ADP 3-28

DEFENSE SUPPORT OF CIVIL AUTHORITIES



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Defense Support of Civil Authorities

Contents

Page

PREFACE ..... **v**

INTRODUCTION ..... **vii**

Chapter 1 FRAMEWORK **1-1**

Section I – Introduction To Defense Support of Civil Authorities **1-1**
State and Federal Laws Define How Military Forces Support Civil Authorities 1-2
Civil Authorities Are In Charge, and Military Forces Support Them 1-2
Military Forces Depart When Civil Authorities Are Able To Continue Without Military Support 1-2
Military Forces Must Document Costs Of All Direct And Indirect Support Provided 1-3

Section II – Foundational National And Military Policy **1-3**
Presidential Policy Directives 1-4
National Incident Management System 1-4
National Response Framework 1-7
National Security Strategy of the United States 1-9
Military Emergency Preparedness Policy 1-10

Section III – Tiered Response And Unified Action **1-10**
Employment of the National Guard in Federal Service for Incident Response 1-10
Employment of the Reserve Component of the Army for Incident Response 1-11
Authorities and Unified Action Partner Agencies 1-11

Chapter 2 ARMY SUPPORT **2-1**

Section I – Defense Support of Civil Authorities **2-1**
Homeland Defense 2-2
Defense Support of Civil Authorities and Homeland Security 2-2
Counterterrorism Support 2-4
Antiterrorism Support 2-5

Section II – Components of the Army **2-5**
Regular Army 2-5
Army Reserve 2-5
Army National Guard 2-6

Section III – Key Legal Considerations **2-6**
The Posse Comitatus Act 2-6
Federal Military Forces and Authority for Domestic Civil Disturbance Support 2-7
Personal Liability 2-9
Religious Support 2-10

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Chapter 3 ORGANIZATION FOR ARMY SUPPORT 3-1

Section I – Unity of Effort 3-1
National Guard Forces 3-2
Federal Military Forces 3-2
State Defense Forces that are not Components of the State Army National Guard 3-4

Section II – Coordination of State and Federal Military Forces 3-4
Coordination of State National Guard Forces 3-5
Coordination of Federal Military Forces 3-5
Combatant Command Organization 3-6

Section III – Considerations for the Exercise of Command and Control 3-9
State National Guard Command 3-9
Federal Military Command 3-10
Parallel and Dual Status Command 3-11
Command in a Multi-State Catastrophe 3-14
Command and Support Relationships 3-15
Intelligence and Information 3-15

Chapter 4 RESPONSE 4-1

Section I – Range of Response 4-1
Army National Guard Support 4-2
Federal Military Support 4-4
Phases of Disaster Response Operations 4-7

Section II – Core DSCA TASKS 4-10
Provide Support for Domestic Disasters 4-11
Provide Support for Domestic Chemical, Biological, Radiological, or Nuclear Incidents 4-12
Provide Support for Domestic Civilian Law Enforcement 4-22
Provide Other Designated Domestic Support 4-29

Section III – Tactical Considerations 4-30
Command and Control 4-30
Movement and Maneuver 4-31
Incident Awareness and Assessment 4-32
Sustainment 4-33
Protection 4-34

GLOSSARY Glossary-1

REFERENCES References-1

INDEX Index-1

Figures

Introductory Figure. ADP 3-28 logic chart viii

Figure 1-1. Incident command staff organization (civilian) based on National Incident Management System 1-6

Figure 1-2. Department of Homeland Security organizational chart 1-17

Figure 1-3. Federal Emergency Management Agency regions and regional headquarters 1-18

Figure 1-4. Example of a fully staffed joint field office organization (multiagency), based on the National Incident Management System 1-20

Figure 3-1. Example of a state National Guard organization for missions in state active duty or Title 32, USC status 3-5

Figure 3-2. Example of defense coordinating element organization 3-6
Figure 3-3. Example of United States Northern Command and United States Army North organization 3-7
Figure 3-4. Example of a state response (Illinois) with National Guard and civilian echelons 3-10
Figure 3-5. Example of parallel command structure 3-12
Figure 3-6. Example of dual status command structure 3-13
Figure 4-1. Range of response 4-2
Figure 4-2. Summary of process leading to mission assignments 4-5
Figure 4-3. Example of United States Northern Command joint task force command and control 4-6
Figure 4-4. Phases of disaster response 4-8
Figure 4-5. Defense support of civil authorities core tasks with examples 4-11
Figure 4-6. World Health Organization pandemic influenza phases 4-20
Figure 4-7. Illustration of continuum of force 4-35
Figure 4-8. Sample rules for the use of force card carried by state National Guard 4-37

Tables

Table 1-1. Emergency support function annexes and coordinators 1-9
Table 2-1. Summary of types of duty status for Army forces 2-9
Table 3-1. Example of augmentation package from USNORTHCOM or USARNORTH 3-14

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Preface

Army doctrine publication (ADP) 3-28 is the doctrinal foundation for the Army's contribution to defense support of civil authorities (DSCA). ADP 3-28 explains how the Army conducts DSCA missions and National Guard civil support missions as part of unified land operations. ADP 3-28 focuses on achieving unity of effort among the Army battalions, brigades, division headquarters, and Army Service component commands conducting DSCA with support from the institutional force and in cooperation with joint and interagency partners. (See Introductory Figure, on page viii for the complete ADP 3-28 logic chart.)

The principal audience for ADP 3-28 is all members of the Army profession. Commanders and staffs of Army headquarters serving as joint task force headquarters should also refer to applicable joint doctrine concerning the range of military operations and joint forces. In addition, trainers, educators, and contractors throughout the Army will also use this publication as a doctrinal reference. United States Pacific Command and United States Northern Command conduct DSCA within their respective areas of responsibility. Users in United States Pacific Command should refer to theater plans and procedures for DSCA.

Commanders, staffs, and subordinates conducting DSCA ensure their decisions and actions comply with applicable U.S. and state laws and regulations. Commanders at all levels ensure their Soldiers operate in accordance with the rules for the use of force (see JP 3-28). Commanders use the interorganizational coordination processes discussed in JP 3-08, chapter 3, and the National Incident Management System (NIMS) and National Response Framework (NRF).

ADP 3-28 uses joint terms where applicable. Selected joint and Army terms and definitions appear in both the glossary and the text. For definitions shown in the text, the term is italicized and the number of the proponent publication follows the definition. ADP 3-28 is not the proponent publication for any Army terms. In addition to military terms, this ADP uses standard terminology and principles from the NIMS and the NRF.

ADP 3-28 applies to the Active Army, Army National Guard/Army National Guard of the United States, United States Army Reserve, and the Army Civilian Corps with three exceptions. First, Army National Guard missions conducted in state active duty status as National Guard civil support fall outside the definition of DSCA. Second, ADP 3-28 does not apply to Army organizations conducting domestic counterterrorism operations. Finally, ADP 3-28 does not apply to military activities conducted wholly within any military installation in the United States. Also, ADP 3-28 applies to the United States Army Corps of Engineers (USACE) in limited scope although their missions and capabilities play a significant role in DSCA. Moreover, any mention of the National Guard refers to Army National Guard unless otherwise noted. The National Guard does not include any state defense force or equivalent that is not part of a state's Army National Guard.

The proponent of ADP 3-28 is the United States Army Combined Arms Center. The preparing agency is the Combined Arms Doctrine Directorate, United States Army Combined Arms Center. Send comments and recommendations on a DA Form 2028 (*Recommended Changes to Publications and Blank Forms*) to Commander, U.S. Army Combined Arms Center and Fort Leavenworth, ATTN: ATZL MCK D (ADP 3-28), 300 McPherson Avenue, Fort Leavenworth, KS 66027 2337, by email to usarmy.leavenworth.mccoe.mbx.caddorgmailbox@mail.mil; or submit an electronic DA Form 2028.

