

## **SCOPE OF AUTHORITY**

**9402**

(February 2002)

An officer of the law is presumed to know the law. A peace officer who performs his/her duties unlawfully is acting without the immunities granted by law. Such acts are not within the scope of his/her employment. An employee of the department or voluntary fire warden designated as a peace officer or public officer will acquire and maintain a current working knowledge of the laws and regulations, the enforcement of which is the responsibility of the Director and the State Fire Marshal. He/she also will acquire and maintain a working knowledge of the law involved with criminal and "due process" procedures that apply to such enforcement work.

The authority delegated to an employee appointed as a peace officer is found in Penal Code (PC) 830.2(g), 830.3(b), 830.3(e), 830.37(c), Public Resources Code (PRC) 4156 and Health and Safety Code (H&S) 13103, 13104, and 13107.

The authority delegated to an employee appointed as a CDF public officer is found in PC 830.7(d), PRC 4156 and H&S 13103, 13104, and 13107, to enforce the following:

- Forest and fire laws and related regulations.
- State and county fire laws and regulations.
- Laws relating to rules and regulations adopted under the provisions of Division 11 (commencing with 12000) of, and Part 1 (commencing with 13000) and Part 2 (commencing with 13100) of Division 12 of the Health and Safety Code.
- Building standards adopted by the State Fire Marshal and published in the State Building Standards Code relating to fires or to fire prevention and protection.

Such peace officer and public officer powers are effective statewide. During a declared state of emergency or whenever a state of war emergency exists, a peace officer appointed by the Director will have general peace officer powers as provided by PC 830.1 and will perform such duties and exercise such powers as are appropriate or may be directed by his/her superior officers (ref: GC 8597).

## **AUTHORITY OF DIRECTOR**

**9402.1**

(February 2002)

The Director has the authority to designate certain employees of the department as peace officers and public officers under PRC 4156 and H&S 13107.

**AUTHORITY OF THE STATE FIRE MARSHAL**  
**(February 2002)**

**9402.2**

The State Fire Marshal has the authority to designate certain employees of the department and officials of local fire agencies as peace officers under H&S 13103.

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