

## CHAPTER 7 - COOPERATIVE AGREEMENTS FOR LAW ENFORCEMENT SERVICES AT CIVIL WORKS WATER RESOURCE PROJECTS

7-1. Purpose. This chapter establishes guidance for the management of cooperative agreements for increased law enforcement services at USACE civil works water resource projects.

7-2. Background.

a. It is the policy of the Corps to provide, to the extent of its authorities, a safe and healthful environment for public use of lands and waters at civil works water resource development projects. To implement this policy and to augment the citation authorities granted to the Corps under Title 36 (CFR), Part 327, District Commanders, through the Secretary of the Army, have been delegated the authority to enter into cooperative agreements with states or their political subdivisions to obtain increased law enforcement services at civil works water resource projects to meet needs during peak visitation periods. Peak visitation periods are any periods during the year when visitation is sufficiently high to cause significant increase in risk to visitor welfare.

b. This pamphlet does not diminish or otherwise limit the existing law enforcement responsibilities of the state or local law enforcement agencies. However, non-Federal law enforcement personnel shall not be given Federal citation authority for enforcement of regulations contained in Title 36 (36 CFR 327). Enforcement of Title 36 regulations shall remain the responsibility of the Corps.

7-3. Guidance.

a. The cooperative agreement format in Appendix H must be executed and approved by the District Commander prior to the provision of supplemental law enforcement services.

b. The project manager will analyze the necessity for increased law enforcement. This involves a study of available data such as recreation use patterns, records on stolen or vandalized property, incident reports, reports of survey and local crime data. Empirical judgement of the project manager is important in evaluating the need for increased law enforcement but should not be the sole basis for initiating cooperative agreements. A summary of the analysis of need for increased law enforcement will be placed on file at the project office. When increased enforcement is deemed appropriate, the summary of the analysis will be used in preparing the plan of operation discussed in paragraph 7-3.e.

c. The Cooperator shall provide a copy of the Cooperator's basic daily log for the period during which the law enforcement services were rendered. Copies of these logs shall be compiled by the Cooperator and submitted to the Corps a minimum of once a month throughout the effective period of the current plan of operation.

d. An appropriate orientation program will be given by personnel of the Corps to all law enforcement personnel assigned to projects under cooperative agreements. The purpose of this orientation will be to familiarize the non-Federal law enforcement personnel with the policies and procedures of the Corps, and to familiarize personnel of the Corps with the functions and duties of the state or local law enforcement agency. The Corps shall reimburse the cooperator for the cost per man hour as set out in paragraph 7-3.e(3) for attending the orientation program.

e. A cooperative agreement shall include, as an attachment, a plan of operation for the provision of law enforcement services. The plan of operation shall be prepared jointly by the District Commander, or an authorized representative of the Commander and the Cooperator, and shall contain but not necessarily be limited to, the following information:

(1) Name and location of the project or projects and specific areas (recreation and others) that require increased law enforcement services.

(2) Description of the increased law enforcement services to be provided by the cooperator under the cooperative agreement. Identify the time-of-day, number of hours-per-day, number of days-per-week, number of patrols, officers per patrol, and effective starting and ending dates.

(3) Cost-per-man-hour for the provision of reimbursable law enforcement services, and the costs for operation and maintenance of such equipment as allocated for use under the cooperative agreement.

(4) Names of specific individuals within the Corps and the cooperating agency designated to serve as contacts during execution of the agreed to services.

(5) Description of the billing procedures to be used for the increased law enforcement services. The Cooperator shall provide, at a minimum, the total charges, the number of hours involved, and the starting and ending dates of the billing period.

(6) A limit on payments for law enforcement services that may be claimed by the Cooperator in each fiscal year.

f. The project manager will monitor the Cooperator's performance to assure compliance with the terms of the cooperative agreement, including the plan of operation. If appropriate and necessary, the project manager may use techniques such as radio contact or personal contact with the Cooperator and/or a watchman's clock to assure that the Cooperator fulfills patrol requirements specified in the agreement. Deficiencies in the Cooperator's performance will be documented and reported to the district commander or the designated representative of the commander.

7-4. Annual Report. Fiscal year data will be compiled and entered into the Natural Resource Management System (NRMS). The data will include the information defined in Appendix I. RCS: CECW-O-39(R2) applies.