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Introduction

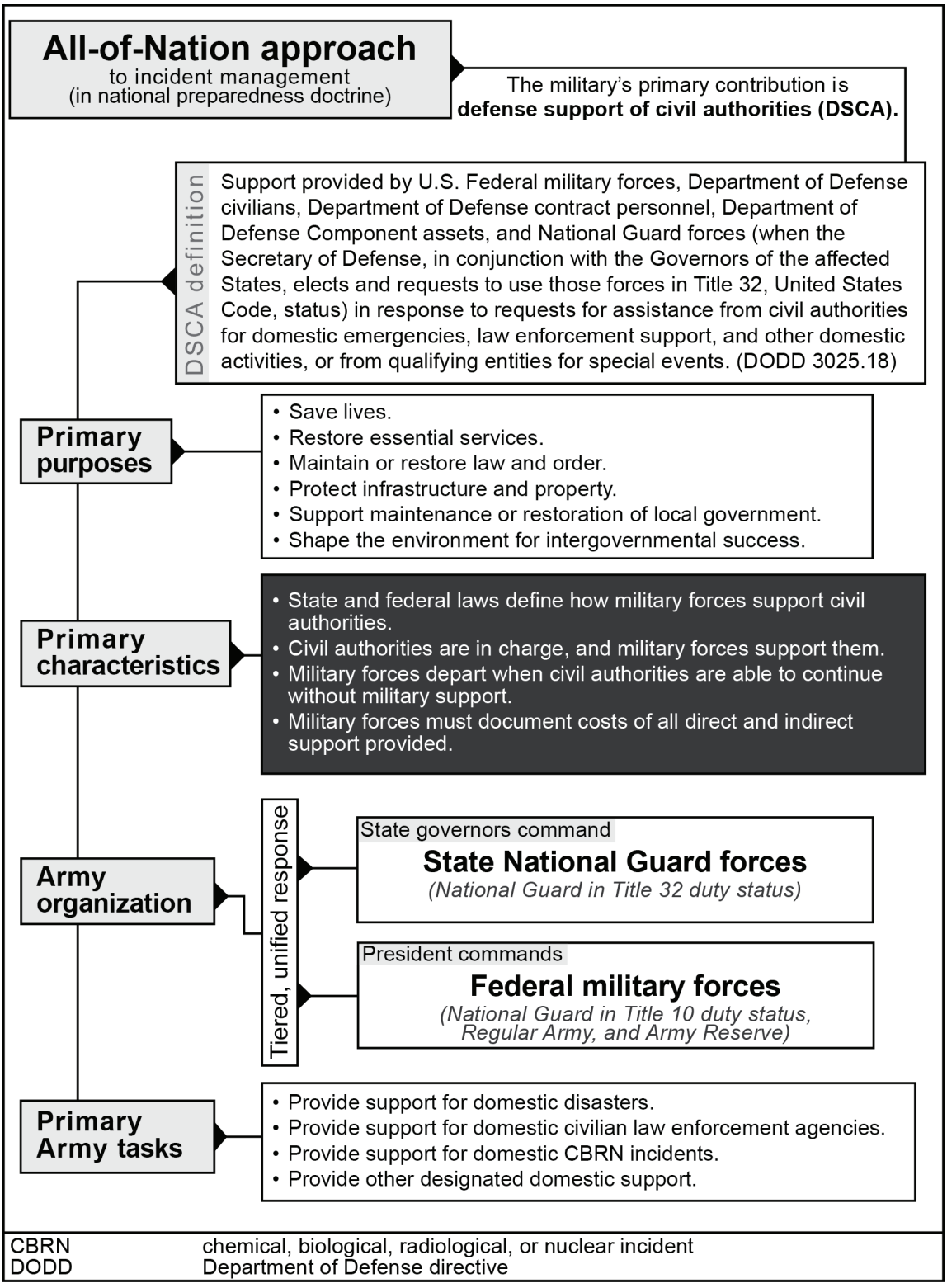
ADP 3-28 clarifies similarities and differences between defense support of civil authorities (DSCA) and other elements of decisive action. DSCA and stability operations are similar in many ways. Both revolve around helping partners on the ground within areas of operations. Both require Army forces to provide essential services and work together with civil authorities. However, homeland operational environments differ from those overseas in terms of law, military chain of command, use of force, and inter-organizational coordination among unified action partners. This ADP helps Army leaders understand how operations in the homeland differ from operations by forces deployed forward in other theaters. It illustrates how domestic operational areas are theaters of operations with special requirements. Moreover, this ADP recognizes that DSCA is a joint mission that supports the national homeland security enterprise. The Department of Defense conducts DSCA under civilian control, based on U.S. law and national policy, and in cooperation with numerous civilian partners. National policy, in this context, often uses the word joint to include all cooperating partners, as in a joint field office led by civil authorities. See Introductory Figure, on page viii.

The utilization of military forces during periods of domestic emergency is not undertaken lightly. The military however brings with it unique abilities, in terms of both capability and capacity which provide respondents with the resources needed to respond to an incident. The use of military forces in the responses to hurricanes Andrew in 1992 and Katrina in 2005 illustrate some of the different responses the U.S. military can provide. They also led the government to realize that additional coordination was required before an incident to ensure a successful response. An in-depth look at the tenets of DSCA, authorities, and the national preparedness system framework are discussed in chapter one.

The support the Army provides to civil authorities falls into four main tasks: Provide support for domestic disasters, provide support for domestic chemical, biological, radiological, and nuclear incidents, provide support for domestic civilian law enforcement agencies, and provide other designated support. Due to legal limitations such as the Posse Comitatus Act, the purpose for which the military can respond to these incidents is constrained, allowing a military response only to; save lives, restore essential services, maintain or restore law and order, protect infrastructure and property, support maintenance or restoration of local government, or shape the environment for intergovernmental success. Both state and federal laws detail how support is requested, provided and limited in both scope and duration. Further information on the employment of military forces and legal restrictions on doing so are provided in chapter two.

A successful response to any disaster—natural or man-made—requires a whole-of-government approach. Such endeavors are inherently complicated due to the large number of organizations from local, state, and federal governments, and non-governmental, humanitarian organizations. Chapter three outlines key organizations which routinely respond to such incidents, and outlines key considerations for command and control of the military portion of that response. Bringing a unity of effort to a collection of independent organizations is vital to reducing the natural cacophony that occurs when a multitude strive independently and achieves better results.

The final chapter describes in further detail several tasks the Army may be called upon to support, ranging from chemical, biological, radiological, or nuclear (CBRN) incidents, to natural disasters and health pandemics. These tasks are addressed from a war-fighting function perspective, and highlight the application of material from earlier chapters, such as the rules for the use of force, and the differences in tasks performed by Soldiers operating under federal authority and the National Guard's civil support across the DSCA range of response capabilities.



Introductory Figure. ADP 3-28 logic chart

Chapter 1
Framework

This chapter begins by introducing the concept framework for defense support of civil authorities (DSCA) and the foundational national and military policy documents that establish the Nation's comprehensive approach to national preparedness. Then it describes how Army support of civil authorities in the homeland fits into a tiered response that ensures unified action among all partners.

SECTION I – INTRODUCTION TO DEFENSE SUPPORT OF CIVIL AUTHORITIES

1-1. *Defense Support of Civil Authorities* is support provided by U.S. Federal military forces, Department of Defense civilians, Department of Defense contract personnel, Department of Defense component assets, and National Guard forces (when the Secretary of Defense, in coordination with the governors of the states, elects and requests to use those forces in Title 32, United States Code, status) in response to requests for assistance from civil authorities for domestic emergencies, law enforcement support, and other domestic activities, or from qualifying entities for special events. (DODD 3025.18).

1-2. Within the United States, we support civil authorities through DSCA. If hostile powers threaten the homeland, we combine defensive and offensive tasks with DSCA. The effort accorded to each task is proportional to the mission and varies with the situation. We label these combinations *decisive action* because of their necessity in any campaign.

1-3. DSCA missions encompass more than disaster response or homeland defense. *Homeland defense* is the protection of United States sovereignty, territory, domestic population, and critical defense infrastructure against external threats and aggression or other threats as directed by the President (JP 3-27). A majority of DSCA missions support a designated national special security event (NSSE). A NSEE is a designated event that, by virtue of its political, economic, social, or religious significance, may be the target of terrorism or other criminal activity (JP 3-28). Olympics, inaugurations, or state funerals are examples of NSSEs. (See chapter 4, section II for more information on other domestic support considerations).

1-4. Army forces operating within the United States encounter very different operational environments than they face outside the Nation's boundaries. Although many of the small-unit tasks remain the same, there are important differences in the conditions associated with them. Principally, the roles of civilian organizations and the relationships of military forces to federal, state, territorial, tribal, and local agencies are different. These pronounced differences warrant defining a different task set than offense, defense, or stability. Army forces provide support depending on specific circumstances dictated by law. Soldiers and Army Civilians need to understand domestic environments, so they can employ the Army's capabilities efficiently, effectively, and legally.

1-5. While every domestic support mission is unique, four defining characteristics shape the actions of commanders and leaders in any mission. These characteristics are that—

- State and federal laws define how military forces support civil authorities.
- Civil authorities are in charge, and military forces support them.
- Military forces depart when civil authorities are able continue without military support.
- Military forces must document costs of all direct and indirect support provided.

STATE AND FEDERAL LAWS DEFINE HOW MILITARY FORCES SUPPORT CIVIL AUTHORITIES

1-6. State and federal laws define almost every aspect of DSCA. They circumscribe tasks units may perform and from whom they take direction. Depending on their duty status, laws prohibit many Soldiers from undertaking certain missions, especially those associated with law enforcement. Laws also specify professional requirements for skills such as medical treatment. Commanders should consult with their staff judge advocate before authorizing Soldiers to perform any task outside the mission. Disregarding the laws affecting DSCA tasks can lead to issues that will hinder mission accomplishment. Leaders at every level ensure their Soldiers comply with applicable U.S. and state laws, even when doing so seems to hamper rapid accomplishment of the task. Unless there is an imminent risk to life or limb, or risk of catastrophic property damage, commanders in doubt about the legal consequences of an action should seek guidance from their higher headquarters before proceeding.

