



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

S: 15 Sep 2003

CECW-ON (1130)

AUG - 8 2003

MEMORANDUM FOR COMMANDERS, MAJOR SUBORDINATE COMMANDS AND
DISTRICT COMMANDS, CHIEFS, CONSTRUCTION-OPERATIONS DIVISIONS

SUBJECT: Review of Engineer Regulation/Engineer Pamphlet 1130-2-550, Chapter 6, Visitor Assistance Program

1. Engineer Regulation/Pamphlet 1130-2-550, Chapter 6, Visitor Assistance Program, is being revised to reflect recent changes in the Natural Resources Management (NRM) Program. A copy of the draft ER/EP will be sent to you electronically for review and comment.
2. The draft ER/EP incorporates EC 1130-2-212 (Visitor Assistance Vehicles), EC 1130-2-213 (Visitor Assistance Training), EC 1130-2-214 (Oleoresin Capsicum - Pepper Spray Program), and Recreation Policy Letter 97-02 (Preventative Vaccinations for Blood-borne Pathogens). Significant changes to the ER/EP are highlighted in Enclosure 1.
3. Please provide consolidated major subordinate command comments by e-mail or hard copy to Mr. Stephen B. Austin, CECW-ON, by 15 September 2003. Recommend you allow the widest distribution for review by operations managers and other project personnel directly involved with the Visitor Assistance Program.

FOR THE COMMANDER:

Encl

for
Lawrence A. Long
MICHAEL B. WHITE
Chief, Operations Division
Directorate of Civil Works

CECW-ON

SUBJECT: REVIEW OF ENGINEERS REGULATION/ENGINEER PAMPHLET 1130-2-550,
CHAPTER 6, VISITOR ASSISTANCE PROGRAM

DISTRIBUTION:

COMMANDER, GREAT LAKES & OHIO RIVERS DIVISION, ATTN: CELRD-ET-CO-R
COMMANDER, MISSISSIPPI VALLEY DIVISION, ATTN: CEMVD-ET-OO
COMMANDER, NORTH ATLANTIC DIVISION, ATTN: CENAD-ET-O
COMMANDER, NORTHWESTERN DIVISION, ATTN: CENWD-CM-OC - Omaha
COMMANDER, PACIFIC OCEAN DIVISION, ATTN: CEPD-ET-C
COMMANDER, SOUTH ATLANTIC DIVISION, ATTN: CESAD-CM-OC
COMMANDER, SOUTH PACIFIC DIVISION, ATTN: CESP-ET-CM-O
COMMANDER, SOUTHWESTERN DIVISION, ATTN: CESWD-ETO
COMMANDER, ALASKA DISTRICT, ATTN: CEPOA-CO-OR
COMMANDER, ALBUQUERQUE DISTRICT, ATTN: CEMVD-ET-OO
COMMANDER, BALTIMORE DISTRICT, ATTN: CENAB-OP-TR
COMMANDER, BUFFALO DISTRICT, ATTN: CELRB-CO-TB
COMMANDER, CHARLESTON DISTRICT, ATTN: CESAC-TS-O
COMMANDER, CHICAGO DISTRICT, ATTN: CELRC-CO
COMMANDER, DETROIT DISTRICT, ATTN: CELRE-CO-L
COMMANDER, FORT WORTH DISTRICT, ATTN: CESWF-OD-R
COMMANDER, GALVESTON DISTRICT, ATTN: CESWG-OD-O
COMMANDER, HONOLULU DISTRICT, ATTN: CEPOH-EC-T
COMMANDER, HUNTINGTON DISTRICT, ATTN: CELRH-OR
COMMANDER, JACKSONVILLE DISTRICT, ATTN: CESAJ-CO-OM
COMMANDER, KANSAS CITY DISTRICT, ATTN: CENWK-OD-TR
COMMANDER, LITTLE ROCK DISTRICT, ATTN: CESWL-OP-ON
COMMANDER, LOS ANGELES DISTRICT, ATTN: CESPL-CO-O
COMMANDER, LOUISVILLE DISTRICT, ATTN: CELRL-OP-TO
COMMANDER, MEMPHIS DISTRICT, ATTN: CEMVM-CO
COMMANDER, MOBILE DISTRICT, ATTN: CESAM-OP-TR
COMMANDER, NASHVILLE DISTRICT, ATTN: CELRN-OP-T-N
COMMANDER, NEW ENGLAND DISTRICT, ATTN: CENAE-CO-TM
COMMANDER, NEW ORLEANS DISTRICT, ATTN: CEMVN-OD-T
COMMANDER, NEW YORK DISTRICT, ATTN: CENAN-OP
COMMANDER, NORFOLK DISTRICT, ATTN: CENAO-TS-O
COMMANDER, OMAHA DISTRICT, ATTN: CENWO-OD-TN
COMMANDER, PHILADELPHIA DISTRICT, ATTN: CENAP-OP
COMMANDER, PITTSBURGH DISTRICT, ATTN: CELRP-OR-TR
COMMANDER, PORTLAND DISTRICT, ATTN: CENWP-CO-SR
COMMANDER, ROCK ISLAND DISTRICT, ATTN: CEMVR-OD-T
COMMANDER, SACRAMENTO DISTRICT, ATTN: CESP-ET-CM-O
COMMANDER, SAN FRANCISCO DISTRICT, ATTN: CESP-ET-CM-O
COMMANDER, SAVANNAH DISTRICT, ATTN: CESAS-OP-SR
COMMANDER, SEATTLE DISTRICT, ATTN: CENWS-OD-TS-NR
COMMANDER, ST. LOUIS DISTRICT, ATTN: CEMVS-CO-T
COMMANDER, ST. PAUL DISTRICT, ATTN: CEMVP-CO-OP
COMMANDER, TULSA DISTRICT, ATTN: CESWT-OD-R
COMMANDER, VICKSBURG DISTRICT, ATTN: CEMVK-OD
COMMANDER, WALLA WALLA DISTRICT, ATTN: CENWW-OD-TN
COMMANDER, WILMINGTON DISTRICT, ATTN: CESA-ET-OP-TN
COMMANDER, ENGINEER RESEARCH AND DEV. CENTER, ATTN: CEERD-EE
COMMANDER, ENGINEER RESEARCH AND DEV. CENTER, ATTN: CEWES-EE-R

ENCLOSURE 1
Significant Changes to ER/EP 1130-2-550, Chapter 6

ER 1130-2-550, Chapter 6 - Visitor Assistance Program

- 6-2.e.(3)** Authorizes Oleoresin Capsicum/Pepper Spray (new paragraph).
- 6-2.e.(4)** Clarifies existing protective body vest policy.
- 6-2.e.(6)** Authorizes the use of tactical utility belts (new paragraph).
- 6-2.o.** States that preventative vaccinations are not a condition of employment (incorporates Policy Letter 97-02 into the ER).
- 6-2.p.** Introduces the new Property Protection Program (new paragraph).

EP 1130-2-550, Chapter 6 - Visitor Assistance Program

- 6-4** Incorporates EC 1130-2-213 (VA Training) into this paragraph & in Appendix E.
- 6-7** Incorporates EC 1130-2-212 (VA Vehicles) into this paragraph & in Appendix T.
- 6-15** Adds ENGLink/Serious Incident Report (SIR) into the reporting requirements.

APPENDIES D, F, & G – No Changes

APPENDIX E - VA Training Curriculum (appendix revised completely)

Incorporates EC 1130-2-213 (VA Training) into this revised appendix.

- E-2.a.(2)** Incorporates Oleoresin Capsicum (Pepper Spray) training into the Visitor Assistance for NRM PROSPECT course. Local Oleoresin Capsicum Aerosol Training (OCAT) training conducted by qualified Corps instructors or contractors is still authorized.
- E-2.b(4)** Adds Automated External Defibrillators (new paragraph) under the First Aid program.
- E-2.f(2)** Incorporates Pepper Spray training into the MSC/District VA Course on an optional basis.
- E-3.d** Identifies Pepper Spray recertification requirements (new paragraph).

APPENDIX U - Oleoresin Capsicum (Pepper Spray) Program (new appendix)

Incorporates EC 1130-2-214 (Pepper Spray Program) into this new appendix.

- U-2a.(2)** Adds job series GS-023 to the list of eligible employees.
- U-2b.** Clarifies that citation authority is not a condition of eligibility to carry Pepper Spray.
- U-9.a.** Clarifies (defines) when Pepper Spray has been "used" for reporting requirements. References new Record of Use Form in Appendix V.
- U-10.a.(1)** Changed from *10 percent* to *five to ten percent* concentration level.
- U-10.a.(2)** Changed from *four-ounce* canister to *two-to-four ounce* canisters.
- U-10.a.(3)** Authorizes foam-spray delivery system for selected indoor use.

APPENDIX V – Record of Use Form – Oleoresin Capsicum (new form, new appendix).

CHAPTER 6 - VISITOR ASSISTANCE PROGRAM

6-1. Purpose. This chapter establishes the policy for providing assistance to visitors at USACE civil works water resource projects, under the provisions of Section 234 of the Flood Control Act of 1970, PL 91-611 (84 Stat. 1818). This Chapter supersedes the 15 November 1996 edition of ER 1130-2-550, Chapter 6, EC 1130-2-212, EC 1130-2-213, EC 1130-2-214 and Recreation Policy Letter 97-02.

6-2. Policy. It is the policy of the Corps of Engineers that:

a. MSC and district commanders are delegated authority to implement the citation authority regulatory provisions at civil works installations set forth in PL 91-611. The district commander is responsible for ensuring adequate order and discipline and protection of resources at Corps projects.

b. The protection of facilities or the enforcement of rules shall always be secondary to the safety of Corps personnel, contract employees and visitors. Operations managers, resource managers and park rangers shall strive to be visible to the public, primarily to help and assist them, and secondarily, to enforce 36 CFR Chapter III, Part 327 (Title 36). In no case shall this enforcement portray an aggressive law enforcement image.

c. In the acquisition of land at civil works installations, the Corps of Engineers obtains proprietary interests only. Individual states and their political subdivisions retain the statutory authority and inherent responsibility to enforce state and local laws. State and local agencies establish, regulate and enforce all state and local laws. The role of the park ranger is defined as a regulation enforcer with full citation authority of Title 36. Available use of force options includes visual presence, verbal persuasion/verbal detention and unarmed self defense.

d. The authority of resource managers and park rangers is limited to the enforcement of rules and regulations as designated in Title 36 and does not extend to arrest authority or the enforcement of state and local laws, including game laws. This authority is applicable to:

(1) all water areas of any water resource development project administered by the Chief of Engineers, without regard to ownership of underlying land;

(2) all lands owned in fee by the Federal Government; and

(3) all facilities of any such water resource development project.

e. Operations managers, resource managers, and park rangers are employed as natural resource, recreation, environmental, and public relations specialists and are not law enforcement officers.

