

- a. The Security Officer observing the violation shall immediately notify and give a situation report (S.A.L.U.T.E.) of the incident to the Security Operations Center (SOC) Emergency Operator/Dispatcher and the Fermilab Security Supervisor.
- b. The Fermilab Security Supervisor shall immediately respond to the scene and set up Incident Command.
- c. The SOC Emergency Operator/Dispatcher shall make the notifications as directed by the Incident Commander. These notifications shall include:
 1. Appropriate law enforcement agencies.
 2. Fermilab's Physical Security Manager
 3. Fermilab's Deputy Physical Security Manager
 4. Security and Emergency Management Division Deputy Director

NOTE: In cases of imminent danger to persons or property, law enforcement personnel shall be called prior to notifying the Fermilab Physical Security Manager, Deputy Physical Security Manager or Security and Emergency Management Division Deputy Director.

- d. The Incident Commander shall take appropriate actions to:
 1. Provide for the safety and protection of employees, visitors, and guests of the Laboratory.
 2. Provide for the protection of Fermilab and DOE property.
 3. Make appropriate notifications per Paragraph e. below.

4. Obtain the identity of all persons involved in or directly affected by the incident. Cooperating law enforcement officials, witnesses, victims, and news media representatives are all to be identified and logged.
 5. Keep the SOC Emergency Operator/Dispatcher apprised of all pertinent facts concerning the action.
 6. Make notes from which an official Case Report can be prepared.
- e. Notification Policy for SCLEA

This covers overall requirements for notification of a Spontaneous Cooperative Law Enforcement Action (SCLEA). All SCLEA require the notification of the Physical Security Manager.

1. The Security and Emergency Management Division Deputy Director is to be notified if the action evolves into an abnormal incident or an Incident of Security Concern. The Security and Emergency Management Division Deputy Director is responsible for the notification of the following offices and/or personnel:
 - a. Chief Operating Officer
 - b. Human Resources Director
 - c. Fermilab's Chief Legal Counsel
 - d. Office of Communication
 2. Notification of the Fermilab Director's Office is the responsibility of the Security and Emergency Management Division Deputy Director.
 3. Notification of the US DOE - Fermi Site Office, is the responsibility of the Director's Office. Delegation of this responsibility shall be on a case-by-case basis.
- f. Special Notification

The following is a partial list of conditions, which, if they occur, shall be considered reason for notification of the Security and Emergency Management Division Deputy Director is in accordance with Paragraph e. above.

1. Injury or death connected with the action and necessarily caused by the use of force.
 2. Actions with the potential to cause the complete or partial shutdown of the Accelerator or Experimental areas.
 3. Discharge, use or presence of firearm(s).
 4. Damage to Fermilab or US DOE property \geq \$5,000.
 5. Probable news media coverage of the action. This includes newspapers, radio, and television reporters and/or photographers.
 6. Any incident requiring reporting under DOE O 470.4B.
- g. Responsibility for Reporting

All Security Department personnel involved in a Spontaneous Cooperative Action shall be responsible for preparing a written report of their actions unless specifically relieved of the responsibility by a superior officer. In the event such relief is ordered, a notation of this action should be made in the superior officer's own report.

1. Reports concerning violations of laws, property losses, and incidents of security concerns shall be reported to the DOE-Fermi Site Office and DOE-CH-SSS as required by Fermilab procedures.
2. All reports should be on forms provided by Security. Investigative or administrative reports may be made in a manner or form deemed to be

appropriate by the Physical Security Manager. If a verbal report is necessary, it shall be followed-up with a written report for the file.

2. Pre-Planned Cooperative Actions

Contact may be made by either the law enforcement agency or by Fermilab depending upon the nature of the proposed action. In all cases where contact originates with a law enforcement agency; it is to be channeled through the Physical Security Manager to the Security and Emergency Management Division Deputy Director. If the request originates within Fermilab, it shall be made through the Security and Emergency Management Division Deputy Director. However, requests for cooperative action may be made at any level above that, at the option of the Chief Operating Officer.

