

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

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

7-2. Policy. In accordance with Section 120, PL 94-587, (90 Stat. 2917), Water Resources Development Act (WRDA) of 1976, as amended by PL 96-536, (94 Stat. 3166), it is the policy of the Corps of Engineers that:

a. District commanders are delegated the authority to contract and/or enter into cooperative agreements with states and their political subdivisions to obtain increased law enforcement services at civil works water resource projects to meet needs during peak visitation periods and to augment the citation authorities granted to the Corps under 36 CFR Chapter III, Part 327 (Title 36). Specific guidance on the establishment of these agreements and the reporting thereof is provided in Chapter 7 of EP 1130-2-550.

b. In addition to the enforcement of state or local laws, Cooperative Agreements for law enforcement services may be used for other related activities such as, but not restricted to, patrols in remote areas, serving bench warrants, fee collection and other services as determined by the Operations Project Manager. The activities included in an agreement depend on what can be negotiated with the law enforcement agency. In no case will agreements include the provision of water safety patrols or the enforcement of state boating laws.

c. Cooperative agreements for increased law enforcement shall be for those projects, or portions of projects, that are operated and maintained by the Corps, and shall be executed in order to supplement Corps staff in performing certain law enforcement activities as defined by the Visitor Assistance Program, per Chapter 6 of this regulation and PL 95-224, (92 Stat. 3), Federal Grant and Cooperative Agreement Act of 1977. Law enforcement services shall not be provided under this program to those outgrant areas operated and maintained by a non-Federal sponsor.

d. In order to provide reimbursement for law enforcement services supplied by a state or local enforcement agency, a cooperative agreement, in conformance with the law enforcement cooperative agreement format specified in Chapter 7 of EP 1130-2-550, shall be executed and approved by the District Commander prior to the provision of such services. Once the agreement is signed, it shall be the Operations Project Manager's responsibility to ensure that the services are administered, managed, and inspected in the same manner and to the same level of quality as any other service-type contract.

e. Cooperative agreements shall be consummated only with those public law enforcement agencies legally empowered to enforce state and local criminal and civil laws on the projects for which increased law enforcement is being sought. Non-Federal law enforcement personnel employed to fulfill the conditions of cooperative agreements for increased law enforcement shall meet all the qualifications, including minimal law enforcement training, required by state and local laws and regulations.

f. The cooperator shall provide personnel, equipment and supplies which are required to

provide the increased law enforcement services agreed upon with the Corps. The Corps shall not reimburse the cooperator for the purchase of any equipment or supplies desired by the cooperator for use under this program. However, the Corps shall reimburse the cooperator for the reasonable costs incurred in the rental or use of such equipment which is allocated to the work performed under the agreement. Such costs may include: (1) a depreciation or use allowance for such equipment as determined by the service life evaluation system used by the cooperator, and (2) the costs of necessary maintenance and repair of the property which neither adds to its permanent value nor appreciably prolongs its intended life, but keeps it in efficient operating condition.

g. State and local law enforcement agencies generally have the same authorities and law enforcement responsibilities on lands administered by the Corps as they do elsewhere in their respective jurisdictions. Because of this, requests by a District Commander, or authorized representatives of the commander, for emergency or unanticipated law enforcement assistance shall normally be considered nonreimbursable. Corps project management authority in no way diminishes or otherwise limits existing law enforcement responsibilities of the state or local government.

h. Non-Federal law enforcement personnel shall not be given Federal citation authority for enforcement of regulations contained in Title 36. Enforcement of Title 36 regulations shall remain the responsibility of the Corps.

i. Funding requests for law enforcement agreements shall be included as part of the O&M budget submittal for each fiscal year. HQUSACE (CECW-ON) shall issue MSC funding authority ceilings annually. Section 120(b) of PL 94-587, as amended, authorizes a maximum appropriation of \$10,000,000 per fiscal year for cooperative agreements for increased law enforcement.

j. Fiscal year data will be compiled and entered into the Natural Resource Management System (NRMS) as defined in Chapter 12 of EP 1130-2-550.