(1) They cannot arrest, search or seize individuals or their property in the course of these duties. A resource manager or park ranger may request visitors to stop but cannot physically detain them.

(2) Corps employees are prohibited from carrying, transporting or using weapons, stun-guns, nightsticks, or other similar equipment normally associated with law enforcement.

(3) Park rangers, and other qualifying employees may be authorized to carry and use Oleoresin Capsicum (Pepper Spray) for self-defensive purposes as stipulated in Chapter 6 of EP 1130-2-550 and Appendix U. Implementation of this policy is at the option of the Major Subordinate Commander who may delegate this authority to the District Commands.

(4) Corps employees within the Natural Resources Management Program may purchase and wear protective body vests at their own discretion, so long as it is discreet, worn inside the clothing, and is in accordance with all uniform guidelines.

(5) The use of light bars, radar guns, speed detectors and chasing vehicles or using hot pursuit techniques against alleged violators, on or off Corps property, is prohibited.

(6) Major Subordinate and District Commands may purchase and authorize the use of tactical utility belts on an optional basis for Corps employees authorized to wear the Natural Resources Management (Park Ranger) uniform. Utility belts must be nylon, black in color and not to exceed 2 1/2 inches in width. Any equipment carrying devices placed on the belt must be black and match the style of the utility belt. Leather utility belts are not authorized.

f. The use of Title 36 citation authority shall be considered one of many tools for use in management of water resource development projects. The lowest level of enforcement shall be used to resolve a problem. Maximum use of oral and written warnings shall be made for minor infractions. Employees with citation authority shall, in order of priority, attempt to resolve the problem by oral warning, written warning, collateral forfeiture citation, and mandatory appearance citation. Normal citation procedures are provided in Chapter 6 of EP 1130-2-550. Alternative management techniques in addition to the issuance of citations should be considered in the implementation of the Visitor Assistance Program. A list of alternative management techniques which have proven effective at reducing visitor problems is also provided in Appendix G of EP 1130-2-550.

g. Natural Resource Management program staff shall receive training in accordance with Chapter 6 of EP 1130-2-550 and EP 690-2-2, Career Development Guide for Civil Works Natural Resources Management Team Members. Operations managers are responsible for ensuring that permanent, seasonal and temporary park rangers with Visitor Assistance responsibilities receive the prescribed training. Temporary employees who perform visitor assistance duties and enforce Title 36 should receive the same Visitor Assistance training provided to permanent and seasonal park rangers with similar duties.

h. All personnel with resource manager, park ranger and/or visitor assistance managerial duties shall normally have citation authority (optional for operations managers). Authorized personnel will be issued ENG Form 5036-R, Certificate of Authority to Issue Citations, in accordance with Chapter 6 of EP 1130-2-550. A new ENG Form 5036-R and badge must be issued (with a revised date) to employees who transfer to another district to maintain citation authority. A new ENG Form 5036-R and badge are not required for permanent and seasonal employees who transfer within the same district. Districts must revoke ENG Form 5036-R and badge for any employee who leaves employment within the district upon transfer or termination. No individual shall be given authority to issue citation or written warnings without completion of the required training. Corps personnel who violate the policies of this regulation or abuse their authority shall, at a minimum, have their citation authority suspended.

i. It is a Federal criminal offense to forcibly assault, resist, oppose, impede, intimidate, interfere with, attempt to kill or kill any civilian official or employee of the Corps of Engineers assigned to perform investigations, inspections, law or regulatory

enforcement functions, or field-level real estate functions while in the performance of his/her official duties (18 USC 11 and 1114.) Procedures to follow in the event of an assault are identified in Chapter 6 of EP 1130-2-550.

j. Cooperative law enforcement agreements, as prescribed in Chapter 7 of this regulation, shall be used to the maximum extent practical. Maximum use of local law enforcement services, within resource limitations, shall be made at areas which have a history of excessive violations and during those periods when rangers are not readily available.

k. Corps personnel, while on duty, shall not be deputized by law enforcement agencies. Corps personnel who are deputized or commissioned by any law enforcement agency may not perform the duties of that office on or off civil works installations during duty hours or while wearing the Corps uniform. Corps personnel are also prohibited from performing the duties of a deputized or commissioned law enforcement officer on civil works installations during their off-duty hours. Requests for exceptions to this policy, with justification, must be submitted by the MSC Construction/Operations element to HQUSACE (CECW-ON) for approval prior to granting permission.

l. Personnel performing duties associated with the Visitor Assistance Program will wear the complete uniform as prescribed in Chapter 8 of this regulation including the park ranger badge, if citation authority has been granted. A citation authority identification card (ENG Form 4710) or a reduced copy of ENG Form 5036-R, Certificate of Authority to Issue Citations, will be carried while on duty by all persons with designated citation authority. MSC commanders will requisition badges from HQUSACE (CECW-ON). Personnel who issue citations while out of uniform will be considered to be working within the scope of their duties, regardless of their on-duty or off-duty status at the time. Any enforcement action taken out of uniform will be reported to the immediate supervisor within 24 hours.

m. Vehicle, radio, and equipment requirements shall be in accordance with Chapter 6 of EP 1130-2-550.

n. A public information program, implemented by the operations manager, shall be maintained to notify and ensure public understanding and support of the Visitor Assistance Program. Title 36 shall be posted on appropriate bulletin boards at civil works installations, and made available to the public. News releases, interpretive programs, off-site outreach programs, and other information systems shall be utilized to inform and educate the public of significant changes in rules and regulations, including project restrictions. As part of the Operational Management Plan, each project shall outline a plan of action regarding public relations as a continuation of communications with the public.

o. Preventive vaccination for blood-borne pathogens is governed by EM 385-1-1 and 29 CFR 1910.1030 and is highly recommended for park rangers and other personnel with visitor assistance responsibilities, as detailed in Chapter 6 of EP 1130-2-550. Preventive vaccinations are not a condition of employment.

p. All USACE commands having responsibility for civil works functions are authorized to participate in the Property Protection Program as stipulated in future guidance. This program is patterned after the "neighborhood-watch" style program for the purposes of deterring and reducing property damage at civil works projects. Incoming callers will be directed through the USACE Operations Center's toll-free Property Protection Hotline. Witnesses who provide information leading to the arrest and/or prosecution of perpetrators will be eligible for a monetary award.

CHAPTER 6 - VISITOR ASSISTANCE PROGRAM

6-1. Purpose. This chapter establishes guidance for assistance to visitors at USACE civil works water resource development projects. This Chapter supersedes the 15 November 1996 edition of EP 1130-2-550, Chapter 6 and Appendix E; EC 1130-2-212; EC 1130-2-213, EC 1130-2-214 and Recreation Policy Letter 97-02.

6-2. Accountability.

a. The implementation of a visitor assistance program in accordance with Chapter 6 of ER 1130-2-550, under provision of Section 234 of the Flood Control Act of 1970, PL 91-611 (84 Stat. 1818), and this pamphlet will be a major element in job descriptions and shall be addressed in the performance standards for all district staff, operations managers and park rangers responsible for the direction or implementation of the program. Operations managers are responsible for the review and, if necessary, the corrective action for the proper implementation of this regulation for each individual with citation authority with the procedures, criteria and guidelines contained in this pamphlet.

b. Each operations manager shall have frequent, open discussions with park rangers and other team members to foster improved communications that will assist both in understanding this regulation and ensuring consistent local application of its policies.

6-3. Citation Guidelines/Authorization.

a. Personnel authorized to be granted citation authority will be issued ENG Form 5036-R, Certificate of Authority to Issue Citations. (See Appendix D.) To delegate civilian personnel of the Corps of Engineers to the authority to issue citations as provided by Section 234 of the Flood Control Act of 1970 (PL 91-611, 84 Stat. 1818), the MSC or district commander must certify in writing that:

(1) The individual's principal duties relate to recreation or natural resource management, which may include, but not be limited to, duties as a park ranger, manager, forester, wildlife or fisheries biologist, or environmental or biological specialist.

(2) The individual needs citation authority to perform official duties in the most efficient manner.

(3) The individual has the aptitude, temperament, personality, experience, and ability to exercise citation authority properly.

(4) The individual has been adequately trained in citation procedures.

b. If, after training, individual readiness to meet this criterion remains questionable, citation authority should be withheld or withdrawn.

c. Citation authority should be revoked when an individual fails to meet the provisions of this regulation. A division or district commander may cancel a certificate of authority whenever he/she considers it appropriate, without recitation of reason. Cancellation will be carried out by using ENG Form 5036-1-R, Cancellation of Certificate of Authority to Issue Citations. (See Appendix F.) The person named on the cancellation certificate shall thereafter have no authority to issue citations.

EP 1130-2-550
Change 5
(draft)

d. A record of citation authority will be maintained in the district office. A wallet-size citation authority card (ENG Form 4710) will be issued to, and carried by, the designee.

e. MSCs and districts will make at least a biennial analysis, by project, of citation data from the Operations and Maintenance Business Information Link (OMBIL) data system. As a rule, the ratio of written warnings to violation notices should be consistent with the national average of 2/1 or higher. When the ratio is lower than 2/1, an analysis should be done to identify any reasons for variances or problems which may be occurring. A ratio of 3 warnings or more per violation is preferred.

f. Project analysis will include a review of ratios of citations to visitation and citations per ranger. Unjustified deviances should be corrected.

g. Written warnings will be prepared in duplicate on ENG Form 4381, Warning Citation. Records of warning citations, either by computer entry or file copy, will be maintained for at least two years.

h. Violation Notices.

(1) Collateral forfeiture citations and mandatory appearance citations will be issued as warranted. DD Form 1805, Violation Notice, will be used for these purposes. Guidance on the use of this form is in AR 190-29.

(2) Liaison will be maintained with the Clerks of District courts and Central Violations Bureaus (CVB) to determine forfeiture schedules and to arrange administrative details to implement the provisions of PL 91-611 (84 Stat. 1818). Divisions and districts will make an effort to provide consistency in collateral forfeiture schedules between magistrate districts, Corps districts and, where possible, states.

(3) Liaison will be maintained with local US Magistrates and US Attorney's offices to make arrangements for court appearances and to handle other administrative details. Any specific procedures or instructions issued by local magistrates will be kept on file at project offices and an information copy forwarded to the district office.

(4) Collateral forfeiture, or payment by alleged violators in lieu of appearance, may be made according to the forfeiture schedule approved by the district court, thus terminating the proceedings against individuals. Corps personnel will not accept or agree to handle such payments. Payments of the scheduled amounts and the related citations are to be sent by the alleged violators in a preaddressed envelope furnished with DD Form 1805 to the appropriate location determined in advance by the CVB. In collateral forfeiture cases, the alleged violator should be advised that the payment must be mailed so as to be received by the appropriate office prior to, and therefore in lieu of, the required appearance date stated on the violation notice.