- a. The Physical Security Manager or designee will be the primary field supervisor. Some or all of the field action may be delegated to a subordinate; however, the overall responsibility resides with the Physical Security Manager. The Physical Security Manager shall take appropriate action to:
 1. Obtain all pertinent information concerning the proposed cooperative action.
 2. Coordinate the assignment of Fermilab resources.
 3. Develop a plan of proposed action, which contains the basic elements of the entire operation.
 4. Notify the Security and Emergency Management Division Deputy Director of the planned action. The plan shall provide sufficient details for the Security and Emergency Management Division Deputy Director to be able to make decisions concerning proper notification of other Fermilab offices on a need-to-know basis.

5. Determine to what extent, if any, the news media may be interested or involved in the planned action. Make appropriate plans and arrangements for the coordination of news coverage with the Office of Communication.

b. Notification Policy for Pre-Planned Actions

1. In pre-planned actions, notification shall be given to persons or offices on a need-to-know basis. This is implicit in the nature of the type of operation involved.
2. The Security and Emergency Management Division Deputy Director has responsibility for notifying the following personnel and/or offices as needed:
 - a. Chief Operating Officer
 - b. Office of Communication
 - c. Human Resources Director
 - d. Chief Legal Counsel
 - e. US DOE, Fermi Site Office Manager

c. Special Notification

Pre-planning cannot anticipate all contingencies. If during the field operation an abnormal incident occurs, it is to be reported to the Emergency Planner. The following is a partial list of conditions which, if they occur, are to be immediately reported to the Security and Emergency Management Division Deputy Director.

1. Injury or death connected with the action not necessarily caused by the use of force.
2. Actions with the potential to cause the complete or partial shutdown of the Accelerator or Experimental Areas.

3. Discharge or use of firearms other than in connection with the commission of a hunting violation.
 4. Damage to Fermilab or US DOE property \geq \$5,000.
 5. Unexpected news media coverage of the action. This includes newspapers, radio and television reporters and/or photographers.
 6. Any incident requiring reporting under DOE O 470.4B.
- d. Responsibility for Reporting

All Security Department personnel involved in a Pre-Planned Cooperative Action will be responsible for preparing a written report of their actions unless specifically relieved of the responsibility by a superior officer. In the event such relief is ordered, a notation of this action will be made in the superior officer's own report.

1. Reports concerning violations of laws, property losses and incidents of security concerns will be reported to the DOE-Fermi Site Office and DOE-CH-SSS as required by Fermilab procedures.
2. All reports should be on forms provided by Security. Investigative or administrative reports may be made in a manner or form thought to be appropriate by the Physical Security Manager. If a verbal report is necessary, it shall be followed by a written report for the file.

b. Specific Law Enforcement Interaction Procedures

1. Arrest Warrant Processing Initiated by LLE

- a. In situations involving on-site arrests of Fermilab employees or users, the following guidelines shall apply:

- b. All federal, state, and local laws pertaining to cooperation with law enforcement agencies shall be obeyed.
 - c. Security is the designated contact point for all arrest-related interactions with outside law enforcement agencies.
 - d. The rights of the person being arrested will be protected.
 - e. Professional relations with state and local law enforcement agencies will be established and maintained.
 - f. Efforts will be made to minimize embarrassment to the person being arrested.
 - g. Efforts will be made to reduce or eliminate danger of injury to other persons in the area.
 - h. Efforts will be made to reduce or eliminate any adverse publicity for Fermilab or the Department of Energy.
2. When contacted by law enforcement agencies regarding processing of arrest warrants, the Security Department will:
- a. Inform such agencies of the procedures, which the Laboratory desires to be followed.
 - b. Inquire as to whether the person they are interested in is considered dangerous or likely to attempt to flee.
 - c. Notify the Security and Emergency Management Division Deputy Director, the Human Resources Director, the Office of Communication, and the Chief Operating Officer. The Security and Emergency Management Division Deputy Director will also notify the appropriate Division Director.