1-7. All Army personnel—military, civilian, and contractor—must understand the state's rules for the use of force (RUF) and federal standing rules for the use of force (SRUF). State authorities establish RUF consistent with state laws. (SRUF are further discussed in the Operational Law Handbook). RUF and SRUF are the equivalent of rules of engagement, except that they apply in domestic situations. They are restrictive, not permissive, and vary from state to state. Leaders must review them with their subordinates before every mission. Commanders stress the same emphasis to RUF and SRUF as to rules of engagement in a restrictive environment. Commanders must keep in mind that the first purpose of DSCA is to save lives; lethal force is always a measure of last resort. (See Chapter 4, for more information on use of force in regards to DSCA tasks.)

CIVIL AUTHORITIES ARE IN CHARGE, AND MILITARY FORCES SUPPORT THEM

1-8. When performing DSCA tasks, military forces support a primary (or lead) civilian agency. The command of military forces remains within military channels, but missions begin as requests for assistance from the supported civil authorities. One of the biggest mistakes tactical commanders can make is to assume they need to take charge upon arrival at the scene of an incident. An *incident* is an occurrence, caused by either human action or natural phenomena that requires action to prevent or minimize loss of life or damage, loss of, or other risks to property, information, and/or natural resources (JP 3-28). Military forces operating freely within civilian jurisdictions risk upsetting the constitutional balance between civil authority, the military, and the private sector. Commanders should begin by viewing each domestic operational environment as an assortment of civil authorities, each with primacy in its jurisdiction.

1-9. The principle of tiered response means that the lowest level of government always maintains its authority and initiates requests for help. A primary (or lead) civilian agency establishes the priority of effort for military forces supporting an incident. At the federal level, this is typically the Federal Emergency Management Agency (FEMA). At the state level, it is the state emergency management agency (the formal names of these agencies vary by state). However, civilian agencies do not issue orders to military units. Military and civilian partners coordinate across all levels to ensure that military forces receive the correct priority of effort and avoid duplication.

MILITARY FORCES DEPART WHEN CIVIL AUTHORITIES ARE ABLE TO CONTINUE WITHOUT MILITARY SUPPORT

1-10. Army forces complete their tasks and redeploy on order in the least amount of time needed by civil authorities to resume providing for citizens and carry on the response. The military end state for domestic support missions is based on the capability of civil authorities to discharge their responsibilities without further military support. As soon as that threshold is achieved, commanders report it to the supported agency through the military chain of command. This does not imply a complete return to normalcy; it means that civilian resources are able continue the mission without further military support. Measures of effectiveness should be based on civilian capability to perform tasks unaided. Army forces, regardless of their duty status,

plan to accomplish their tasks and hand over any remaining essential tasks or duties to appropriate civilian organizations as soon as feasible.

Note: While a mission may involve a specific military task, commanders need to realize achieving the military end state means that state, territorial, local, and tribal authorities become able to provide effective support to their citizens without further help from military forces.

MILITARY FORCES MUST DOCUMENT COSTS OF ALL DIRECT AND INDIRECT SUPPORT PROVIDED

1-11. All Army forces performing DSCA tasks maintain a detailed record of operations, not just direct expenditures, because supported civilian agencies must reimburse the Department of Defense (DOD) for any support provided. Less stringent requirements may exist at the state level for use of state National Guard forces. All federal military support is provided on a reimbursable basis unless otherwise directed by the President or the Secretary of Defense. Cost reimbursement for DSCA is usually according to section 1535 of Title 31, United States Code (USC). Commonly called the Economy Act, this law mandates cost reimbursement by the federal agency requesting military support. The Stafford Act sets the guidelines for reimbursements from federal funds to federal agencies and states. Federal law also mandates that the states reimburse FEMA for a portion (usually 25 percent) of any request for assistance passed to the federal level. This translates into unit requirements to submit documentation of exactly what support state and federal military forces provided.

SECTION II – FOUNDATIONAL NATIONAL AND MILITARY POLICY

1-12. The Army supports homeland security through an integrated and comprehensive approach to national preparedness. *Homeland security* is a concerted national effort to prevent terrorist attacks within the United States; reduce America's vulnerability to terrorism, major disasters, and other emergencies; and minimize the damage and recover from attacks, major disasters, and other emergencies that occur (JP 3-27). Soldiers and Army Civilians stand ready to help fellow citizens in the homeland the moment civil authorities request help, in accordance with national and DOD preparedness policy and doctrine, as well as U.S. laws and constitutional principles.

1-13. Army leaders directing DSCA missions or tasks must understand how the Constitution of the United States structures the powers of the federal government and limits the powers of military forces operating in the homeland. They must understand how national and military policy applies constitutional principles. The Constitution divides state and federal forces and establishes the fundamental precept that the military serves in support of civil authority. Consistent with this precept, preparedness policy structures DSCA to ensure unity of effort. The 10th Amendment to the U.S. Constitution, "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people," provides the legal authority for the division of state and federal forces and limits federal police powers and serves as a foundation for national DSCA authorities.

1-14. Presidential Policy Directive 8 describes national preparedness as "the actions taken to plan, organize, equip, train, and exercise to build and sustain the capabilities necessary to prevent, protect against, mitigate the effects of, respond to, and recover from those threats that post the greatest risk to the security of the Nation." In support of this directive, the Department of Homeland Security (DHS), primarily through FEMA, develops and maintains national doctrine for all aspects of national preparedness.

1-15. U.S. Code: Title 6–Domestic Security, outlines the requirements for National Emergency Management and National Emergency Preparedness. The supporting foundational documents for national preparedness policy and doctrine include—

- Presidential Policy Directive 8.
- National Incident Management System (NIMS).
- National Response Framework (NRF).
- National security strategy.

PRESIDENTIAL POLICY DIRECTIVES

1-16. In 2011, Presidential Policy Directive 8 initiated new national preparedness efforts to strengthen the security and resilience of the United States through systematic preparation for the threats that include acts of terrorism, pandemics, and catastrophic natural disasters. Led by DHS and FEMA, this directive's implementation comprises six elements:

- The national preparedness goal.
- The national preparedness system.
- National planning frameworks for five mission areas: prevention, protection, mitigation, response, and recovery.
- Federal interagency operational plans.
- A national preparedness report.
- Building and sustaining national preparedness.

1-17. The national preparedness goal is to have, "a secure and resilient nation with the capabilities required across the whole community to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk." This goal emphasizes the need for cooperation among partners, and defines 32 core capabilities to address the greatest risks facing the Nation. The goal also organizes these core capabilities into five mission areas: prevention, protection, mitigation, response, and recovery. (See FEMA National Preparedness Goal for more information, including a list of the core capabilities).

1-18. The national preparedness system outlines the approach, resources, and tools for achieving the preparedness goal. It comprises six components generally based on risk, capabilities, and periodic reviews to assess and update the system. In addition, the national preparedness system incorporates the NIMS, along with other tools and resources. (See FEMA National Preparedness System for more information).

1-19. Five national planning frameworks focus on the core capabilities for each mission area (prevention, protection, mitigation, response, and recovery). They discuss ways that federal agencies work together to meet the needs of individuals, families, communities, and states in accordance with the national preparedness goal. (See the FEMA National Planning Frameworks for more information).

1-20. Federal interagency operational plans, one for each of the five preparedness mission areas, describe the concept of operations for aligning resources, as well as, integrating and synchronizing existing national-level capabilities including military forces integration. (See the FEMA Federal Interagency Operational Plans for more information).

1-21. An annual national preparedness report evaluates and measures preparedness gains made by individuals and communities, private and nonprofit sectors, faith-based organizations, and all levels of government and identifies where challenges remain. (See the FEMA National Preparedness Report for more information.)

1-22. Building and sustaining national preparedness comprises a range of ongoing activities in the areas of public outreach, federal preparedness efforts, grants and technical assistance, and research and development. National preparedness is a continuous improvement area that is inherently under assessment, review, and improvement. A key component of building and sustaining national preparedness is the National Exercise Program. The National Exercise Program serves as the principal mechanism for examining the preparedness and readiness of the United States across the entire homeland security and management enterprise. The purpose of the National Exercise Program is to design, coordinate, conduct, and evaluate exercises that rigorously test the Nation’s ability to perform missions and functions that prevent, protect against, respond to, recover from, and mitigate all hazards. (See the FEMA National Exercise Program for more information).

NATIONAL INCIDENT MANAGEMENT SYSTEM

1-23. NIMS is a process providing a management template that applies to all incidents, all levels of government, all homeland security partners, and all functional disciplines regardless of the cause, size, location, or complexity of an incident. It is the nationwide systematic approach to incident management organized into five components: preparedness, communications and information management, resource management, command and management, and ongoing management and maintenance.