(5) In cases involving large value losses, such as timber harvesting on government lands or major destruction of government property, the US Attorney should be contacted according to District procedures prior to any action. These cases may be prosecuted as civil or criminal cases in order to recover losses incurred.

(6) Miranda warning is not required in the issuance of Title 36 citations.

(7) In all but unusual circumstances, personnel designated to issue citations will carry

out their duties in uniform. Before taking action out of uniform, all of the following will first be considered:

(a) Personnel should summon the aid of a uniformed park ranger or law enforcement officer if possible.

(b) If information such as license numbers, boat numbers, or other identifying facts can be gathered without personal contact, this should be done. Determination can be made later as to the appropriate action.

(c) If the action to be taken in any way creates a threat to the park ranger's safety, no action should be taken.

(d) Any action, including verbal warnings, should be taken only after proper identification has been presented, by displaying the badge, citation authority identification card or other appropriate means.

j. There are many alternative management techniques in addition to the issuance of citations that should be considered in the implementation of the Visitor Assistance Program. A list of alternative management techniques is provided at Appendix G. Experience has proven these considerations effective in reducing visitor problems.

6-4. Training.

a. General Requirements.

(1) All Natural Resources Management (NRM) program staff shall receive training in accordance with this section and Appendix E. Major Subordinate Commands (MSC) will ensure that all new permanent, seasonal, and temporary personnel with need for citation authority to enforce 36 CFR, Chapter III, Part 327 (Title 36) complete the basic training requirements prior to receiving citation authority and the refresher training requirements to maintain citation authority. District commanders may grant citation authority for new project employees following successful completion of the Basic Visitor Assistance Training Curriculum program.

(2) Operations managers are responsible for ensuring that the permanent, seasonal, and temporary park rangers with visitor assistance responsibilities receive the prescribed training. Temporary employees who perform visitor assistance duties and enforce Title 36 must receive the same visitor assistance training provided to permanent and seasonal park rangers with similar duties. Permanent, seasonal and temporary employees must be properly trained prior to performing night and weekend patrol activities.

b. Visitor Assistance Training Curriculum. The visitor assistance training curriculum consists of three modules as specified in Appendix E. The curriculum for basic visitor assistance training is described in Module 1. The curriculum for annual refresher visitor assistance training is described in Module 2 and the curriculum for visitor assistance management and policy training is described in Module 3. Tables E-1 and E-4, Appendix E, summarize the Module 1 and Module 2 training requirements.

c. Other Training. To complement visitor assistance training, and to meet local mission requirements, permanent NRM personnel with visitor assistance responsibilities may be required to take at the district or project level, training on defensive driving, cultural resource protection, historic property protection, cultural diversity, water safety, boat licensing and operation and

EP 1130-2-550
Change 5
(draft)

other training applicable to the position. This training is not mandatory for citation authority. When appropriate, training in a second language other than English is highly recommended.

d. Documentation. Districts are required to maintain a training database that documents all required visitor assistance training per employee. Documentation for the Basic Visitor Assistance Training Curriculum, Refresher Training Curriculum, Visitor Assistance Management and Policy Course and other related training must include, at a minimum, the employee's name/location, course title, course location/hours, date completed and date citation authority was received. The Civilian Personnel Advisory Center (CPAC), via the Defense Civilian Personnel Data System (DCPDS) will help meet this requirement for all courses 8 hours or longer. Each project must maintain a copy of all visitor assistance training certificates for every employee and, upon an employee's transfer to a new duty station, deliver these records to the individual's new duty location as part of the normal checkout process.

6-5. Liaison and Coordination. The support of the US Magistrate, US Attorney's Office, and local law enforcement agencies is imperative for an effective visitor assistance program.

a. Continuing coordination and liaison will be maintained with Federal, state and local law enforcement, fire and rescue agencies to provide maximum visitor assistance to the public. Annual or biannual coordination meetings, which include visits to projects and participation in training sessions by US Magistrates, US Attorneys and local law enforcement agencies, are encouraged to further enhance interagency cooperation. Liaison with state, county or local authorities should include regularly scheduled strategic planning meetings to develop mutual plans for monitoring visitor use at water resource development projects.

b. Formal and informal contacts will be made with these agencies to apprise them of the limited authority of the Corps and to help ensure protection of Corps personnel, visitors and property at water resources projects. It must be emphasized to law enforcement agencies that this program does not relieve them of their statutory authority or their responsibility for enforcement of laws under their jurisdiction. Those agencies can only enforce those portions of Title 36 which are incorporated as part of their local statutes.

c. Maximum use of local law enforcement services will be made at areas, which have a history of excessive violations and during those periods when park rangers are not readily available. The use of local law enforcement services and cooperative agreements during hours of darkness will reduce the need for patrols by Corps personnel during this period.

d. Cooperative law enforcement agreements, as prescribed in Chapter 7 of ER 1130-2-550, Cooperative Agreements for Law Enforcement Services at Civil Works water resources projects will be used to the maximum extent practical.

e. Corps personnel may ride with, or allow local law enforcement personnel to ride with them, in unique cases to foster interagency cooperation. This will not be normal procedure and will be done only for short-term situations and with specific approval of the operations or resource manager. Each division or district should develop general procedures to promote consistency and establish accountability for these activities.

f. The primary responsibility for daily liaison at the local level rests with the resource manager; however, technical assistance will be available from appropriate district and division elements, i.e., Natural Resources Management, Security and Law Enforcement, Counsel, and Safety.

6-6. Surveillance. The District Commander is responsible for insuring adequate order and discipline at Corps projects.

a. The purpose of surveillance is to observe activities and conditions on project lands and waters in order to assist the visitor and insure the protection of project resources.

b. Various methods of surveillance techniques such as foot, vehicle, vessel, fixed wing or helicopter aircraft should be used as appropriate to insure a balanced and complete prevention and early detection process. Adequate surveillance of project lands may require that specialized vehicles be available to the ranger staff including, but not limited to, four-wheel drive, bicycles, personal watercraft, or all-terrain-vehicles.

c. Personnel involved in surveillance will exercise discretion and attempt to avoid potentially hazardous situations. In potential or historic trouble areas, the use of two individuals per vehicle or dual patrols in close proximity with radio or other telecommunications contact should be given maximum consideration. Employee safety will be a primary consideration in the conduct of these activities.

d. The scheduling of park ranger personnel for surveillance duties will be consistent with staff, funds, and other resource limitations. Schedules should allow for surveillance during peak visitor use, especially during weekends and/or holidays. Night surveillance by park rangers is a district option which may be considered, as necessary, to meet project and Corps objectives and provide adequate visitor security.

e. The use of computer data systems including OMBIL should be encouraged at projects to record citation information and facilitate the availability of information to aid in defining problem areas.

6-7. Vehicles and Vessels.

a. It is desirable that vehicles used by natural resources management personnel be readily identified by the visiting public. Therefore, as project vehicles are replaced, new vehicles acquired will be a solid white color. Marking of vehicles and vessels will be in accordance with ER 56-2-1 and EP 310-1-6.

b. Vehicle Color.

(1) New vehicles obtained for use by park rangers, managers, and other personnel who are authorized to perform visitor assistance responsibilities will be the vehicle manufacturer's standard white color. This applies to vehicles obtained through the General Services Administration (GSA) and from other sources (i.e. project-owned).

(2) Vehicles obtained through GSA are subject to the Memorandum of Understanding (MOU) between the Interagency Fleet Management System (IFMS), GSA, and the U.S. Army Corps of Engineers, dated 23 January 1997. Paragraph 5.a. of subject MOU states in part:

“The IFMS will provide a mix of manufacturer's colors, however, for vehicles used by USACE park ranger /managers for Visitor Assistance responsibilities, the manufacturer's standard white will be provided if available for each specific make and model required.”

(3) During the acquisition process with GSA, managers/district office officials must identify the specific visitor assistance vehicles that require the color white.

(4) New visitor assistance vehicles obtained from any source that are delivered to the

EP 1130-2-550
Change 5
(draft)

project in the wrong color may be painted white by the project receiving the vehicle. Exceptions to this painting requirement will be granted for vehicles that will be used within the district for less than one year.

(5) Visitor Assistance vehicles obtained prior to the GSA MOU (either from GSA or from other sources) may [see above] be painted white if the amount of usable vehicle life exceeds one year.

c. Vehicle Markings.

(1) The Corps Communication Mark and Signature decal will be applied to all visitor assistance vehicles as specified in this section. Placement will be centered on the front left and right doors with exact placement contingent upon location of door handles, mirrors, and door guard/bumper strips. Specifications: small logo version (3 ½-inch black castle on white reflective backing, 7/8-inch Helvetica Medium type face, upper and lower case, black letters for “US Army Corps of Engineers”; 5/8-inch Helvetica Medium type, upper and lower case black letters for “For Official Use Only”; and optional district name (located between “US Army Corps of Engineers” and “For Official Use Only”) with 5/8-inch Helvetica Medium type, upper and lower case black letters (see Appendix T). While white reflective backing is preferred due to its safety properties, reflective black lettering, or plain black lettering on a clear background, is acceptable, provided all vehicles at a project utilize the same style markings.

(2) A “PARK RANGER” decal will be centered above the Corps Communication Mark and Signature on the left and right front doors. Specifications: 2 ½--inch to 3-inch Helvetica Medium type, all capital, black letters on white reflective backing. The word “RANGER” may be substituted for “PARK RANGER” on vehicles with limited space. As an option, white magnetic strips without a legend may be used to cover the “PARK RANGER” decal when the vehicle is not being used for visitor assistance responsibilities. The strips shall be constructed of a soft, thin, pliable material that incorporates the magnetic property.

(3) Magnetic signs may be substituted for “PARK RANGER” decals only in those instances where the visitor assistance vehicle will be used for multiple functions (i.e., maintenance, wildlife management, etc.). Magnetic signs may also be substituted for the Corps Communication Mark and Signature and “PARK RANGER” wording in cases where the vehicle will be used for less than one year.

d. Vessel Markings. Vessels shall be marked appropriately, however, due to great variation in hull sizes and configurations, and the need for larger size to increase visibility on the water, sizing of legends is not herein specified. All markings, however, shall consist of the Corps Communication Mark and Signature and the legend “PARK RANGER” in comparable proportions to those specifications above for vehicles. The Corps Communication Mark and Signature should be mounted toward the bow of the boat, and the “PARK RANGER” legend aft on the boat’s side.

e. Vehicle Spotlights. Resource manager and park ranger vehicles and vessels used to perform visitor assistance will be equipped with a spotlight. A fixed spotlight is recommended for vehicles, and should be mounted on the driver’s side front door or door column. Handheld or magnetic mount spotlights may be used as an alternative in those situations where it is impossible or impractical to mount the light permanently.

f. Emergency Warning Lights, Sirens and Public Address Systems.