- d. If it is the opinion of the arresting officer that the person is not considered dangerous or likely to flee, the supervisor of the person involved should be contacted and arrangements made for the person to report to the Emergency Operations Center (EOC) Wilson Hall. The person should report either to the EOC or the Human Resources Director, WH15. Personnel and Security will agree upon the selection of the office.
- e. If, in the opinion of the arresting officer, the person is considered dangerous and/or likely to try to flee upon being asked to report to an office, Security will accompany the police to the person's work area. At the work area, Security and the police will contact the supervisor and identify themselves.
- f. The supervisor will be asked to have the person come to an office, if one is available, or to point out the person so that an arrest can be made, generally out of view and with a minimum of commotion or danger.
- g. Security will request that the person not be handcuffed while in the building unless there is significant danger to the officers or other people in the area. This will be done to reduce embarrassment to the person being arrested. This decision will be made by the arresting officer(s).
- h. Notification of other levels of management within the arrested person's organization will be the responsibility of the supervisor notified by the arresting officers and Security or the Division office depending upon organizational policy.

Note: For purposes of these guidelines the "supervisor" is that person who most recently signs the individual's time sheet.

3. Arrest on Site

Upon notification to Security of an arrest on Site, the following information should be compiled as quickly as possible:

1. Name and home address of suspect,

2. Occupation, employer, business address, relation to Fermilab,
3. Offense charged,
4. Arresting officials, time, place, and those present, and
5. Other details such as:
 - a. Casualties, injuries, and circumstances
 - b. Property stolen, destroyed or damaged,
 - c. Chronological account of relevant circumstances,
 - d. Any dramatic episodes, and
 - e. Fermilab contact person.
6. The information should be committed in writing, in list form, as soon as possible and submitted to the Human Resources Director, the Security and Emergency Management Division Deputy Director, Office of Communication and the Chief Operating Officer. Anyone handling phone inquiries on the incident shall speak from this written material. The Fermilab Security Operations Center Emergency Operator/Dispatcher shall be directed to send all phone inquiries on the incident to the Office of Communication.

All statements should be carefully worded, using the "suspect", "alleged", "charges", etc., being careful to make no pre-judgments of guilt. If the incident involves an offense against Fermilab (as opposed to the arrest of a person working at the Laboratory but involved in an offense off-site), the Human Resources Director may order preparation of an appropriate news release to be distributed by the Office of Communication.

If possible, before calling for the Sheriff's Police, advise the Physical Security Manager of the circumstances. If this is not possible, be prepared to fully brief them as soon as possible.

Be absolutely certain of jurisdictions. Before requesting any outside assistance determine the jurisdiction of the crime.

4. Trespass

1. Charges will not be written under Chapter 720 ILCS Section 5/21-5. This Section covers "Trespass to State Supported Land"; Fermilab is not state-supported land.
2. For trespass charges, the correct statute is Chapter 720 ILCS 5/21-3(a). The following examples of complaint formats will define possible charges.

In the case of an individual or group who have been ordered to but will not leave the site, the complaint must read: "Criminal Trespass to Land, Section 5/21-3(a), Chapter 720 ILCS," etc. Defendant "knowingly remained upon the land of Fermi National Accelerator Laboratory, located in Winfield Township, DuPage County, IL. after receiving notice from _____, an agent of Fermilab, to depart."

- b. In the case of an individual or group who should not have come on site in the first place (i.e., gate run, drunk, etc.), the complaint must be written: "Criminal Trespass to Land, Section 5/21-3(a) Chapter 720 ILCS," etc. Defendant "knowingly remained upon the land of Fermi National Accelerator Laboratory, located in Winfield Township, DuPage County, IL. after receiving immediately prior to such entry, notice in the form of posted notice at the Main Entrance, that such entry was forbidden."
- c. In the case of an individual who has received a letter notifying him/her that access is denied, because of repeated "excessive speed" offenses or for other reasons, the complaint must be written: "Criminal Trespass to Real Property, Section 5/21-3 (a), Chapter 720 ILCS," etc. Defendant "knowingly entered upon the land of Fermi National Accelerator Laboratory, located in Winfield Township, DuPage County, IL. after receiving, prior to such entry, notice in the form of a personal letter that such entry was forbidden."
- d. If the complaint does not read as shown and the deputy will not change it, do not sign the complaint until you have spoken first with the Physical Security Manager. Although not impossible, it is sometimes difficult and less than professional to have to amend a complaint.