1-24. NIMS predates Presidential Policy Directive 8, and as such, now works hand in hand with the NRF. NIMS provides the template for the management of incidents, while the NRF provides the structure and mechanisms for national-level policy for incident management. On a daily basis throughout the homeland, fire departments, law enforcement agencies, emergency medical responders, and other partners use the NIMS template for managing emergencies with the basic premise of managing incidents at the local level first.

1-25. This Army doctrine publication (ADP) introduces several well-established NIMS command and management constructs essential for interoperability. Under NIMS Component IV: Command and Management, there are three fundamental elements of incident management: the incident command system (ICS), the multiagency coordination system, and public information. These elements provide standardization through consistent terminology and established organizational structures (For complete and up to date information, see the FEMA National Incident Management System).

INCIDENT COMMAND SYSTEM

1-26. ICS is a widely applicable management system designed to enable effective, efficient incident management by integrating a combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure. ICS is used to organize on scene (in the field) and supporting operations for incidents of any size, often under urgent conditions, without sacrificing attention to any component of the command system.

1-27. As a system, ICS is extremely useful. Not only does it provide an organizational structure for incident management, but it also guides the process for planning, building, and adapting that structure. ICS is based on 14 proven management characteristics:

- Common terminology.
- Modular organization.
- Management by objectives.
- Incident action planning.
- Manageable span of control.
- Incident facilities and locations.
- Comprehensive resource management.
- Integrated communications.
- Establishment and transfer of command.
- Chain of command.
- Unified command.
- Accountability.
- Dispatch and deployment.
- Information and intelligence management.

INCIDENT COMMAND AND COMMAND STAFF

1-28. An incident command is the entity responsible for overall management of an incident (see the FEMA Glossary for full definitions of this and other civilian terms). An incident command consists of a single incident commander or a unified command if more than one jurisdiction is involved.

1-29. Emergency management and response personnel, usually under the command of local civil authority, make tactical decisions and carry out tactical actions. Responders from federal, state, territorial, tribal, or local levels may become part of the incident command, as led by the local authority (a single incident commander) or authorities (if in a unified command).

1-30. The scope of some incidents requires a command staff that typically includes a public information officer, a safety officer, and a liaison officer. The command staff reports directly to the single incident commander or a unified command. When needed, a general staff typically consists of operations, planning, logistics, and finance and administration sections. Depending on the nature of the incident, the system adds additional staff support as needed (such as medical or legal). The single incident commander, or unified

command, and the staff combine to form the incident management team. (Figure 1-1 illustrates the concept of incident command with supporting command staffs and general staffs shown).

1-31. An incident complex is a situation where a single incident commander or a unified command manages two or more incidents located in the same general area. An incident complex approach is used when it is more efficient for one command to manage concurrent incidents relatively close together.

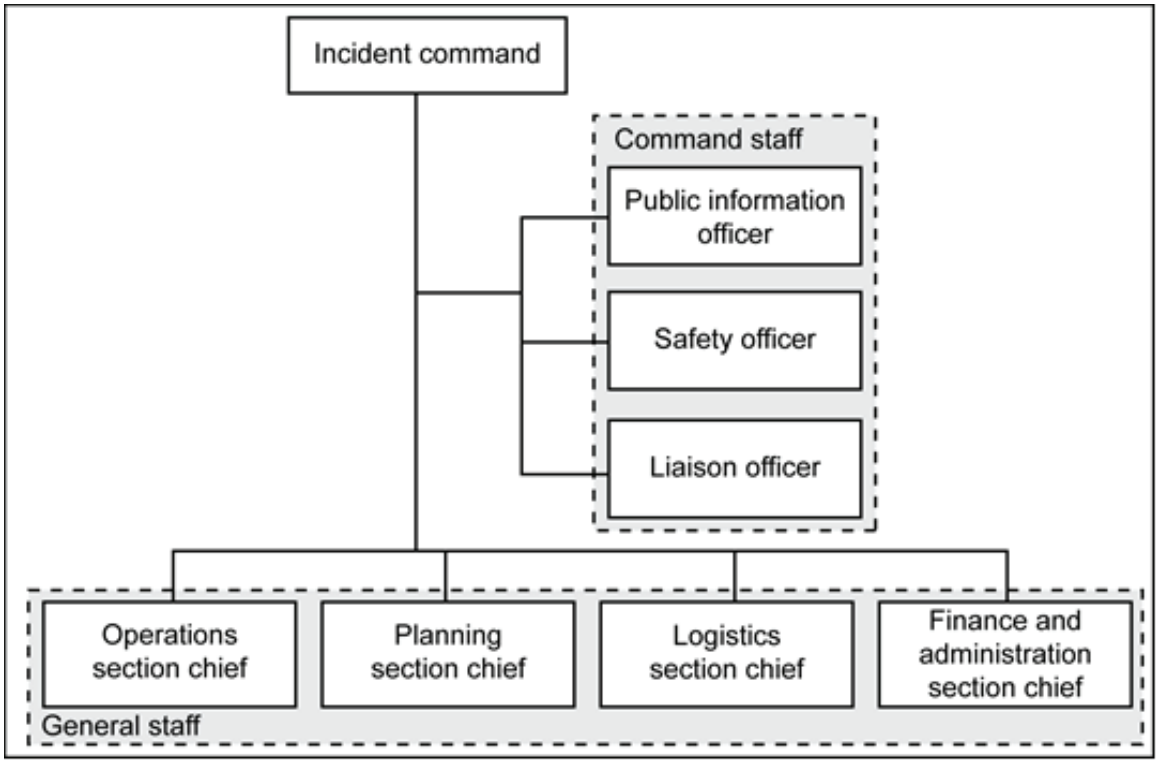


Figure 1-1. Incident command staff organization (civilian) based on National Incident Management System

MULTIAGENCY COORDINATION SYSTEMS

1-32. Multiagency coordination systems are flexible coordination processes established among related groups of supporting organizations in response to specific incidents. The groups normally coordinate resources above the field level. Multiagency coordination groups and emergency operations centers are the two most commonly named elements of NIMS multiagency coordination systems.

1-33. A multiagency coordination group is an ad hoc coordination group usually consisting of administrators, executives, or other representatives from participating entities. The group members commit their organizations' resources and funds to support an incident response. Multiagency coordination groups establish coordination processes-referred to as systems-that bridge members' jurisdictional lines and disciplines to support operations on the ground. Multiagency coordination groups coordinate with the single incident commander or unified command, usually by placing personnel at or near an emergency operations center.

1-34. An *emergency operations center* is a temporary or permanent facility where the coordination of information and resources to support incident management activities normally takes place (JP 3-41). Many cities, most counties, and most states have permanent emergency operations centers. These may be organized by major functional disciplines (such as fire, law enforcement, and medical services), by jurisdiction (such as federal, state, territorial, regional, county, city, and tribal), or by some combination of function and jurisdiction. Emergency operations center is a generic term for a type of multiagency entity. An emergency operations center normally includes a full staff performing coordination; communications; resource

allocation and tracking; and information collection, analysis, and dissemination. An emergency operations center typically serves as a central communication point between entities participating in the ICS (managing operations in the field) and the multiagency coordination groups. However, in a complex situation, the civil authority with jurisdiction may establish an area command to oversee multiple incident command organizations. An area command may interface between several incident command posts and supporting centers or groups.

Planning Process

1-35. NIMS describes a planning process for developing an incident action plan. Army leaders should be familiar with the NIMS planning process to synchronize planning with civilian counterparts. The NIMS planning process represents a template for planning that includes all steps a single incident commander or unified command and members of a command and general staff should take to develop and disseminate an incident action plan. The process contains five primary phases designed to enable the accomplishment of incident objectives within a specified time. The planning process may begin with the scheduling of a planned event, the identification of a credible threat, or the initial response to an impending or already occurring incident. The five primary phases in the planning process are—

- Understand the situation.
- Establish incident objectives and strategy.
- Develop the plan.
- Prepare and disseminate the plan.
- Execute, evaluate, and revise the plan.

(See FEMA National Incident Management System for more information.)

1-36. The incident action plan must provide clear strategic direction and include a comprehensive listing of the tactics, resources, reserves, and support required to accomplish each overarching incident objective. The comprehensive incident action plan states the sequence of events for achieving incident objectives in a coordinated way. However, the incident action plan is a living document based on the best available information at the time of the planning meeting.

NATIONAL RESPONSE FRAMEWORK

1-37. Whereas NIMS provides a template for managing incidents regardless of their type or scope, the NRF emphasizes response. Response refers to immediate actions to save lives, protect property and the environment, and meet basic human needs. Response includes executing emergency plans and supporting short-term recovery and stabilization of communities.