(1) Vehicles will be equipped with emergency sirens and warning lights of a color compliant with applicable state law. Exterior emergency lights are not permissible, except for

magnetically mounted ones temporarily placed on a vehicle during emergency use only and placed inside the vehicle at all other times. Emergency lights mounted behind the grill or in the interior portion of the vehicle, which are inconspicuous to the public when not in use, are authorized. In the case of vessels, overhead light bars or masts which hold emergency lights and/or spotlights are authorized.

(2) As a means of further enhancing safety, factory installed headlights/taillights may be converted to a system that allows activation of a flashing/oscillating mode, supplemental to standard emergency lighting.

(3) Emergency lights, warning lights and sirens will be utilized in accordance with applicable state and local laws governing their use and consistent Visitor Assistance Program policy. The purpose of emergency warning lights and sirens is to facilitate visitor assistance and increase safety, rather than the enforcement of state and local laws, and they will not be used for pursuing or chasing violators of Title 36 on or off Corps projects.

(4) District offices will conduct a periodic review of emergency lights and sirens to assure the type, installation, and use is consistent with this circular and other Corps regulations.

(5) Vehicles and vessels will be equipped with a public address system. The equipment will not be visible to the public and will be used with discretion. Exceptions may be made for vessels depending upon the size and design of the hull.

g. All park ranger and manager vehicles will be equipped, as a minimum, with first aid kits, fire extinguishers, blood-borne pathogen handling kits, rescue throw bags, binoculars, camera and flashlight. All vessels will be equipped with the same equipment except that they will have US Coast Guard and state-required safety equipment, marine-use fire extinguishers and/or pumps. Districts and projects may identify and provide additional equipment for manager and park ranger vehicles and vessels.

6-8. Communications.

a. Operations and resource managers will provide reliable communication equipment in support of natural resources management activities. Authorized communication equipment may include: cellular phones and multiple frequency programmable scanning radios (fixed and hand held) with local/state law enforcement interface, state wildlife/boating officer interface, appropriate rescue/fire interface, weather channels, and separate frequencies for overlapping projects. Corps base stations may be located off project lands and local law enforcement agency base stations may be placed on Corps property, as necessary, to obtain reliable communications.

b. Operations/resource managers will determine the most reliable communication system for their project. However, if radios are selected over cellular phones, managers will ensure that the base station is staffed continuously while personnel are on duty in the field. If continuous staffing is impossible, cellular phones should be provided.

c. Park attendants will be provided with either telephone or radio communication system to enhance both their safety as well as that of visitors. When warranted, park attendants may be issued portable radios.

d. The installation of public telephones at entrance stations, beaches, and other public use areas is encouraged to enhance visitor safety. Where feasible, telephones should permit the caller to contact the operator without depositing coins. A listing of appropriate emergency telephone numbers such as fire, medical, police, rescue, and Corps officials should be placed in recreation areas near the location of public telephones.

EP 1130-2-550
Change 5
(draft)

e. District commanders will ensure that surveys are conducted periodically to confirm that reliable communication equipment is available to personnel, is located in vehicles and vessels, and is in serviceable condition.

6-9. Juveniles. Juveniles can be cited for Title 36 violations. Each Magistrate may determine if he/she will hear cases against juveniles. The US Attorney for each district should contact the magistrate for coordination on this matter. A "juvenile" is defined by 18 USC 5031 as a person who has not attained his/her eighteenth birthday. The US Attorney will be able to furnish the minimum age at which juveniles become accountable for their actions and may be cited for them.

6-10. Uncooperative Violators. If an individual is uncooperative and refuses to accept a citation, the citing official should not press the issue. The citing of violators will in all cases remain secondary to the safety of the public and Corps personnel. In difficult situations, citing officials should request the assistance from local county or state law enforcement agencies. Surveillance procedures (without personal contact) can be used for the purposes of identifying the alleged violator, such as recording the vehicle license plate number and description, taking photographs of the violation, and obtaining statements of witnesses. No magistrate can issue a summons or a warrant for arrest/appearance without sufficient evidence.

6-11. Appearance Before US Magistrate.

a. In addition to the normal citation procedures, the written complaint on the back of DD Form 1805 will be prepared and signed by the citing official. Such complaints will set out the pertinent details of the offense and names of witnesses, if any.

b. Citing officials will appear before the US Magistrate along with witnesses who agree to appear. The Visitor Assistance course, discussions with the US Attorney and on-the-job training will include the proper procedures to be followed when making an appearance before a magistrate. Personnel will appear in court, dressed in complete uniform, at the preference of the US Attorney or the US Magistrate. Demeanor should be polite and conversation succinct, with fully descriptive answers given to questions.

c. In instances where alleged violators fail to appear as directed, the magistrate may cause a summons or warrant for arrest and appearance to be issued. Service of summons or warrants for arrest and appearance are the responsibility of the US Marshal. If the magistrate requests that a Corps representative serve a summons to a violator, the individual will respectfully decline as being an action outside the scope of his/her authority.

6-12. Issuance of Citations Off Project Lands. One of the following methods will be used when it is necessary to issue a citation off project lands:

a. By certified or registered mail.

b. Presented while in the company of a local law enforcement officer.

c. Delivered by, or in the company of, a Federal law enforcement officer.

d. Personally delivered by the citation official himself/herself. This should be done only when it has been determined that no personal danger exists and after specific approval of the resource manager has been received.

6-13. Legal Protection.

a. Federal law provides an immunity against lawsuits for employees acting within the scope of their employment. By virtue of this immunity, individuals who, in performing assigned duties, cause unintentional injury/harm to others are not considered personally liable. For this reason, lawsuits against individuals are rare. More frequent are claims filed against the US government as the entity responsible for the actions of subordinates while on duty. Claims against the Government are also seen as more lucrative than claims against individuals. Persons seeking a monetary judgment usually believe that the opportunity for payment is greater if the payee is the US Government.

b. Although lawsuits against individuals are rare, there are exceptions. An individual may be sued personally without the benefit of government mitigation when there is proof that he/she was:

- (1) acting beyond the scope of assigned duties;
- (2) intentionally causing harm to another by assault, battery, slander, etc.; or
- (3) violating another person's constitutional rights by making a false arrest or illegal search and/or a seizure of personal property.

6-14. Assault on Corps of Engineers Civilian Personnel.

a. If an assault occurs, the Corps individual should immediately attempt to remove himself/herself from the situation. If this is impossible, the individual should act to ensure personal safety and stop the assault, if possible. In no case, will Corps personnel go beyond the limits of what is absolutely necessary to establish and maintain control of the situation.

b. When an assault or other crime has occurred, several actions should be simultaneously initiated.

- (1) Seek and secure medical help for the victim(s) as needed.
- (2) Notify local or state law enforcement authorities immediately and request assistance as needed. Release all evidence to law enforcement officials upon their arrival to the incident scene.
- (3) Ensure the incident scene and any evidence are not disturbed until arrival of law enforcement authorities. Protecting the integrity of the scene may involve halting traffic or interrupting other activities through the incident scene.
- (4) Identify as thoroughly as possible all those involved in the incident as well as witnesses. Obtain name, license plate number and description of the assailant(s) and witnesses when possible.
- (5) Notify the supervisor of the victim immediately and request assistance, if appropriate. Victim's supervisor should promptly report the incident to the district operations chief who will notify the security and law enforcement office and the district office of counsel.

c. From this point, the action chain and all coordination will be handled by the security and law enforcement office who will contact the United States Army Criminal Investigation Command (USACIDC) and HQUSACE. The USACIDC will call the FBI, if necessary.

d. Office of Counsel will monitor the prosecution of any case.

EP 1130-2-550
Change 5
(draft)

6-15. Reports. Statistical data on issued citations will be reported in OMBIL. Serious Incident Reports, submitted on DD Form 173/1 for incidents including, but not limited to, death, major fires and natural disasters, should be forwarded through the district and MSC offices to HQUSACE CEPM, with copy furnished to CECW-ON. Maximum use of the electronic Serious Incident Reporting (SIR) system through ENGLink is encouraged.

6-16. Preventive Vaccination.

a. Permanent and temporary park rangers and other personnel with visitor assistance responsibilities have been determined to be at a reasonable risk of exposure to blood-borne pathogens and other infectious material and must be provided the following as a minimum:

(1) Hepatitis B Vaccination. Hepatitis B vaccination must be made available (at the employee's discretion) to all park rangers and other employees performing visitor assistance responsibilities. Since current vaccination protocol for Hepatitis B requires three inoculations over a six-month period, it is imperative that new temporary employees (i.e., summer help) receive their first shot as soon as possible following selection.

(2) Personal Protective Equipment. Appropriate personal protective equipment shall be provided at no cost to the employee. Equipment may consist of, but not be limited to, gloves, gowns, laboratory coats, face shields or masks, eye protection, mouthpieces, resuscitation bags, pocket masks or other ventilation devices.

(3) Training. Blood-borne pathogen training of USACE employees will comply with OSHA requirements.

b. Unvaccinated individuals that have rendered aid or otherwise may have possibly been exposed to blood or other potentially infectious materials, must receive Hepatitis B inoculations within 24 hours of possible exposure. Post-exposure Hepatitis B inoculations have been shown to be effective, but the relative efficacy varies with different exposure situations.

c. Appropriate Exposure/Post Exposure Plans shall be developed to address the above requirements. All exposures or potential exposures by either vaccinated or unvaccinated individuals must be reported to the district occupational health office and/or health unit as soon as possible.

APPENDIX E
VISITOR ASSISTANCE TRAINING CURRICULUM

E-1. General Requirements.

a. New employees must complete the Basic Visitor Assistance Training Curriculum, Modules 1a through 1d, prior to receiving citation authority. This curriculum is classified as mission-essential mandatory Priority 1 training for those employees having citation authority as part of their job description. These modules may be completed in any order. Districts must temporarily suspend citation authority for any current employee who has not successfully completed the basic training requirements (Modules 1a through 1d). Table E-1 summarizes the Module 1 basic training requirements.

b. Employees who wear the NRM Class B/C (Park Ranger) uniform but do not have citation authority as a functional responsibility must receive, at a minimum, training Module 1b (First Aid/CPR), Module 1c (Blood-borne Pathogen) and personal protection during their first year of employment.

E-2. Module 1: Basic Visitor Assistance Training Curriculum.

a. Module 1a: Visitor Assistance Program for Natural Resources Management Course

(1) All employees requiring citation authority must take the HQUSACE-sponsored PROSPECT Course # 147, *Visitor Assistance Program for Natural Resources Management* (36 hours). Module 1f (MSC/ District Visitor Assistance Course) may be substituted for temporary citation authority (authority valid up to three years).

