

Section 7: Law Enforcement Contracts

Cooperative Law Enforcement Agreements

- **Tim Dunn, Operations Project Manager,**
Nashville District
- **Mike Looney, Natural Resources Program
Manager - Lake Barkley**
Nashville District



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Objectives

- Understand the legislative history and regulatory basis for Law enforcement contracts.
- Understand the rationale for these contracts.
- Be able to develop a Law Enforcement Contract.
- Be able to develop and implement a Quality Assurance Surveillance Plan.
- Understand the potential of these contracts as a “tool” for addressing unique or special problems.
- Understand some of the typical problems.



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Legislative History



- Section 120 of WRDA of 1976 (PL-94-587)
- Amended by PL 96-536



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Rationale / Reason

- Criminal Activity
- Corps Exercises No Traditional Police Powers
- Proprietary Interest
- State and Local Laws Remain in Effect
- Magnitude of COE Recreation Program and Geographical Dispersion
- Local Agencies Have Not and Routinely Cannot Respond Satisfactorily During Peak Visitation



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Regulation / Guidance

- ER 1130-2-550
 - Policy for Mgmt of Recreation Areas
 - LEA's shall be used to the maximum extent practical.
- EP 1130-2-550
 - Prohibits Patrols at State Parks, Marinas and Other Concession Areas.
 - Provision of reliable communications.



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Regulation / Guidance

- 26 August 1993, CIR Information Letter No. 93-7
 - DOL Wage Rates Apply
- 10 May 1996, Recreation Policy Letter No. 96-01
 - No water safety patrols or enforcement of boating laws.
 - Allows stakeouts, fee collections and serving bench warrants.



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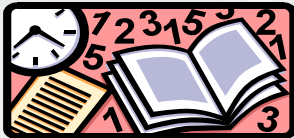
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Plan of Operation

- Patrol Areas
- Description of Services
- Costs
- Contacts
- Billing Procedures



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Patrol Calendars

- Exhibit to Plan of Operations
- Eliminates Need for Extensive Text
- Easily Modified to Vary Patrol to Prevent Element of Predictability
- Keep it Simple - Don't Attempt to Show too Much Information



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SCHEDULE OF LAW ENFORCEMENT SERVICES
 CONTRACT NO. DACW69-96-C-0031
 PROJECT - YATESVILLE LAKE
 FOR MAY

DAMSITE AREA
 EXHIBIT A
 SERVICE AREAS A, B,&C
 (Damsite, Maintenance Building, & Office Compound)

Max equipment hours this month **66**
 Max man-hours this month **66**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 8pm - 10pm (2)	2	3 9pm - 12am (3)	4 10pm - 12am (2)
5 1pm - 4pm (3)	6	7 7pm - 9pm (2)	8	9 9pm - 11pm (2)	10 8pm - 12am (4)	11 9pm - 12am (3)
12 1pm - 4pm (3)	13 7pm - 9pm (2)	14	15 6pm - 8pm (2)	16	17 8pm - 12am (4)	18 10pm - 1am (3)
19 12pm - 3pm (3)	20	21 7pm - 9pm (2)	22	23 8pm - 10pm (2)	24 10pm - 2am (3)	25 10pm - 2am (4)
26 3pm - 8pm (5)	27 Memorial Day 1pm - 9pm (8)	28	29 7pm - 9pm (2)	30	31 8pm - 10pm (2)	


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Negotiations

- Why, When, Where, Who
- Scheduling and Conducting
- Documenting Results




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**COOPERATIVE AGREEMENT
NEGOTIATION RECORD**

(1) PROJECT: _____

(2) COOPERATOR (NAME AND ADDRESS): _____

(3) SHERIFF'S/CHIEF OF POLICE (NAME, PHONE NUMBER):

(4) Areas to be patrolled:

(5) Month's: _____ through _____ ACCEPTS NEGOTIATED
 CALENDAR

Effective Start Date: _____
 Effective Completion Date: _____
 Max. No. Hrs. per day: _____
 Max. No. Patrols per day: _____


(6) Name of Individual serving
 as Cooperator's contact: _____

(7) Name of Individual serving
 as Corps of Engineers contact: _____

(8) Estimated number of nonscheduled patrols/emergency assistance
 per week: _____

(9) Number of Officers per patrol: _____

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(10) Method of Patrol Verification: _____

(11) Extra duties (foot patrols, close gates, clear areas, check
 physical security) _____

(12) Minimum proposed personnel qualifications: _____

(13) Daily Log: COE _____ COOPERATOR _____

(14) Billing Procedure: Monthly by 5th, 2 copies invoice or
 other _____


(15) Cost Per Man Hour: _____ Max. No. Hours: _____
 Cost Per Equip. Hour: _____ Max. No. Hours: _____

(16) Limit of payment for Contract Period: (_____

SIGNATURES

_____	_____	_____
(NAME)	(NAME)	(NAME)
_____	_____	_____
(TITLE)	(TITLE)	(TITLE)
_____	_____	_____
(DATE)	(DATE)	(DATE)

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Orientation

- Required by ER 1130-2-550.
- Forum For Orienting All Personnel.
- Must Be Done Before Start of Work.
- Generally Conducted by Park Manager.



