

CHAPTER 6 - VISITOR ASSISTANCE PROGRAM

6-1. Purpose. This chapter establishes guidance for assistance to visitors at USACE civil works water resource development projects.

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 project managers and rangers responsible for the direction or implementation of the program. Operations project 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 project 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 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.

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training, individual readiness to meet this criteria remains questionable, citation authority should be withheld or withdrawn.

d. 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.

e. 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.

f. MSCs and districts will make at least a biennial analysis, by project, of citation data from the NRMS report. 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.

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

h. 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.

i. 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 ranger or other 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 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. HQUSACE Visitor Assistance, NRM, Course. MSC offices will ensure that all permanent, seasonal, and returning temporary personnel with need for citation authority attend the mandatory HQUSACE sponsored training within two years of hiring. The HQUSACE training is the minimum requirement for the authorization of citation authority. This course will provide the basic instruction necessary to carry out visitor assistance duties and will emphasize the history, philosophy, and techniques used in visitor assistance. During the first two years of employment, personnel will also be provided additional training by MSCs or districts to cover local and regional needs.

b. MSC or District Visitor Assistance Course. For personnel who are waiting to attend HQUSACE training and need citation authority immediately, a minimum of 40 hours of combined on-the-job and approved classroom training will be provided by the district or division before the individual will be allowed to enforce Title 36 (CFR). This training will cover philosophy, techniques, limits of Title 36 authority and specific local and regional needs to enable individuals to perform their duties. As a minimum, the core curricula found in Appendix E, along with on-the-job training which addresses special needs of the project, will be required. All employees who complete the 40-hour district or MSC course may be authorized to have citation authority for a maximum of two years with this training. This authority cannot be extended unless the individual attends the HQUSACE training course. District or MSC refresher courses cannot be substituted in lieu of the HQUSACE course. Districts must obtain formal HQUSACE CECW-ON approval of their curriculum as noted in Appendix E prior to conducting a Visitor Assistance Course. No temporary employee in the first summer of employment will be granted citation authority.

c. HQUSACE Visitor Assistance (Advance) Course. A HQUSACE sponsored training course for personnel with citation authority and those who manage and direct the Visitor Assistance Program is provided. Permanent personnel will attend the course as needed after attending the initial HQUSACE Visitor Assistance Course. This training provides an update on authority, policy, procedures and changes in the program. It is required for all Natural Resources Management personnel and, in particular, resource managers and district and MSC personnel.

d. MSC or District Refresher Training. Each MSC or district will provide visitor assistance and Title 36 refresher training to all district personnel with citation authority as needed. This training may be accomplished at ranger conferences or by other appropriate means. This training will review basic visitor assistance information, sharpen skills and techniques, or address special needs of the district.

e. Personal Protection Training. All personnel performing visitor assistance duties must receive a minimum of 24 hours of personal protection/unarmed self defense, situation evaluation and tactical communication training within two years of employment. This training can be obtained through HQUSACE-sponsored courses (where available) or locally-sponsored courses. Local courses must strictly adhere to Corps authority and policy and must be approved by HQUSACE prior to implementation. Instructors must be fully knowledgeable and supportive of the philosophy, objectives and authority limitations of the visitor assistance program.

f. Medical Training. Managers and supervisors will assure that individuals who perform Visitor Assistant duties are provided first aid, cardiopulmonary resuscitation, blood-borne pathogen and other appropriate health training, and offered preventative inoculations in order that they be qualified and protected to perform immediate, on-site emergency medical treatment to injured personnel and visitors. Employees shall receive the equivalent of Red Cross "Advance First Aid and Emergency Care" course. 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 Project Manager. Refresher medical training may be required to maintain certification.

g. Other Training. To complement visitor assistance training, permanent resource manager and ranger personnel shall receive, at the district or project level, training on defensive driving, cultural resource protection, historic property protection, water safety and boat licensing and operation. Where necessary, training in a second language other than English is highly recommended.

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 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 Project 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, Provost Marshal or Security Manager, 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, 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 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 contact should be given maximum consideration. Employee safety will be a primary consideration in the conduct of these activities.

d. The scheduling of 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 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 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 light green color that closely matches Federal Color Paint Chip No. 14260. Marking of vehicles and vessels will be in accordance with ER 56-2-1 and EP 310-1-6.

b. Resource manager and ranger vehicles and vessels will be equipped with a fixed spot light on the driver's door. Vehicles may be equipped with a single removable warning light which is acceptable to the states in terms of color and placement. Lights mounted behind the grill, which are inconspicuous to the public when not in use, are authorized. Fixed roof or external grill-mounted warning lights are not authorized. Because the purpose of this equipment is for visitor assistance and not the enforcement of state/local laws, district offices will periodically review the use of these lights.

c. Project managers will equip vehicles with a public address system and warning siren. 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.

d. All 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 flash light. 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 ranger vehicles and vessels.

6-8. Communications.

a. Operations and project 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 project managers will determine the most reliable communication system for their project. However, if radios are selected over cellular phones, project 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.

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 summon 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 officer. 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 judgement 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.

6-15. Reports. Statistical data on issued citations will be reported in Natural Resource Management System as directed in ER 1130-2-550, Chapter 12. 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.

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 is a condition of employment and must be made evident during the announcement/recruitment process. 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.