(2) Course provides basic instruction to execute visitor assistance duties and covers history, philosophy, policy, liability, authority, jurisdiction, enforcement procedures, image, and tactical communication, situational analysis, unarmed self-defense, and Pepper Spray certification. This course provides the basic personal protection training requirements necessary to obtain citation authority.

(3) Districts can request an “On-Site” VA for NRM PROSPECT Course by contacting the Registrar, Professional Development Support Center (PDSC), Huntsville and the course lead instructor at least six months in advance of the training need. The host district is responsible for logistics, student registration, instructor salary and travel per diem charges, and other administrative requirements of the course. Arrangements and confirmation will be based on instructor availability and other factors. An approved On-Site PROSPECT course fully satisfies the Module 1a training requirement.

Table E-1

E-1

Encl 4

Module 1: Basic Visitor Assistance Training Curriculum

	Course Title	Employees Requiring Citation Authority	Employees Wearing the NRM Class B/C Uniform (who <u>do not</u> have citation authority as a functional duty)
Module 1a	Visitor Assistance for NRM (PROSPECT Course #147) (36 hours)	*	Optional
Module 1b	First Aid/CPR - (9 hours)	*	**
Module 1c	Blood Borne Pathogen (length varies)	*	**
Module 1d	Local-supplemental (length varies)	*	Optional
Module 1e	Personal Protection	Module 1a or 1f satisfies this Requirement	** The Personal Protection training contained in Module 1a, 1f or 2a (Refresher training) satisfies this requirement
Module 1f	MSC / District Visitor Assistance Course*** (36-40 hours)	For employees waiting to take Module 1a. Provides citation authority for three years. Course must be approved in advanced by CECW-ON.	Optional
Module 1g	Pepper Spray – Basic Oleoresin Capsicum Aerosol Training (OCAT) Course (6 hours)	For eligible & authorized employees as stipulated in Appendix U. Module 1a (completed after 1 Oct 03) satisfies this requirement	For eligible & authorized employees as stipulated in Appendix U. Module 1a (completed after 1 Oct 2003) satisfies this requirement

* Required training prior to receiving citation authority

** Required training

b. Module 1b: First Aid / Cardiopulmonary Resuscitation (CRP) Training

(1) All employees wearing the NRM Class B/C Uniform must complete the 9-hour *Red Cross Community First Aid and Safety Course* (or equivalent as determined by the Operations Manager). Course provides basic instruction to recognize and care for breathing and cardiac emergencies in adults, children and infants and to identify and care for life-threatening bleeding, sudden illness and injuries. The American Heart Association may be used for CPR instruction.

(2) Advanced first aid training equivalent to the Red Cross “*First Aid-Responding to Emergencies*” (23-35 hours) or “*Emergency Response*” (44-53 hours) course is recommended for employees with citation authority in locations where the emergency medical response time is 15 minutes or greater.

(3) Increased first aid training up to Emergency Medical Technician Basic (EMT Basic) is authorized for a minimum number of selected permanent staff members at the discretion of the Operations Manager.

(4) The purchase, training and use of Automated External Defibrillators are authorized in accordance with EM 385-1-1, USACE Safety and Health Requirements Manual.

c. Module 1c: Blood Borne Pathogen Training

(1) All employees wearing the NRM Class B/C Uniform must complete the standard MSC/District developed blood-borne training course as per EM 385-1-1, USACE Safety and Health Requirements Manual.

(2) Employees shall be offered preventive vaccinations for blood-borne pathogens as per EM 385-1-1 and 29 CFR 1910.1030. Preventive vaccinations are not a condition of employment.

d. Module 1d: Local Supplemental Training

(1) All employees requiring citation authority must receive district/project level supplemental training to include program implementation guidance, district procedures and project on-the-job training to satisfy regional and local needs. See Table E-2 for sample training checklist. Offices may expand and otherwise modify the list to fit regional and local requirements. A checklist must be completed and maintained on file for each visitor assistance employee with citation authority.

(2) Training can be accomplished through a mix of centralized classroom instruction, project meetings and actual on-the-job training and exercises with a more senior park ranger who has citation authority training.

Table E-2
 Training Checklist -- Module 1d: Local Supplemental Visitor Assistance

<u>COMPETENCY</u>	<u>DATE</u> (completed)	<u>INITIALS</u> <u>Employee/Supervisor</u>		<u>COMMENTS</u>
VA Policy /Authority				
Report Writing/Fact Finding				
Written Warning & Citations				
Log / Record Keeping				
Magistrate Court System				
Central Violations Bureau				
Forfeiture Schedule				
Law Enforcement Agreements				
State and Local Laws				
Patrol Procedures				
Emergency Procedures				
Radio / Equipment Operation				
Local Gang / Cult Awareness				
Local Drug Activity				
Cooperating Agencies				

e. Module 1e: Personal Protection Training. Employees who do not have citation authority as part of their functional duties (and who do not attend the Module 1a or 1f course) but wear the NRM Class B/C uniform must receive, at a minimum, four hours of personal

protection training equivalent to the personal protection requirements contained in Module 2a (Refresher Training) course. The Visitor Assistance for NRM PROSPECT Course (Module 1a) and the MSC/District Visitor Assistance Course (Module 1f) meets the initial personal protection training requirements for all NRM employees.

f. Module 1f: MSC/District Visitor Assistance Course

(1) MSC/districts may develop and conduct a 36-40 hour regional visitor assistance course for the purposes of providing immediate citation authority for employees waiting to take the PROSPECT course, *Visitor Assistance Program for NRM* (Module 1a) or temporary employees with an expected tour of duty of three years or less. This course provides citation authorization for a maximum of three years from the date of the training and cannot be extended beyond the three year period unless the individual attends the Visitor Assistance PROSPECT (or On-Site PROSPECT) Course (Module 1a).

(2) Course provides basic instruction to execute visitor assistance duties; covers history, philosophy, policy, liability, authority, jurisdiction, enforcement procedures, image and personal protection and (optional) the Oleoresin Capsicum Aerosol Training (OCAT) Pepper Spray certification program. See Table E-3 for required course content. Course must be approved in advance by HQUSACE.

(3) Employees must also complete Modules 1b-1d prior to receiving citation authority.

(4) Course may be used as a substitute for the Module 2 (Refresher Training) course in order to satisfy the refresher training requirement for employees with current citation authority.

Table E-3
 Required Course Content -- Module 1f: MSC/District VA Citation Authority Course

SUBJECT	HRS	DESCRIPTION	DELIVERY
Visitor Assistance Policy	2-3 hrs	Review regulations governing VA program; identify program boundaries; define terms; place emphasis on lowest level of enforcement; relate experiences	USACE VA PROSPECT Course Instructor – travel and diem paid by the host MSC
History and Development	.5 - 1 hr	Historical review of USACE and VA program through events, legislation, and regulations; highlight current organizational structure	MSC/District VA Coordinator or employee versed in the VA program
Title 36 Code of Federal Regulations	3 - 5 hrs	Full review of T-36 with emphasis on recent regulation changes and critical areas of concern; exchange experiences and define limits of authority to provide alternative solutions to situations encountered	“
Title 18 / Other Rules and Regulations	.5 - 1 hr	Review T-18 legislation; identify relationship of T-18 to VA program; describe proper procedures to follow regarding forcible assaults; identify T-18 situations; and discuss related regulations	“
Demographics and T-36 Results	1 - 2 hrs	Provide overview of project visitors for greater understanding and management; discuss user and	“

		visitation trends; identify management concerns and solutions through recent T-36 results	
Enforcement	3 - 5 hrs	Define USACE policy on enforcement priorities; identify methods for effective patrols and for observing and reporting facts clearly and concisely; discuss proper approach techniques and ways to respond to various enforcement situations	“
Ranger Image	.5 - 1 hr	Discuss importance of maintaining professional appearance, attitude, and the proper wear of the uniform; discuss why ranger actions are magnified to the public; identify unethical and illegal concerns; identify ways a ranger can contribute positively to USACE public relations program	“
Magistrates Courts; Authority and Jurisdiction	2 - 3 hrs	Discuss basics steps in the trial of a citation case; identify rules of evidence applied in Magistrate Court; provide guidelines for testifying and proper use of notes and memos in testimony; highlight the four types of Federal jurisdiction	Office of Council representative fully knowledgeable of the VA program
Torts / Legal Constraints	1-2 hrs	Discuss circumstances where the government is liable for injuries to others and where the ranger may be held personally liable	“
Tactical Communication and Situation Analysis	8-10 hrs	Methods to gain compliance through persuasion; defusing situations to avoid conflict; redirecting uncooperative visitors to obtain a positive outcome; recognizing potentially dangerous situations and reducing the risk of attack; identification of gangs, drugs and mental subjects; discussion of local enforcement issues	Contractor proficient in conducting tactical communication, situational analysis, and personal protection training (private vendor, law enforcement agency, university) *
Personal Protection/ Unarmed Self Defense/ Pepper Spray Certification	8-12 hrs	Conduct unarmed, open-handed self-defense techniques; apply self-defense control and survival techniques; discuss the basic personal protection principles and concepts and how they relate to the VA program. Conduct basic OCAT course to provide Pepper Spray certification (optional).	“ Pepper Spray training must be conducted by OCAT contractor or by a Corps employee who has completed the OCAT Train-the-Trainer Course*

* All or a portion of these sessions can be conducted under contract. Subject matter must be in full compliance with USACE policy. Sponsoring office must ensure that the contractor is fully knowledgeable and supportive of the VA program (including philosophy, policy, objectives, authority limitations, etc.) prior to conducting the training.

g. Oleoresin Capsicum (Pepper Spray) Training. All eligible employees authorized within their MSC command may carry and use Pepper Spray as a self-protection tool in the line

EP 1130-2-550
Change 5
(draft)

of duty. Training must be conducted under the USACE Pepper Spray training program in accordance with Oleoresin Capsicum Aerosol Training (OCAT) industry standards as highlighted within this Appendix and as detailed in Appendix U, Oleoresin Capsicum Program. Pepper Spray training can be obtained from Module 1a or 1f, or from an MSC/District-sponsored OCAT course conducted by a qualified contractor or Corps employee.