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Quality Assurance Surveillance Plan

- Means of documenting performance
- Basis for addressing poor performance
- Supports management decisions regarding payment, termination, patrol schedule changes, Etc.



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Verifying Performance

Inspection Methods

- ▶ Random
- ▶ Planned
- ▶ Impromptu



Documentation

Corps

- Inspection Checklist
- Time Clock
- Park Attendant
- Radio Contact
- Contractor
- Daily Law Enforcement Log



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Diversifying Service to Address Unique or Special Problems

- Resource Protection
- “Stakeout” of Vandal Prone Areas
- Enforcement of Special Restrictions
 - ▶ Alcohol Restrictions
 - ▶ Quiet Hours
 - ▶ Close Day Use Areas at Night



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Potential Problems

- Enforcement
- Patrolling Outgrants
- Calls off Site
- Completion of Daily Law Enforcement Log
- Ranger Riding with Officer
- Boat Patrols



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Potential Problems cont.

- Officer Qualifications
- Payment for Orientation
- Rates Paid Officers
- Failure to Perform Patrols
- Court Cost Associated with Citations



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LE Agreements: Where to find help

- NRM Gateway – <http://corpslakes.usace.army.mil/>
 - ▶ Policy
 - ▶ Examples
 - ▶ FAQ's
 - ▶ District POCs




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Natural Resources Management Gateway - Operations & Regulatory CoP



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Communities of Practice

- Main CoP
- Operations & Regulatory
- Asset Management
- Flood Risk Management
- Hydropower
- Inland Navigation Infrastructure
- Natural Resources Management - Park Rangers
- Navigation
- Operations Project Managers
- Regulatory
- Safety
- Civil Works Environment

Business Processes

- Headquarters
- Acquisition
- Administration
- Budget
- Communication & Marketing
- Environment
- Facility & Land Use Management
- Financial Management
- Human Resources
- O&M Plans
- Policy & Procedures
- Programs & Partnerships
- Related Sites
- Research & Development
- Safety, Security & Risk Management
- Teams
- Tools/AIS

The NRM Gateway

- What is the Gateway?
- How to participate in Gateway development
- How to use Gateway
- Gateway Initiative
- Corps Lakes Gateway URLs
- How to Cite the Gateway
- View the NRM Gateway Overview Register, Flash

Natural Resources Management Notes

THE NATIONAL RECREATION STRATEGIC PLAN

View the Recreation Strategic Plan [PDF](#)

The national recreation strategic plan is now available for use by Corps employees.

The public release is now available.

Featured/New Websites

- Customer Discussion Guides
- Fire Management
- FY09-10 Visitor Centers - Survey tools and procedures
- FY09-10 Recreation Areas - Survey tools and procedures
- Information on FLREA [PDF](#)
- Level One Inventories
- Park Operational Efficiencies Submissions
- Park Operational Efficiency Stories
- Recreation Roadmap
- Recreation Strategic Plan [PDF](#)
- RacSTAUS - Annual Recreation Business Line Items
- Security and Force Protection
- Soils Resources and Management
- Traffic Meter 101
- Trail Funding

NRM Gateway

- Glimpse
- 4 January 2011
- 22 April 2010
- 12 March 2010
- Featured Article
- Subscribe to Glimpse

Contacts

- NRM SmartBook [PDF](#)
- Ranger SmartBook [PDF](#)
- Field Office Directory


Discussion Forums

- E-S Network
- REC Network (NRM Network)
- Park Ranger Chat [PDF](#)

Social Media - NEW!


- Facebook

[http://corpslakes.usace.army.mil/nrm.cfm\[8/10/2011 3:31:13 PM\]](http://corpslakes.usace.army.mil/nrm.cfm[8/10/2011 3:31:13 PM])



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Cooperative Agreements for Law Enforcement Services



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Cooperative Agreements for Law Enforcement Services

Headquarters POC


Need to increase law enforcement services during peak visitation at your park for public health and safety? Consider entering into a cooperative agreement for law enforcement services. The cooperative agreement will augment the existing citation authority used by Park Rangers and help to improve relations with state and/or local law enforcement agencies.