1-38. The NRF contains doctrinal principles, partner roles, and structures for coordinating a national response. It describes specific response structures and mechanisms. The NRF explains established response processes developed in coordination with all levels of government (local, state, tribal, territorial, and federal) and it is continuously improved. It applies incident management constructs from the NIMS to align key roles and responsibilities. The NRF describes authorities and best practices for defined incident types, but it is not directive and it does not represent legal authority.

1-39. Updated in 2016, the NRF predates the planning frameworks required by Presidential Policy Directive 8. The NRF complements the preparedness directive and provides the basic guide for response planning and process development. (See the FEMA National Response Framework for more information about the NRF.) This discussion highlights several well-established NRF constructs essential for achieving unified action.

Five Principles of the National Response Framework

1-40. The principles of national response doctrine are—

- Engaged partnerships. Engaged partnerships are essential to preparedness.
- Tiered response. Incidents must be managed at the lowest possible jurisdictional level and supported by additional capabilities when needed.

- Scalable, flexible, and adaptable operational capabilities. As incidents change in size, scope, and complexity, the response must adapt to meet requirements.
- Unity of effort through unified command. Effective unified command is indispensable to response activities and requires a clear understanding of the roles and responsibilities of each participating organization.
- Readiness to act. Effective response requires readiness to act balanced with an understanding of risk. Responders train, plan, and act using the NIMS constructs.

These principles are rooted in the federal system and the Constitution's division of responsibilities between state and federal governments. These principles reflect the history of emergency management and the distilled wisdom of responders and leaders across the whole community.

1-41. Engaged partnerships require advance coordination to establish interoperability, well before a disaster strikes. Engaged partnerships contribute to an effective tiered response, which means the lowest possible jurisdictional level retains incident management responsibility. Local authorities provide the initial response to every incident. They maintain capability to carry out responsibilities specified by law. When local resources are overwhelmed, local authorities usually request support from neighboring jurisdictions. When incidents are of such a magnitude that these resources are overwhelmed, local authorities request resources from the state. The state then draws on its emergency response capabilities, including state National Guard, or requests assistance from neighboring states through mutual aid agreements. States often manage large incidents this way, without seeking federal assistance. When state resources are overwhelmed, the governor requests federal support. Scalable, flexible, adaptable operational capabilities refer to a nimble, disciplined, and coordinated process that supports interoperability and rapid transitions.

1-42. Unified command refers to teamwork among groups of designated leaders managing an incident that crosses jurisdictions. Military forces are partners in a response, but they remain under their military chain of command. Readiness to act involves all potential partners, including military forces.

SUPPORTING DOCUMENTS OF THE NATIONAL RESPONSE FRAMEWORK

1-43. The NRF comprises a core document, emergency support function (ESF) annexes, support annexes, and incident annexes:

- ESF annexes present missions, policies, structures, and responsibilities of federal agencies for support during an incident, grouped into fifteen functional areas.
- Support annexes describe how partners coordinate and execute common support processes.
- Incident annexes describe address seven specific contingency or hazard situations.

1-44. The ESF annexes group federal resources and capabilities into fifteen functional areas most likely needed for national incident response. (As of 2013, the National Disaster Recovery Framework supersedes ESF #14, but the numbering of the other ESF annexes is unchanged.) ESF annexes outline responsibilities agreed to by each participating entity. Each ESF annex designates one entity as the ESF coordinator (sometimes referred to as the lead). Each ESF annex also has primary and supporting agencies. Table 1-1 on page 1-9 lists the ESF annexes with the ESF coordinator for each. DOD is a supporting agency for all ESF annexes except #3, Public Works and Engineering, through the United States Army Corps of Engineers.

Table 1-1. Emergency support function annexes and coordinators

ESF Annex #1: Transportation. Coordinator: Department of Transportation
Coordinates the support of management of transportation systems and infrastructure, the regulation of transportation, management of the Nation's airspace, and ensuring the safety and security of the national transportation system.
ESF Annex #2: Communications. Coordinator: Department of Homeland Security
Coordinates the reestablishment of the critical communications infrastructure, facilitates the stabilization of systems and applications from cyberspace attacks, and coordinates communications support to response efforts.
ESF Annex #3: Public Works and Engineering. Coordinator: Department of Defense (United States Army Corps of Engineers)
Coordinates the capabilities and resources to facilitate the delivery of services, technical assistance, engineering expertise, construction management, and other support to prepare for, respond to, or recover from a disaster or an incident.
ESF Annex #4: Firefighting. Coordinator: Department of Agriculture (United States Forest Service) and Department of Homeland Security (Federal Emergency Management Administration and United States Fire Administration)
Coordinates the support for the detection and suppression of fires.
ESF Annex #5: Information and Planning. Coordinator: Department of Homeland Security (Federal Emergency Management Agency)
Supports and facilitates multiagency planning and coordination for operations involving incidents requiring federal coordination.
ESF Annex #6: Mass Care, Emergency Assistance, Temporary Housing, and Human Services. Coordinator: Department of Homeland Security (Federal Emergency Management Agency)
Coordinates the delivery of mass care and emergency assistance.
ESF Annex #7: Logistics. Coordinator: General Services Administration and Department of Homeland Security (Federal Emergency Management Agency)
Coordinates comprehensive incident resource planning, management, and sustainment capability to meet the needs of disaster survivors and responders.
ESF Annex #8: Public Health and Medical Services. Coordinator: Department of Health and Human Services
Coordinates the mechanisms for assistance in response to an actual or potential public health and medical disaster or incident.
ESF Annex #9: Search and Rescue. Coordinator: Department of Homeland Security (Federal Emergency Management Agency)
Coordinates the rapid deployment of search and rescue resources to provide specialized lifesaving assistance.
ESF Annex #10: Oil and Hazardous Materials Response. Coordinator: Environmental Protection Agency
Coordinates support in response to an actual or potential discharge or release of oil or hazardous materials.
ESF Annex #11: Agriculture and Natural Resources. Coordinator: Department of Agriculture
Coordinates a variety of functions designed to protect the Nation's food supply, respond to plant and animal pest and disease outbreaks, and protect natural and cultural resources.
ESF Annex #12: Energy. Coordinator: Department of Energy
Facilitates the reestablishment of damaged energy systems and components and provides technical expertise during an incident involving radiological/nuclear materials.
ESF Annex #13: Public Safety and Security. Coordinator: Department of Justice (Bureau of Alcohol, Tobacco, Firearms and Explosives
Coordinates the integration of public safety and security capabilities and resources to support the full range of incident management activities.
ESF Annex #14: [Formerly named Long Term Community Recovery]
Superseded in 2013 by the National Disaster Recovery Framework.
ESF Annex #15: External Affairs. Coordinator: Department of Homeland Security
Coordinates the release of accurate, coordinated, timely, and accessible public information to affected audiences, including the government, media, nongovernmental organizations, and the private sector. Works closely with state and local officials to ensure outreach to the whole community.
ESF — emergency support function

NATIONAL SECURITY STRATEGY OF THE UNITED STATES

1-45. The *national security strategy* is a document approved by the President of the United States for developing, applying, and coordinating the instruments of national power to achieve objectives that contribute to national security (JP 1). A major strategic goal stated in the 2010 document and reinforced in

the 2015 update is strengthening security and resilience in the homeland. The United States must be able to meet threats and hazards including terrorism, disasters, cyberspace attacks, and pandemics. Army forces contribute to the nation's capability to manage emergencies effectively by conducting DSCA missions. (See the National Security Strategy for more information).

MILITARY EMERGENCY PREPAREDNESS POLICY

1-46. Army DSCA doctrine supports these foundational documents for military preparedness policy:

- National defense strategy.
- National military strategy.
- DODD 3025.18.

SECTION III – TIERED RESPONSE AND UNIFIED ACTION

1-47. At all levels, military forces, nongovernmental organizations, and other private sector entities work closely with civil authorities in response to an incident. Partners conduct incident response operations, including military support, based on the tiered response principal (see paragraphs 1-9 and 1-40 through 1-41). Supporters use a bottom up approach beginning at the lowest level of government and escalating based on requirements. The key civil authorities in a tiered response are local, tribal, state, territorial, and federal governments.

1-48. Army forces operate as part of a larger national effort characterized as *unified action* which the synchronization, coordination, and/or integration of the activities of governmental and nongovernmental entities with military operations to achieve unity of effort (JP 1). Army leaders must integrate their actions and operations within this larger framework, collaborating with entities outside their control. Nowhere is this more true than in DSCA, in which Army forces conduct unified land operations to integrate fully with national preparedness efforts, as described here—

> *Our national preparedness is the shared responsibility of all levels of government, the private and nonprofit sectors, and individual citizens. Everyone can contribute to safeguarding the Nation from harm. As such, while this directive is intended to galvanize action by the Federal Government, it is also aimed at facilitating an integrated, all of Nation, capabilities based approach to preparedness.*
>
> Presidential Policy Directive 8

1-49. Military forces also synchronize their operations in addition to synchronizing governmental and nongovernmental entities to achieve unity of effort. Different command relationships and authorities between federal and state forces pose challenges to unity of effort. Parallel command and dual status command are the two usual and customary usual and customary command and control arrangements for the simultaneous employment of federal and state forces during DSCA missions. The dual status command structure does not create unity of command. Missions for federal and state National Guard forces originate separately and respective forces conduct these missions separately. Under parallel command, federal forces take orders from the DOD chain of command, and state National Guard forces take orders from the state's chain of command. If dual status command is used, the President and the governor sign an agreement appointing one officer to command both federal and state National Guard forces. That officer serves simultaneously in Title 10, USC and Title 32, USC duty status. This concept is detailed in chapter 3, Section III, Considerations for the Exercise of Command and Control.