E-3. Module 2: Refresher Visitor Assistance Training Curriculum.

a. Module 2a: Annual Refresher Visitor Assistance Training for NRM. All employees with citation authority must receive a minimum of 8 hours of annual refresher training to include visitor assistance policy/authority review, program update, Title 36, enforcement procedures, ranger image, magistrate's court, authority and jurisdiction, torts/legal consideration, local issues (visitor demographics, gang, cult, drug awareness) and personal protection (tactical communication, situational analysis and hands-on unarmed self defense - minimum 2 hours. All or a portion of the personal protection session can be conducted under contract. Subject matter must be in full compliance with HQUSACE policy. Sponsoring office must ensure that the contractor is fully knowledgeable and supportive of the Visitor Assistance program (including philosophy, policy, objectives, authority limitations, etc.) prior to conducting the training. A HQUSACE-sponsored interactive computer-based training course (*Safe Self*) has been developed and may be used to satisfy the tactical communication training requirement.

b. Module 2b: Personal Protection (for employees without citation authority). Personal protection training for employees with citation authority is covered in the above paragraph. All employees who wear the NRM Class B/C uniform, but do not have citation authority as a functional duty, must receive 4 hours of personal protection training annually. The personal protection training contained in Module 2a or the *Safe Self* interactive computer based training course both satisfy this annual requirement.

c. Module 2c: Medical Training Recertification. All employees with required medical training must receive refresher training necessary to maintain certification in previously acquired medical training courses. CPR training must be taken annually and First Aid and Blood-borne Pathogen training every three years or as often as necessary to retain vendor required certification and competencies.

d. Module 2d: Pepper Spray Training. All employees who are certified to carry Pepper Spray must attend OCAT refresher training (every 2 years for employees who have completed the basic course and every four years for employees who have completed the Train-the-Trainer course) to maintain certification. Employees with Train-the-Trainer certification must be re-authorized each year by the vendor.

Table E-4
 Module 2: Refresher Visitor Assistance Training Curriculum

	Course Title	Employees with Citation Authority	Employees Wearing the NRM Class B/C Uniform (who <u>do not</u> have citation authority as a functional duty)
Module 2a	<u>Refresher VA Training for NRM</u> (8 hours)	*	Optional
Module 2b	Personal Protection Training (4 hours)	N/A (training contained in Module 2a)	** The personal protection training in Module 2a or the <i>Self Safe</i> interactive computer-based training course satisfies this training requirement
Module 2c	Medical Recertification (length varies)	***	***
Module 2d	Pepper Spray Recertification (per industry / OCAT standards)****	***	***

* Required training to maintain citation authority

** Required training

*** Required training to maintain medical/Pepper Spray certification

**** Course can be conducted by an OCAT contractor or by a Corps employee with OCAT Trainer certification

E-4. Module 3: Visitor Assistance Management and Policy.

a. Module 3: Visitor Assistance Management and Policy.

(1) All resource/park managers and work leaders at project, district and MSC levels who plan and manage the Visitor Assistance Program must take the 20 hour *Visitor Assistance Management and Policy* PROSPECT course (formally titled HQUSACE Visitor Assistance Advance/Update) within two years of acquiring this leadership position (except as specified in the following paragraph). Operations managers, Corps security specialists, Corps military personnel serving in a security capacity, and rangers at the GS-9 level and above are also encourage to attend.

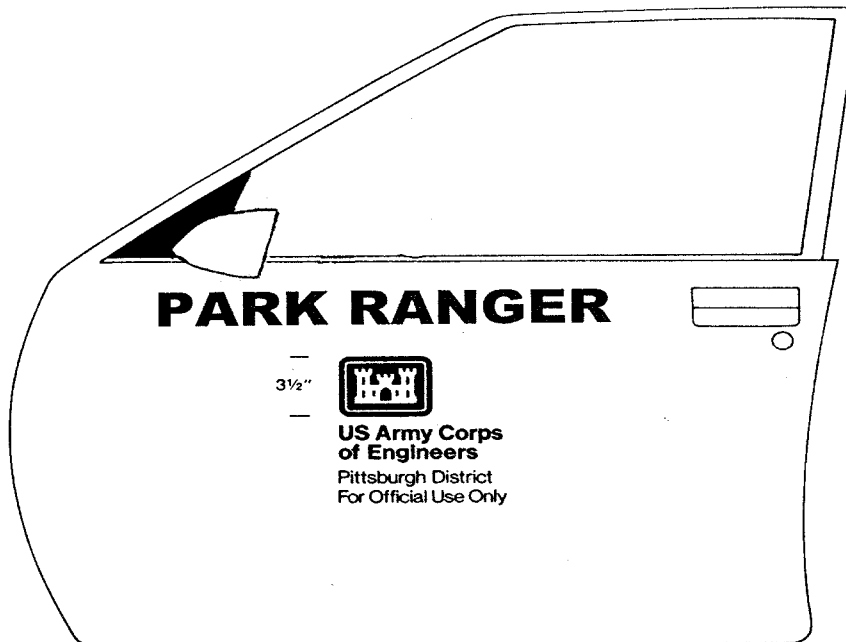
(2) Employees who have attended the Visitor Assistance Program for NRM (Module 1a) within the past 5 years should not schedule this course.

(3) The course provides an overview of the Visitor Assistance Program to promote consistency in Visitor Assistance policy application and explore alternative management techniques and practical applications. Topics covered include policy status and direction of the Visitor Assistance Program, Title 18, Title 36, communications, and legal liabilities. This module does not satisfy any of the requirements for obtaining or maintaining citation authority.

APPENDIX T

VISITOR ASSISTANCE VEHICLE MARKING GUIDE

T-1. Visitor Assistance Vehicle Marking. The diagram below is to be used as a guide for placement of the "PARK RANGER" designation and Corps Communication Mark and Signature on the right and left front side doors of Corps vehicles primarily used by Natural Resources Management personnel performing visitor assistance duties. The Corps Communication Mark and Signature decal will be centered with exact placement contingent upon location of door handles, mirrors, and door guard/bumper strips. The Corps Communication Mark will measure 3 ½-inches in height (castle), and the Corps Signature will consist of 7/8-inch, Helvetica Medium type face, upper and lower case black letters for "US Army Corps of Engineers"; 5/8-inch black Helvetica Medium type, upper and lower case letters for "For Official Use Only". District Names may be included as an option on the third line, between "US Army Corps of Engineers" and "For Official Use Only", with 5/8-inch Helvetica Medium type, upper and lower case black letters. A "PARK RANGER" decal will be centered above the Corps Communication mark and will consist of 2 ½-inch to 3-inch Helvetica Medium type, all capital black letters on a white reflective backing.



APPENDIX U

OLEORESIN CAPSICUM (PEPPER SPRAY) PROGRAM

U-1. General Requirements.

a. USACE park rangers, and other qualifying employees as stipulated in paragraph U-2, may be authorized to carry and use Pepper Spray for self-defensive purposes in accordance with the requirements contained in this Appendix. The role of the park ranger is defined as a regulation enforcer with full citation authority of Title 36. Available use of force options includes visual presence, verbal persuasion/detention unarmed self-defense and a chemical aerosol spray. Oleoresin Capsicum (Pepper Spray) is the approved chemical aerosol spray to be used for self-defensive purposes in the execution of official duties as determined through the district/project risk analysis process. For the purposes of this regulation, all employees who are eligible to receive Pepper Spray authorization will be referred to as “park rangers”.

b. Title 18 U.S.C. specifies that it is a Federal crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any civilian official or employee of the Corps engaged in the performance of his or her official duties. Failure to comply with a lawful order issued by a Corps employee acting pursuant to enforcing Title 36 shall be considered as interference with that employee while engaged in the performance of their official duties. Reasonable self-defensive force, including the use of Pepper Spray, may be used only when such interference constitutes an apparent physical threat to the park ranger. A complete legal review of the liability issues associated with the use of chemical aerosol for park ranger protection was conducted by Headquarters, Office of Counsel.

c. Pepper Spray is considered an available self-defense option to facilitate a park ranger’s withdrawal from an assault or attack by an animal, and is not intended to replace any defense, avoidance, or control technique that is available within the ranger’s existing levels of enforcement; nor should it be used as an offensive weapon. It should be used only when other reasonable methods have been exhausted. The spray cannot be used for any offensive measure that would constitute the employee’s acting outside his/her scope of employment.

d. Employees may elect not to carry and use Pepper Spray for any reason. However, project offices and districts must maintain written documentation for all eligible employees who have declined the authority to carry Pepper Spray.

U-2. Eligible Employees.

a. Selected USACE park rangers and Natural Resources Management Program uniformed employees, who meet all the following conditions, may be eligible to receive authorization to carry Pepper Spray as part of the standard uniform:

(1) Employed at a USACE Water Resources Development Project in a permanent, seasonal or temporary position, including Coop (SCEP), Stay-In-School (STEP) and summer hire employees;

(2) Hired under the GS-023, GS-025, GS-028 job series or any related natural resource position in the GS-400 job series;

(3) Authorized to wear the Natural Resources Management Uniform per ER 1130-2-550, Chapter 8;

(4) Work in one or more job functions that have been determined “at risk” under the District Position and Project Job Hazard Analysis process and;

(5) Have successfully completed all training and certification requirements

b. Citation authority is not a condition of eligibility to carry and use Pepper Spray.

c. Normally, all park rangers who have received authorization, will carry Pepper Spray while in uniform except in school classrooms, airplanes and other locations that prohibit the carrying of a chemical aerosol spray or where such a display is not advisable for other reasons. Pepper Spray may also be carried during unusual circumstances when the uniform is not being worn while performing official duties (i.e. control burns, boundary line maintenance).

U-3. Hazard Analysis Process. A comprehensive District Position Analysis and Project Activity Hazard Analysis (as per EM 385-1-1, Safety and Health Requirements Manual) will be conducted to verify which positions/jobs will warrant Pepper Spray authorization.

a. Position Hazard Analysis. A District Position Hazard Analysis (PHA) must be prepared to identify the positions and duties (district-wide) that may warrant the carrying and use of Pepper Spray. This process must identify all positions and duties where the possibility of negative personal confrontations may occur and the use of Pepper Spray would be appropriate. See Table U-1 for a sample reference.

b. Activity Hazard Analysis. Operations managers, who have employees identified in the *Position* paragraph of the PHA, must prepare a project Activity Hazard Analysis for each duty listed in the PHA. Activities identified in the Activity Hazard Analysis as high-risk activities will warrant the carrying of Pepper Spray. See Table U-2 for a sample reference.

U-4 Policy Criteria on the Use of Pepper Spray.

a. General Criteria.

(1) Pepper Spray, when used while on duty as a self-defense measure in compliance with USACE policy, is lawful force within the park ranger's scope of assigned duties for the purposes of defending the ranger from what the employee reasonably believes is imminent personal physical harm and to facilitate escape from danger.

(2) Verbal persuasion (verbalizing) and a verbal warning are required before using Pepper Spray, if circumstances allow verbalizing and warning without risk to the safety of the park ranger or others. Verbalizing and warning are not required when there is a risk to the safety of the park ranger if the use of Pepper Spray is delayed.

(3) All force must be reasonably proportionate to the apparent need to defend against an imminent threat of physical injury. Unreasonable and excessive force is not justified, nor is use of any force when a park ranger knows, or reasonably should know, such force is unlawful or unnecessary. Pepper Spray shall not be used against a citizen who peacefully submits and complies with park ranger instruction during an altercation or threat of an altercation or who has already ceased an assault.