3. Always request and wait for a copy of the signed complaint from the arresting deputy.
Attach the copy to the case report.
4. In situations occurring inside Kane County, the responding deputy will probably only issue a "Notice to Appear" type complaint. This type is simply handwritten by the deputy and given to the violator. Caution is required with this type of complaint. It must be checked over very carefully for errors before signing. It is always better to rewrite it correctly than to have to amend it.

Note: For Kane County complaints, the geographical location is: "Fermi National Accelerator Laboratory," located in Batavia Township, Kane County, IL.

d. Armed Encounters/Active Shooters

1. Response to a report of an armed individual on site or gunshots fired on site with injuries:
 - a. The Security Incident Commander will assess the situation and ensure that law enforcement personnel are summoned to the scene immediately.
 - b. The Security Incident Commander will ensure that Fermilab and Mutual Aid Medical services are alerted and standing by.
 - c. The Security Incident Commander will establish an Incident Command Post at a safe location away from the scene.
 - d. The Security Incident Commander will deploy the available Security personnel to re-route traffic away from the incident. Consideration must be given to keeping all Fermilab Security Officers, Medical and Fire personnel from being exposed to hostile action by the armed intruders.
 - f. Wherever feasible, bystanders should be evacuated from the incident scene.

- g. The Security Incident Commander should brief responding law enforcement personnel of the situation, transfer Incident Command to the senior law enforcement official on scene and direct Security personnel to assist law enforcement as required.
- h. As soon as realistically possible, the Security Incident Commander will ensure that all appropriate notifications are made in accordance with Section 6.a.1, of this procedure and shall establish and maintain communication with the EOC.

6. Definitions

Abnormal Incident – Any real-time occurrence, incident, or significant deviation from planned or expected behavior that could endanger or adversely affect people, property or the environment.

ERO – Fermilab’s Emergency Response Organization.

Incident of Security Concern – Any security related incident as defined under DOE Order 470.4B, Safeguards and Security Program.

LLE – Local Law Enforcement.

Pre-Planned Cooperative Law Enforcement Actions – Actions that are conducive to scheduling and organizing the response, such as serving civil warrants or arrest warrants.

May – The use of the word “may” indicate an optional action.

Fermilab Security Supervisor – The Fermilab Security Department senior staff member who is on-duty or on-call.

Security Officer – A member of Fermilab’s subcontract security service who is properly uniformed and trained to carry out duties as described in Security Department post orders and procedures.

Shall – The use of the word “shall” indicate a required action.

Should - The use of the word “should” indicate a recommended action.

Spontaneous Cooperative Law Enforcement Actions (SCLEA) – Law Enforcement response to incidents in progress, such as hunting violations, auto accidents, apprehension of persons in the act of committing a crime, civil disturbances, or hot pursuits by LLE entering the Site, etc.

7. Responsibilities

The Director of the Laboratory is responsible for authorizing cooperative actions with law enforcement agencies.

The Security and Emergency Management Division Deputy Director is responsible for coordinating management response and ERO support for any abnormal incidents that may arise as a result of cooperative actions with law enforcement agencies.

The Emergency Planner is responsible for administrative support required by cooperative actions with law enforcement agencies.

The Physical Security Manager is responsible for channeling pertinent interactions with law enforcement officials to the Security and Emergency Management Division Deputy Director in accordance with this procedure.

The Chief Legal Counsel for Fermilab is responsible for providing legal advice and guidance in all interactions with law enforcement officials.

The Fermilab Security Supervisor shall assume the role of Incident Commander until relieved by appropriate LLE or higher Fermilab authority.

8. Authorities

Chapter 520 of ILCS

Chapter 720 of ILCS 5/21-3(a)

DOE O 470.4B Safeguards and Security Program.

DOE O 473.2A Protective Force Operations

DOE O 473.3A Protection Program Operations.
Fermilab Comprehensive Emergency Management Plan
Fermilab Security Department Post Orders
Fermilab Security Department Policies & Procedures
Fermilab Site Security Plan

9. Owner

The Physical Security Manager is the owner of this policy.

10. Review Cycle

This policy shall be reviewed annually or more frequently, as needed.

11. Communication Plan

The requirements of this policy shall be communicated by the Physical Security Manager to all Security Department personnel, and periodic training shall be provided. This policy shall be available in the Fermilab Security Department policy database.