EMPLOYMENT OF THE NATIONAL GUARD IN FEDERAL SERVICE FOR INCIDENT RESPONSE

1-50. When the President declares a major disaster or emergency under the Stafford Act, the National Guard may be ordered support the relief effort under section 12406 of Title 10, USC. For example, the President may federalize and deploy National Guard weapons of mass destruction-civil support teams to support a chemical, biological, radiological, or nuclear incident in another state.

EMPLOYMENT OF THE RESERVE COMPONENT OF THE ARMY FOR INCIDENT RESPONSE

1-51. Chapter 1209 of Title 10, USC, was amended in 2012 to allow use of Army Reserve forces for DSCA. When a governor requests federal assistance for a major disaster or emergency (based on the Stafford Act), the Secretary of Defense may order any unit, and any member not assigned to a unit organized to serve as a unit, of the Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty for a continuous period of not more than 120 days.

AUTHORITIES AND UNIFIED ACTION PARTNER AGENCIES

1-52. Several authorities and agencies contribute to DSCA activities. Authorities include the President, the Secretary of Defense, the combatant commander, and the state governor. Agencies include state-level agencies, tribal agencies, isolation and quarantine authorities, and Federal Government response partners.

AUTHORITIES FOR FEDERAL MILITARY SUPPORT IN DOMESTIC EMERGENCIES

1-53. The U.S. military has provided support to civil authorities in response to civil emergencies and natural disasters throughout its history. The terminology applied to this function has varied over the years; it has been called military assistance or military support to civil authorities, military support of civil defense, and employment of military resources in natural disaster emergencies within the United States. The changes in terminology reflect the evolving changes in authorities granted to DOD by the President and the Congress.

AUTHORITIES OF THE PRESIDENT

1-54. Although Article II of the Constitution of the United States and laws passed by Congress provide the primary basis for the present day authorities of the President, the scope of Presidential authority is much broader. The President possesses inherent authority derived not from specific constitutional provisions or statutes, but from the aggregate of presidential responsibilities as the Nation's Chief Executive, Commander in Chief of the Armed Forces, and the highest law enforcement authority. Supreme Court decisions have held that the President has the inherent authority to preserve order and ensure public health and safety during a national crisis or an emergency, according to the necessities of the situation. This inherent authority empowers the President to act in response to an incident.

1-55. When confronted with a national crisis or emergency where there is no expressed constitutional or statutory authority, the President can present the matter to the Congress and wait for legislation that will authorize him or her to act. In addition, the President can take immediate action based on the President's inherent authority to act when no one else is capable of doing so. In addition, the National Emergencies Act of 1976 (Sections 1601 through 1651, Title 50, USC) gives the President broad authorities to respond to emergencies, subject to Congressional regulation of these emergency powers.

The National Emergencies Act

1-56. The National Emergencies Act of 1976 (Sections 1601 through 1651, Title 50, USC) gives the President broad authorities to respond to emergencies, subject to Congressional regulation of these emergency powers. Under the powers delegated by this statute, the President may seize property, organize and control the means of production, seize commodities, assign military forces aboard, institute martial law, seize and control all transportation and communication, regulate the operation of private enterprise, restrict travel, and, in a variety of ways, control the lives of U.S. citizens. Moreover, Congress may modify, rescind, or render dormant such delegated emergency authority.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act

1-57. Another major distinction in DSCA is the requirement for supported civilian agencies to reimburse the DOD for any support provided by joint forces. Less stringent requirements may exist at the state level for use of state National Guard forces. The Stafford Act is the primary federal statute giving the President the

authority to direct federal agencies to help state and local authorities during an incident. The Stafford Act allows five ways for the President to provide federal, including military, support to civil authorities:

- Major disaster declaration.
- Emergency declaration.
- Federal primary responsibility authority.
- Department of Defense ten day emergency work authority.
- Accelerated federal assistance and support.

Major Disaster Declaration

1-58. The President may declare a major disaster when an incident is severe enough to necessitate federal assistance to save lives, protect property, or lessen or avert the threat of a catastrophe. The declaration of a major disaster normally follows a request from the governor of the affected state. The President acts through FEMA to authorize any appropriate federal agency to support state and local authorities.

Emergency Declaration

1-59. In cases where the President does not declare a major disaster, the President may declare an emergency. This declaration is either before (in anticipation of) or following an incident necessitating federal assistance. The amount of damage, anticipated or actual, is less severe than for a major disaster. Again, the governor of the affected state must request federal support. The President, through FEMA, may authorize any federal agency to use personnel, equipment, facilities, and technical and advisory services to support state and local authorities.

Federal Primary Responsibility Authority

1-60. The President may, without a request for assistance from a governor, unilaterally issue an emergency declaration and send federal assets, including federal military forces, to an area or facility over which the federal government exercises exclusive or primary responsibility by virtue of the Constitution or a federal statute. This may include federal missions, personnel, equipment, and property.

Department of Defense Ten Day Emergency Work Authority

1-61. The President may direct the Secretary of Defense to send federal military forces on an emergency basis to preserve life and property for a period not to exceed ten days. This DOD ten day emergency work authority includes removal of debris and wreckage and temporary restoration of essential public facilities and services. It follows a request from a governor for assistance. A major disaster or emergency declaration by the President is not required. However, the President may issue a declaration following the ten day period if additional federal assistance is requested and necessary.

Accelerated Federal Assistance

1-62. The major disaster and emergency sections of the Stafford Act were amended in October 2006, following Hurricane Katrina. This change allows the President to provide unrequested federal assistance under limited critical circumstances. The President may rapidly deploy critical resources to help victims where the President (1) has previously issued a major disaster or emergency declaration and (2) later determines a situation is critical, but the state has not requested assistance. Moreover, the federal government would cover the cost because the state did not request assistance. President Obama was the first President to exercise this authority when the Defense Logistics Agency transported fuel to New York, without a request from the state, after Hurricane Sandy.

AUTHORITY OF THE SECRETARY OF DEFENSE

1-63. The Secretary of Defense directs and controls the DOD, issues regulations, and manages federal military personnel, property, and facilities. The Secretary issues DOD directives pertaining to DSCA, such as DODD 3025.18. The Secretary designates the Assistant Secretary of Defense for Homeland Defense and Global Security as the DOD domestic crisis manager (per DODD 5111.13). The Assistant Secretary of

Defense for Homeland Defense and Global Security has policy, planning, advice, and approval authority for DSCA, except for civil disturbance; chemical, biological, radiological, or nuclear incidents; direct support to civilian law enforcement agencies; and the use or potential use of lethal force by federal military forces—which the Secretary of Defense retains.

1-64. The Joint Director of Military Support (JDOMS) (in the Joint Staff operations directorate) is the DSCA action agent for the Assistant Secretary of Defense for Homeland Defense and Global Security. Once DOD receives a request for assistance, the JDOMS evaluates and processes it for the Assistant Secretary of Defense for Homeland Defense and Global Security. When the request is approved by the Secretary of Defense, the JDOMS issues an execute order. The JDOMS also recommends to the Secretary of Defense designation of United States Northern Command (USNORTHCOM) or United States Pacific Command (USPACOM) as the supported command, depending on the location of the incident.

Authority of the Geographic Combatant Commander

1-65. The Secretary of Defense has authorized the commanders of USNORTHCOM and USPACOM to provide limited DSCA on their own within their respective areas of responsibility. Specifically, they are authorized to perform the following actions with their assigned and allocated forces and certain aviation, communication, transportation, and medical units:

- Place them on a 24 hour prepare to deploy alert for up to seven days.
- Deploy them for up to 60 days, after first notifying the Secretary of Defense and the Chairman of the Joint Chiefs of Staff.
- Employ forces in an emergency after personally approving a request for immediate response from a primary agency such as FEMA, after first notifying the Secretary of Defense and the Chairman of the Joint Chiefs of Staff.