(4) Visitors have a right to express verbal disagreement with a park ranger's actions and no force can be used in response to offensive language alone. Pepper Spray cannot be used to retaliate against language that is merely offensive but is not imminently physically threatening. Threats or threatening actions made to park rangers while performing their duties, which are perceived as life threatening to the ranger, are not considered mere verbal disagreements.

(5) After spraying an individual or animal, the park ranger must immediately notify local law enforcement authorities, request their assistance, and notify his/her supervisor. See Paragraph U-8, After Use Guidelines, for further information.

b. Pepper Spray **CAN BE** used against an individual who acts or reacts violently towards a park ranger under any or all of the following circumstances:

(1) After the park ranger has attempted verbalization and warning techniques (when possible) and the individual continues to act or reacts violently towards the ranger in a life-threatening manner;

(2) When the individual is assaulting a park ranger. However, if a person strikes or assaults the ranger, then ceases the assault and retreats, or is removed from the scene so as not to pose a further threat to the ranger's safety, the ranger may not pursue and use Pepper Spray against the individual;

(3) When the circumstances reasonably indicate that attempting to control or withdraw from the situation may lead to an escalation of force with a risk of serious physical injury to the park ranger;

(4) When the individual is physically assaulting an agent of the U.S. Army Corps of Engineers. For the purpose of this guidance, an "agent" of the Corps of Engineers includes Corps of Engineers employees, volunteers who are officially registered under the Corps Volunteer Program, and contractors who are performing services under a signed contractual agreement with the Corps. The park ranger is under no obligation to use pepper spray to protect any official agent of the Corps of Engineers if such action will place the ranger at greater personal risk.

c. Pepper Spray **SHALL NOT** be used against a person who:

(1) Does not pose a physical threat to the park ranger (i.e., elderly, very young, and disabled in an obvious manner) unless there's a presence of a weapon or other circumstance that reasonably warrants the use of Pepper Spray.

(2) Submits peacefully and complies with park ranger requests and instructions during an altercation or threat of an altercation involving the ranger or park visitor.

(3) Is expressing mere verbal disagreement that does not physically threaten a park ranger.

(3) Is threatening/assaulting another person who is not an official agent of the U.S. Army Corps of Engineers; See paragraph U-4.b(4) for the definition of an agent.

U-5. Guidelines for Use.

a. Manufacturer's instructions and industry training for use, care, and storage of Pepper Spray must be followed. Canisters must be secured at all times to prevent use by unauthorized persons, and must not be stored in vehicles or other locations of extreme temperature variations.

b. Aerosol canisters must be shaken and tested regularly in order to ensure that the aerosol weapon system is properly functioning. Spray only from an upright position. Users should familiarize themselves with their canisters by spraying a short burst with the wind at their backs, so as to establish the distance and width of the spray. Test should be conducted only outdoors and away from people and animals.

c. It is important not to spray upwind, because the effects of blowback upon the user can be severe. Spraying in a crosswind will reduce the effective range, although it will not risk blowing spray upon the user.

d. The park ranger should maintain a distance of four to six feet when spraying an individual. A person can be sprayed directly on the face up to the maximum range allowed on individual delivery systems. Although pepper spray can be used at a close range, for immediate effect on the respiratory system, it is recommended that spraying be done at a distance of not less than 2 feet. At shorter ranges, the person's eyes will immediately shut and cause incomplete exposure to the spray. Spraying between the minimum range of 2 feet and the unit's maximum

range will provide instant evaporation, assuring effective impact upon the respiratory system, quickly incapacitating the individual.

U-6 Guidelines for Method of Carry. Pepper Spray will be carried using a clip or snap holster designed specifically for two or four-ounce Pepper Spray canisters.

U-7. Guidelines for Tactical Use. When possible, the park ranger's weak foot should be forward and the strong foot behind. Feet should be shoulder width apart or wider to create a balanced stance. The head should be directly over the hips and the weight is equal on both feet with knees slightly bent. During an assault, the park ranger should:

- a. Provide verbal warning if appropriate and reasonably safe to do so.
- b. Spray directly into the person's face (eyes, nose, and mouth). In most cases, a direct hit in the face will instantly shut the eyes and effect the respiratory system.
- c. If the attacker continues to be a threat, apply a second spray toward his nose and mouth.
- d. Stop spraying when the attacker's resistance ceases. Depart the area and await local law personnel.

U-8. After Use Guidelines. These guidelines are designed primarily to ensure the safety of the park ranger as well as the safety of bystanders and the individual. After using Pepper Spray on an individual, the ranger will:

- a. When necessary, use approved unarmed self-defense techniques to escape from the incident.
- b. Leave the immediate area and remain a safe distance from the individual.
- c. Maintain visual contact with the person if reasonably safe to do so.
- d. Encourage park visitors, bystanders and other persons to move to a safe location.
- e. Contact local law enforcement officials (state that Pepper Spray has been used), other Corps personnel and appropriate medical response team (if appropriate).
- f. Continue to monitor the situation from a safe distance until local law enforcement arrives.
- g. (optional) Provide the following first aid to the individual only if it is safe to do so (note: the ranger is under no obligation to provide first aid to the individual):
 - (1) Monitor the individual and provide verbal reassurance that all effects are temporary.
 - (2) Move the individual to an uncontaminated area and face him towards the wind when possible. The person should be told to relax, breathe normally and not to walk around.
 - (3) Use cool water (if available) to rinse the resin from the face. Eyes should be flushed with water. Do not rub affective areas. Cool water will allow for a quicker recovery. Cleaning affected skin areas with soap and water will help remove the sticky resin and expedite the recovery process. Contact lenses should be removed by the individual.
 - (4) Use an authorized decontamination kit (if available) furnished by the training vendor or other approved source.

(5) Ask the person if he has a heart or lung problem, diabetes, high blood pressure, or any other serious medical condition. Provide pertinent information to the responding local law enforcement officer or medical.

(6) Assure that the individual receives medical attention if symptoms persist after 30-45 minutes. All symptoms should disappear within 30-45 minutes with no after effects.

- h. Contact immediate supervisor or work leader to report the incident
- i. Complete all required USACE incident report forms as specified in paragraph U-9. below.
- j. Initiate action to file the incident as a Title 18 case.

U-9. Reporting Requirements.

a. All incidences of Pepper Spray use must be properly documented on ENG Form xxxx (Oleoresin Capsicum Record of Use Form – see Figure 1) and in accordance with normal reporting procedures within the District Commander’s Immediate Notification Policy. For the purposes of this regulation, “use” is defined as grasping, holding, or spraying the canister when being threatened by a person or animal. This reporting requirement includes situations where, in the opinion of the park ranger, the mere presence of Pepper Spray altered the outcome of the incident. Incidences must be reported through proper channels to HQUSACE (CECW-ON) within 24 hours. By definition, any incident requiring Pepper Spray represents a Title 18 assault to the employee and filing actions should be taken accordingly.

b. A review will be made of each incident to determine the circumstances under which Pepper Spray was used and what other actions were pursued prior to the use of Pepper Spray.

U-10. Approved Equipment Specifications.

a. The following equipment is approved for all USACE employees authorized to carry Pepper Spray.

- (1) Five to ten percent Oleoresin Capsicum concentration level
- (2) Two or four-ounce spray canister (two ounce is preferred for most applications)
- (3) Cone spray delivery system for all outside applications. Note: In limited circumstances, the foam spray delivery system may be authorized for use inside visitor centers and project office buildings when approved in advance by the operations manager. The effects of the foam spray on the subject will take longer to occur (as compared to cone spray) and should only be used in enclosed environments. The use of the foam spray will generally not require occupants to evacuate the building. Employees authorized to carry foam spray should obtain inert canisters for training purposes in order to become familiar with the foam spray’s pattern and distances.

(4) Clip or snap holster (snap holster is preferred for most applications)

b. All training must be done in conjunction with the above approved equipment.

U-11. Training Requirements.

a. All park rangers must complete the basic Pepper Spray Aerosol Basic Training Course, a 6-hour block of instruction, prior to receiving certification and authorization to use Pepper Spray in accordance with Appendix E.

b. Basic 6-Hour Course. The basic course requires students to attend classroom training, participate in practical exercises, pass all techniques on a proficiency exam and complete a written 20+ question exam with a 70% minimum passing score. Course includes the option of the student being sprayed during training or observing someone else being sprayed either in-person or on a video. The actual spraying of students under the basic course is highly recommended for the student to gain a thorough awareness and appreciation of the impact of using pepper spray on an individual and the personal effects of the spray if used accidentally or maliciously on a ranger. Recertification is required every 2 years by passing the written exam and all techniques on the proficiency exam.

c. Advanced 8-hour Instructor Course. A select number of employees will attend the vendor-sponsored 8-hour Advance Instructor (“Train-The-Trainer”) Pepper Spray Course on a voluntary basis. The instructor course requires students to attend classroom training, participate in practical exercises, pass all techniques on a proficiency exam and complete a written 30+ question exam with an 85% minimum passing score. Training authorization is required every year by the vendor and recertification is required every four years by completing the 8-hour advanced course. Completion of this course will qualify the employee to conduct the basic course. Per industry requirements, students who take the instructor course must be sprayed as part of the training process. Each division will be responsible for procuring the advance training course from an HQUSACE-approved contractor. Each district must submit a course outline and vendor name to HQUSACE for approval prior to conducting the advanced training course.

d. Course Requirements. Training courses must meet industry standards and contain, at a minimum, the following subject matter taught in a combination of classroom instruction and practical exercises:

(1) HQUSACE Pepper Spray Policy and Standard Operating Procedures (i.e. self-defensive use only, used within scope of employment, agency/employee liability, local law considerations, reporting requirements, etc.)

(2) Effects of Pepper Spray (on face, eyes, respiratory system, animals, humans)

(3) Properties/Types of Pepper Spray (concentration, delivery system, canister models, storage requirements, replacement requirements)

(4) Carrying methods

(5) Recognizing the threat / situational analysis

(6) When to use Pepper Spray (use of force options)

(7) How to use Pepper Spray (verbal commands, spraying, defensive body positions, movement methods, drawing/spraying techniques)

(8) After Use Guidelines (policy requirements, optional decontamination procedures)

(9) Practical Training Exercises to include the actual spraying of students (mandatory for students in the advanced “Train-The-Trainer” Course and optional for students in the basic course).

e. Training Learning Objectives. Students must satisfy the following training performance objectives prior to receiving certification:

(1) Demonstrate a thorough understanding of USACE policy on the use of Pepper Spray for defensive purposes only.

(2) Demonstrate a thorough understanding of when Pepper Spray can be used.

(3) Identify the agency/personal liability when using Pepper Spray outside the scope of employment.

(4) Know and understand any state or local laws and/or ordinances that pertain to the possession and use of chemical aerosol spray.