- Policy & Procedures
- Program Summary
- Training
- References
- Related Sites
- FAQs
- Good Enough to Share
- Headquarters' Perspective
- Division & District POCs [PDF](#)

PDF Item is restricted to U.S. Army Corps of Engineers and will open in a new window.

Content Subject Matter Expert
 Privacy and Security Notice
 Technical Problems
 Established August 2001

[http://corpslakes.usace.army.mil/employees/lawenr/lawenr.cfm\[8/10/2011 3:36:01 PM\]](http://corpslakes.usace.army.mil/employees/lawenr/lawenr.cfm[8/10/2011 3:36:01 PM])



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EP 1130-2-550
15 Nov 96

APPENDIX H
FORMAT FOR AGREEMENT FOR LAW ENFORCEMENT SERVICES

COOPERATIVE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND (STATE OR POLITICAL SUBDIVISION) FOR THE PROVISION OF LAW ENFORCEMENT SERVICES

This agreement, entered into this _____ day of _____, 19____, by the U.S. Army Corps of Engineers (district) (hereinafter referred to as the Corps) and (state or Political subdivision) (hereinafter referred to as the Cooperator). Witnesseth that:

WHEREAS, the construction of the _____ (hereinafter called the "Project") was authorized by the _____ Act, approved _____ (Public Law _____), and the provision of recreation, resources in (state of political subdivision) was authorized by (the same) *(the provision of the Federal Water Project Recreation Act of 1965) *Section 4 of the 1944 Flood Control Act, as amended (16 USC 460d); and

WHEREAS, it is the responsibility of the Corps, in administering the Project lands, to provide the public with safe and healthful recreational opportunities; and

WHEREAS, the Cooperator has the authority to enforce the state and local laws for (law enforcement jurisdiction) on such lands; and WHEREAS, Section 120 of the Water Resources Development Act of 1976 (Public Law 94-387) authorizes the Corps to contract with states and their political subdivisions for the purpose of obtaining increased law enforcement services on Project lands to meet needs during peak visitation periods; and

WHEREAS, it is in the best interests of the Corps to obtain the assistance of the Cooperator in the enforcement of state and local laws on Project lands.

NOW, THEREFORE, the parties hereto mutually agree as follows:

Article 1. Plan of Operation.

(a) The Corps and the Cooperator have agreed to a Plan of Operation which describes the scope and extent of law enforcement services to be provided by the Cooperator in accordance with this agreement. Such Plan of Operation, as concurred in by the Cooperator, is attached hereto as Appendix A and made a part hereof.


(b) It is recognized and understood that the Corps and the Cooperator may, at the request of either, renegotiate the Plan of Operation. The renegotiated Plan of Operation shall, upon written acceptance thereof by both parties, supersede Appendix A.

Article 2. Obligations of the Cooperator.

(a) The Cooperator agrees to furnish law enforcement services as follows:


Select applicable authority for the recreation development.

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Cooperative Agreements for Law Enforcement Services: Frequently Asked Questions



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Frequently Asked Questions

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Q. What authority does the local Sheriff have on Corps land?
A. The Corps of Engineers obtained proprietary interest when it acquired land for the Civil Works installation. The individual states and their political subdivisions (Sheriff's Department) retained their statutory authority and inherent responsibility to enforce state and local laws. In short, Sheriffs can enforce any law on Corps property that can be enforced in their counties.


Q. Does the cooperative agreement for law enforcement have to be sent through Contracting?
A. Not every District does things the same; you need to find out how your District has decided to do this type of cooperative agreement - some do, some don't.

Q. Where does the funding come from to pay for the cooperative agreement for law enforcement services?
A. Funding for cooperative agreements for law enforcement services come from Project O&M funds.

Q. How do I negotiate a bid price that is higher than the government estimate?
A. When you did the Government estimate, you would have taken into account all the information you could gather on what a fair price would be. If the Sheriff's bid worksheet is higher on a particular item than the Government estimate, you will need to talk to the Sheriff about that line item. Listen to how the Sheriff explains how he arrived at the bid price and see if something is brought up that you had not thought of that would influence the price. If there is not something that you forgot to consider, then explain to the Sheriff how you arrived at the Government's estimate. A simple example would be: The Sheriff's bid worksheet asks for 140 miles per day to be traveled but the Government estimate you came up with was 120 miles to be traveled a day. If you explain that the historical records of miles traveled per day was 120 and nothing new was added to the agreement to indicate that they should be increased, then the Sheriff will undoubtedly agree with your figure of 120 miles per day.

[Technical Problems](#)

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Questions



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