Immediate Response Authority

1-66. Although federal military forces are seldom first responders, they can help local authorities in an emergency, under immediate response authority. DODD 3025.18 states—

> *A Federal military commander's, Department of Defense component head's, and/or responsible Department of Defense civilian official's authority temporarily to employ resources under their control, subject to any supplemental direction provided by higher headquarters, and provide those resources to save lives, prevent human suffering, or mitigate great property damage in response to a request for assistance from a civil authority, under imminently serious conditions when time does not permit approval from a higher authority within the United States. Immediate response authority does not permit actions that would subject civilians to the use of military power that is regulatory, prescriptive, proscriptive, or compulsory.*

1-67. An immediate response must be consistent with the Posse Comitatus Act (see paragraphs 2-40 to 2-47 for more about the Posse Comitatus Act). An immediate response ends when civil authorities (state, local, or federal) are able to respond adequately, or when the initiating DOD official or a higher authority directs the response to end. The DOD official directing the immediate response determines how long it continues, based on the need. (See paragraph 4-28 through 4-29 for more information on immediate response authority).

Authorities of a State Governor

1-68. Governors serve as the commanders in chief of their state's National Guard forces and may assume special powers upon the declaration of a disaster, emergency, enemy attack, or riot. The authority of the governor is circumscribed or limited by USC and each state's law and statutes. Although the governors' powers vary from state to state, emergency powers in all states generally include authorities to—

- Suspend statutory and regulatory provisions that otherwise might hinder response to a disaster.
- Evacuate citizens from an emergency area.
- Require hospitalization for those injured during a disaster.

- Control ingress and egress into an emergency area to direct the evacuation of residents and prescribe transportation routes.
- Provide temporary shelter.
- Commandeer property (with compensation).
- Control or suspend utility services.
- Limit or suspend the sale and possession of alcohol and explosives following a disaster or emergency.

1-69. Governors also issue executive orders declaring states of emergency and ensure that state agencies plan for emergencies. Once an incident occurs, the governor determines how to respond to a local government's request for assistance. If appropriate, the governor declares a state of emergency, activates the state response plan, and calls up the National Guard (serving under state authority). The governor gives the National Guard its mission or missions and determines when to withdraw National Guard forces. The governor informs the FEMA regional director of these actions.

STATE LEVEL AGENCIES

1-70. Each state has a state emergency management agency, which is the state's counterpart to FEMA. The agency's name and the title of its manager vary by state. Each state has an emergency operations center, normally manned at minimum levels but rapidly expandable and organized according to NIMS and NRF principles. Some states have mobile command center capabilities allowing the state emergency operations center to move into a facility near the scene of a large emergency. Every state has some sort of mobile forward command post to allow the governor and emergency manager to maintain control. The organization of ESF annexes at state level varies somewhat, with many states having more than fifteen, and some having fewer. Some state emergency management agencies can dispatch specialized capabilities to support local responders.

1-71. In addition, some states combine emergency management with homeland security functions. Other states maintain a separate homeland security agency or advisor. In some states, the adjutant general may serve as the state director of homeland security and the administrator of the state emergency management agency.

State Emergency Management Agency Administrator

1-72. The administrator of the state emergency management agency coordinates state-level emergency response and serves as the principal advisor to the governor for homeland security, if there is not a separate homeland security director. All states have laws mandating a state emergency management agency and emergency plans coordinated by that agency. The administrator of the state emergency management agency ensures the state is prepared to manage large-scale emergencies. State emergency management agencies coordinate with local and tribal governments, other states, the federal government, nongovernmental organizations, and other private sector entities.

State Homeland Security Advisor

1-73. Many states designate a homeland security advisor who serves as counsel to the governor on homeland security issues. A state homeland security advisor typically serves as a liaison between the governor's office, the state homeland security structure, DHS, and other organizations inside and outside the state. The advisor often chairs a committee of representatives from partner agencies, including public safety; emergency management; public health, environmental, and agricultural agencies; the state's National Guard; and others charged with developing prevention, protection, mitigation, response, and recovery strategies.

State National Guard

1-74. State emergency management and response entities rely on the National Guard for expertise in critical areas. Examples include emergency medical services; communications; logistics; search and rescue; civil engineering; and chemical, biological, radiological, and nuclear incident response. As a state resource, a

governor may activate National Guard units (usually serving in state active duty status) to support local or state authorities. State National Guard units are usually the first military responders to any incident.

Local Chief Executive Officer—Mayor, Administrator, Manager, or Parish President

1-75. Local governments (such as counties, cities, or towns) routinely respond to emergencies by using their own resources. They also rely on mutual aid agreements with neighboring jurisdictions when they need additional resources. A mayor or county manager, as chief executive officer, is responsible for the public safety and welfare of the people of that jurisdiction. This individual may also serve as the principal advisor to the state emergency director or homeland security administrator. The local chief executive officer—

- Coordinates local resources to prevent, prepare for, mitigate, respond to, and recover from disasters.
- Suspends local laws and ordinances (according to appropriate laws and procedures), if necessary, during an emergency.
- Establishes a curfew, orders evacuations, and, in coordination with the local health authority, orders a quarantine, if necessary.
- Provides leadership to the local government, responders, and community.
- Plays a key role in communicating to the public and in helping people, businesses, and organizations cope with the consequences of any type of disaster.
- Negotiates and enters into mutual aid agreements with other jurisdictions to facilitate resource sharing.
- Requests state assistance through the governor when the situation exceeds local capabilities.
- Requests immediate response support from a nearby military installation if needed to prevent loss of life or property (see paragraph 4-28 for more about immediate response authority).

Tribal Chief Executive Officer

1-76. Tribal governments respond to the same range of incidents that other jurisdictions face. They may request support from neighboring jurisdictions or provide support under mutual aid agreements. The United States has a trust relationship with Native American tribes and recognizes their right to self-government. As such, tribal governments are responsible for coordinating resources to address actual or potential incidents. When local resources are not adequate, tribal leaders seek help from states or the federal government. Tribal governments normally work with the state, but as sovereign entities, they can seek federal government support directly.

1-77. Native American reservations have a special status within incident response operations. They are neither federal property, nor are they part of the state in which they are located. Within the reservation, each Indian Nation controls its own affairs. Most tribes have agreements in place with surrounding jurisdictions for emergency assistance such as medical, fire, and hazardous material response. Both the tribal authorities and the Department of the Interior, specifically the Bureau of Indian Affairs, must approve any military response into a Native American reservation. In a reversal of the normal response sequence, the President could commit federal resources to an emergency on a reservation, while the National Guard of the surrounding state remained in a supporting role, outside the reservation. The tribal chief executive officer is responsible for the public safety and welfare of the people of that tribe. The tribal chief executive officer, as authorized by tribal government—

- Coordinates tribal resources to address all actions to prevent, prepare for, mitigate, respond to, and recover from disasters involving all hazards including terrorism, natural disasters, accidents, and other contingencies.
- May suspend tribal laws and ordinances and take actions such as establishing a curfew, directing evacuations, and initiating quarantine.
- Provides leadership and plays a key role in communicating to the tribe, and in helping people, businesses, and organizations cope with the consequences of any type of domestic emergency or disaster within the jurisdiction.
- Negotiates and enters into mutual aid agreements with other tribes and jurisdictions to facilitate resource sharing.

- May request support directly from the federal government (other than under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, known as the Stafford Act), normally through the Bureau of Indian Affairs.
- May request state support through the governor of the state.

ISOLATION AND QUARANTINE AUTHORITIES

1-78. Isolation refers to the separation and the restriction of movement of people who have an infectious illness from healthy people to stop the spread of that illness. Quarantine refers to the separation and restriction of movement of people who are not yet ill but have been exposed to an infectious agent and are therefore potentially infectious. A geographical quarantine, known as a cordon sanitaire, is a sanitary barrier erected around an area. Both isolation and quarantine may be conducted on a voluntary basis or compelled on a mandatory basis through legal authority.

1-79. The federal government has the authority to prevent the spread of disease into the United States (foreign) or between states and territories (interstate). The Department of Health and Human Services is the lead federal agency for isolation and quarantine. The Centers for Disease Control and Prevention determine and enforce any federal government measures to prevent the spread of disease.

1-80. Only one federal statute permits federal military forces to enforce quarantine laws, under very narrow circumstances. Section 97 of Title 42, USC, allows military commanders of any coastal fort or station to support the execution of state quarantines with respect to vessels arriving in or bound for the United States.

FEDERAL GOVERNMENT RESPONSE PARTNERS

1-81. The federal government maintains numerous resources to help state governments requesting help in responding to incidents. In addition, federal departments and agencies may also request and receive help from other federal departments and agencies.

Department of Homeland Security

1-82. Established in 2002, the mission of DHS is to help the United States become safer, more secure, and more resilient against terrorism and other potential threats. The Secretary of Homeland Security is responsible for coordinating a federal response in support of other federal, state, local, tribal, or territorial authorities. Most agencies under DHS support civil authorities, based on the NRF, for a variety of scenarios. Any of these agencies may request military support for their operations. (See the Department of Homeland Security website for more information about DHS.)