(5) Identify the effects of Pepper Spray on human beings and animals.

(6) Define a chemical irritant and a chemical inflammatory.

(7) Identify the different models of pepper spray and specific contents and capabilities of each.

(8) Demonstrate the proper way to carry pepper spray in accordance with HQUSACE instructions.

(9) Demonstrate a proper stance and position of the body when holding Pepper Spray in the hand for use or potential use with all techniques taught in the course.

(10) Deliver verbal directions or commands to combative individuals while holding pepper spray device in the hand or using the pepper spray device.

(11) Accurately spray in one-second bursts at simulated physically combative individuals.

(12) Identify the ways to decontaminate an area that has been exposed to Pepper Spray.

(13) Identify the first-aid procedures available for administering to individuals who have been exposed to pepper spray.

(14) Identify the ranger reporting requirements contained in this SOP.

U-12 Physiological Effects of Oleoresin Capsicum.

a. Pepper Spray is an organically based aerosol spray designed to incapacitate an attacker with no after effects. It instantly immobilizes an attacking human or animal for up to 45 minutes, regardless of size or strength. Pepper Spray has been successfully proven to be effective on emotionally disturbed people; people under the influence of drugs or alcohol; enraged people who have reduced sensitivity to pain; multiple opponents; as well as domestic and wild animals without causing permanent damage.

b. A one-second burst to the face will affect three major areas upon contact: (1) the eyes; (2) the respiratory system; and (3) the skin. All effects are temporary, and will usually completely disappear within 30-45 minutes.

(1) Effect on Eyes. A direct spray in the face will cause dilation of the capillaries and instant closing of the eyes and swelling of the eyelids. Effects range from severe twitching or spasmodic concentration of the eyelids to involuntary closing of the eyes. The eyes appear to be red for up to 30 minutes. People with eyeglasses or contact lenses will be equally affected.

(2) Effect on Respiratory System. A direct spray produces immediate respiratory inflammation, which causes uncontrollable coughing, retching, shortness of breath, and gasping for air with a gagging sensation in the throat. Inflammation of mucous membranes produces difficulty in breathing through the nose. Inflammation of the epiglottis causes shallow breathing through the mouth. As aggression increases, breathing becomes rapid and increases the effects of pepper spray. Respiratory functions return to normal within 10 to 30 minutes.

EP 1130-2-550

Change 5

(draft)

(3) Effect on Skin. A direct burst of Pepper Spray on the face will cause an immediate burning sensation of the skin and mucous membranes inside the nose and mouth. Occasionally, the subject's lips will be swollen and discolored. Depending on the complexion of the individual, skin color will range from slight discoloration to a bright redness. Skin discoloration will disappear within 10 to 45 minutes, depending on the immediacy of decontamination as well as access to soap and cool water. The skin may also turn yellow from the spray, but can easily be washed off.

(4) Pepper Spray has no long-lasting side effects or aftereffect. It can be used to control any high stress situation while producing rapid physiological action, desired effects in low concentration, and permits rapid recovery without lasting effects

e. Although this product is proven to be extremely effective, the reliability cannot be guaranteed 100%.

TABLE U-1
EXAMPLE DISTRICT POSITION HAZARD ANALYSIS FOR PEPPER SPRAY

DISTRICT POSITION HAZARD ANALYSIS
Guidance for use of Oleoresin Capsicum (Pepper Spray)

Note: This document provides guidance in developing a District Position Hazard Analysis (DPHA) for identifying positions and duties that may warrant the carrying and use of Pepper Spray against humans and animals. A DPHA must identify all positions and duties where the possibility of negative personal confrontations may occur and the use of Pepper Spray might be appropriate. Managers who have employees identified in the Position paragraph of the DPHA must prepare a Project Activity Hazard Analysis (PAHA) for each duty listed in the DPHA. Activities identified in the PAHA may require the carrying and use of Pepper Spray. This action is in compliance with paragraph 01.A of EM 385-1-1, Safety and Health Requirements Manual.

<u>POSITION: Permanent and temporary (Summer hire, Co-op & Stay-In-School) Employees and other personnel in job series 023, 028,025,or 400, involved in Visitor Assistance Program activities under ER 1130-2-550, Chapter 6,or Natural Resource Stewardship activities under ER 1130-2-540, Chapter 2, who have one or more of the following responsibilities identified in their Job Description.</u>	POTENTIAL SAFETY/HEALTH HAZARDS	<u>RECOMMENDED CONTROLS</u>
1.0 Patrol of Project Lands and Waters 2.0 Enforcement of CFR Chapter III, Section 327 (Title 36) 3.0 Handling/Transporting User Revenues 4.0 Shoreline Management 5.0 Boundary Management 6.0 Natural Resources Management 7.0 Interpretation 8.0 Contract/Agreement Administration 9.0 Environmental Protection	Possible physical assault or attack by project visitors, domestic and wild animals.	All employee control measures identified in current project Activity Hazard Analyses that pertain to the tasks specified in the Duty Column herein. <i>Note: Employees must always work within their scope of duties as defined in ER/EP 1130-2-550, Chapter 6, Chapter 6, Visitor Assistance Program.</i>

TABLE U-2
EXAMPLE PROJECT ACTIVITY HAZARD ANALYSIS FOR PEPPER SPRAY

PROJECT ACTIVITY HAZARD ANALYSIS

Guidance for carrying and the potential use of Oleoresin Capsicum (Pepper Spray)

DUTY: 1.0 Patrol of Project Lands and Waters

ACTIVITY: See list below (Principle Steps 1.1 through 1.4)

DESCRIPTION: The following matrix lists major duties and associated activities performed by eligible employees working under the guidelines of Appendix U of EP1130-2-550. Potential safety/health hazards as well as recommended controls are also detailed.

These jobs are performed by eligible employees in accordance with Appendix U and include a wide variety of duties and activities. Often planned daily activities are regularly interrupted by unique circumstances. Employees are subject to being notified and expected to respond immediately to these situations. Even planned activities involving the public, which normally would not be considered “high risk,” may escalate into a “high risk” situation unexpectedly. As such, employees may find themselves in circumstances with the potential for safety and health risks that are unplanned and unexpected. Therefore, authorized safety equipment must be available for immediate and effective use at all times. Because of this, it is felt that pepper spray, if issued as authorized equipment, should be worn at all times while on duty, regardless of the particular planned activity.

1 - PRINCIPLE STEPS/ACTIVITIES	2 - POTENTIAL SAFETY/HEALTH HAZARDS	<u>3-RECOMMENDED CONTROLS</u>
1.1 Patrol in developed recreation areas	Possible confrontation or physical assault or attack by project visitors or other individuals/groups or animals in areas with or without documented incidences of unruly behavior.	Employees must be trained in proper procedures and furnished authorized equipment; maintain liaison with County Sheriff/State Police/Local Police as well as the carrying, use, and storage of Pepper Spray in accordance with guidelines described in EP 1130-2-550, Appendix U.
1.2 Patrol in undeveloped recreation areas	<u>See Above</u>	<u>See Above</u>
1.3 Lake Patrols	<u>See Above</u>	<u>See Above</u>
1.4. Patrol of wildlife and resource management areas.	See Above	See Above

4 - RECOMMENDED EQUIPMENT (Pepper Spray)	5 - INSPECTION REQUIREMENTS (Pepper Spray)	<u>6 - TRAINING REQUIREMENTS (Pepper Spray)</u>
Equipment/procedures identified in EP 1130-2-550, Chapter 2 and 6, plus HQ authorized Pepper Spray and holster. Type to be 2 Oz. aerosol, cone spray, standard GSA issue in black nylon snap or velcro holster. Follow EP 1130-2-550, recommendations and industry guidelines for the product utilized.	Follow manufacture’s guidelines for inspection, care, and storage of equipment.	Training to comply with ER/EP 1130-2-550, Chapter 6 and district and local requirements. Additional mandatory training for Pepper Spray to follow HQ-sponsored training course, manufacture’s guidelines, agency regulations, and project training requirements for proper product use and understanding of product limitations. HQUSACE-sponsored training will meet all training/certification requirements.

FIGURE 1

Record of Use Form
Oleoresin Capsicum (OC)
(Pepper Spray)

USE THIS FORM TO DOCUMENT ALL INSTANCES OF OLEORESIN CAPSICUM (OC) USE OR PERCEIVED NEED FOR USE

Record of OC Use Form will be submitted NLT 24 hours following OC use to District OC Representative via e-mail or fax.
 "Use" is defined in Paragraph U-9, Appendix U of EP 1130-2-550.

District _____ Project/Lake: _____

Date of Report: _____ Date of Use: _____ Time of Use: (use military time) _____ hrs.

Ranger(s) Involved: _____

Ranger Pepper Spray Certification Date: _____ Expiration Date _____

Did you feel the: ___ mere presence of OC, ___ drawing/not spraying OC, ___ drawing/ spraying OC, **altered the incident outcome.**

Subject Information/Condition: _____ **Human** (___ Male ___ Female) _____ **Animal** (check if applicable)

Name/Owner Name: _____

Subjects' Condition prior to OC Spray: _____

(Annotate briefly subject's condition: were alcohol/or drugs involved; note, threatening signals, attitudes, physical gestures displayed by subject).

Number of minutes OC affected Subject: _____ Medical Assistance Requested? ___ Y/N Assistance Received? ___ Y/N

Areas of body affected by OC: Eyes ___ Respiratory ___ Skin ___ Other _____

Did subject stop aggressive or threatening behavior immediately after use of OC? ___ Y/N

Was subject arrested? ___ Y/N If so, name of arresting officer, badge # and agency: _____

Condition of Subject when removed from scene: (note injuries resulting from OC use) _____

Incident Details:

Location: _____

Environmental Factors: ___ Windy ___ Humid ___ Temp above 70 degrees ___ OC sprayed in an enclosed area ___ Sprayed in open area.
(Check applicable environmental factors)

Were lower levels of force initiated before spraying OC? ___ Y/N List force actions taken: _____

Type and Model of OC used: _____ **Distance from subject when sprayed:** _____ **ft.**

Eyewitnesses to OC use: ___ Y/N, (if yes list names address's and phone numbers, use paper for additional names)

Name: _____ Address: _____ Phone No. _____

Name: _____ Address: _____ Phone No. _____

Park Ranger Signature and Date: _____

Date of Review: _____ Supervisor Signature: _____

Date of Review: _____ District: _____ Date of Review: _____ Division _____

Date of Review: _____ HQ: _____

08 July 03

FIGURE 1, Cont.

Record of Use Form
Oleoresin Capsicum (OC)
(Pepper Spray)

Use this page of the Record of Use Form - Oleoresin Capsicum to provide an incident narrative, fully describing where OC was used or drawn but not sprayed or perceived use altered the incident outcome; include recognition of threat factors, levels of force used, subject's demeanor before and after OC use.