1-83. DHS comprises several agencies with law enforcement responsibilities. These include United States Customs and Border Protection, United States Immigration and Customs Enforcement, Transportation Security Administration, and United States Secret Service. (Figure 1-2 on page 1-17 illustrates the structure of DHS.)

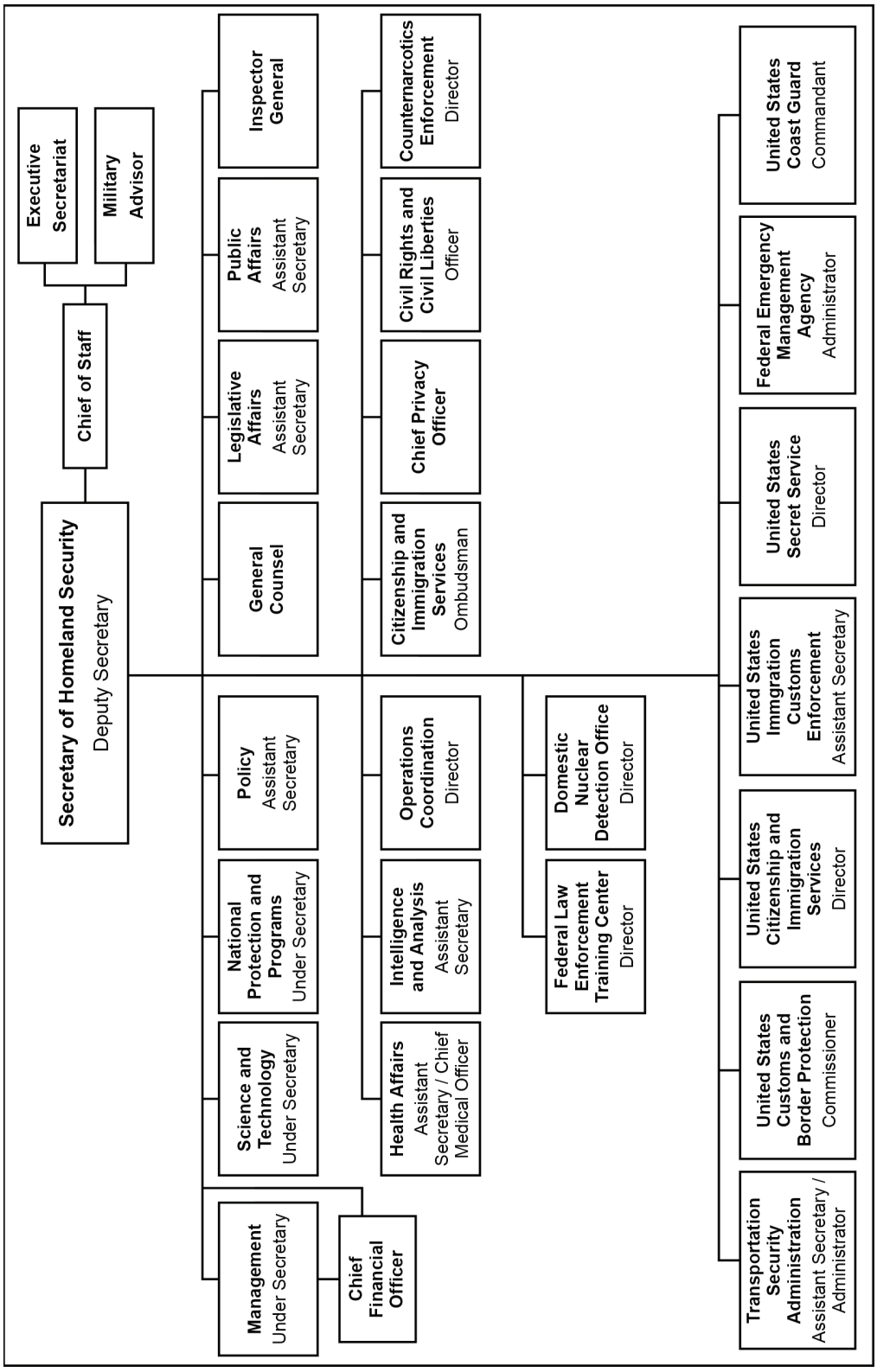


Figure 1-2. Department of Homeland Security organizational chart

Federal Emergency Management Agency

1-84. FEMA is part of DHS. Its mission is to support citizens and first responders and ensure the Nation builds, sustains, and improves its capability to prepare for, protect against, respond to, recover from, and mitigate all hazards. In addition to its ongoing central functions, FEMA coordinates regional operations through offices in ten regions. (Figure 1-3 illustrates the FEMA regions.) The main headquarters in each FEMA region is known as a regional response coordination center. These are permanently staffed multiagency coordination centers, organized according to ESF annexes. Through the permanent regional support teams in these centers, FEMA conducts ongoing coordination with partners in each region. DOD works directly with the FEMA regions by maintaining a defense coordinating officer (DCO) on each regional support team. (For more information about the regions and teams, including a list of DCO and team responsibilities, go to the FEMA website.) During a response, a center can be activated and expanded rapidly to coordinate initial federal response efforts within a region. The expanded regional response coordination center normally coordinates the federal response until a joint field office is established.

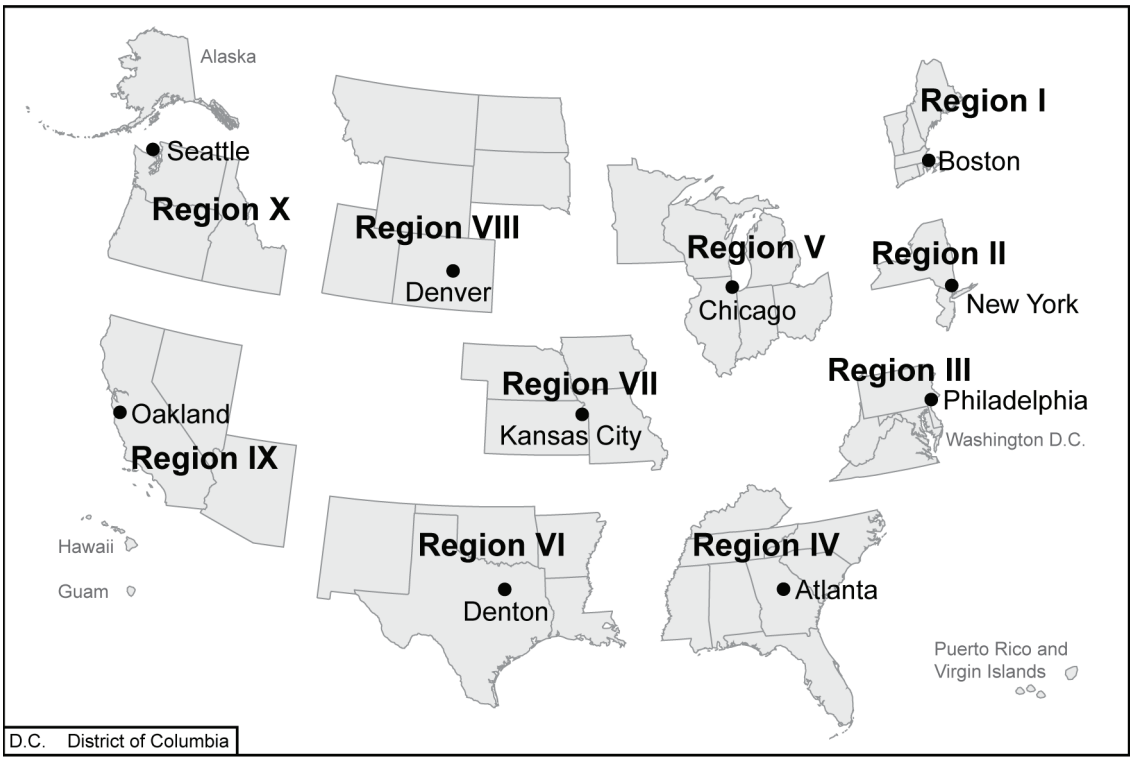


Figure 1-3. Federal Emergency Management Agency regions and regional headquarters

Note: Region IX includes Hawaii and U.S. territories in the Pacific; Region II includes Puerto Rico and the U.S. Virgin Islands.

Coast Guard

1-85. The Coast Guard is part of DHS. The Coast Guard's homeland security missions include port, waterway, and coastal security; drug interdiction; control of illegal immigration; and other law enforcement missions. Other Coast Guard activities include marine safety, search and rescue, aids to navigation, living marine resource protection (fisheries enforcement), marine environmental response, and icebreaking. (For more information about Coast Guard operations, see the U.S. Coast Guard website.)

1-86. The Coast Guard is the fifth Armed Service, but it falls under Title 14, USC. It is a law enforcement agency as well as a military Service, with offices and units across the United States. Because of its unique

status among the Armed Services, the Coast Guard supports and is supported by the other Armed Services. Because of its Title 14, USC responsibilities, the Coast Guard frequently supports civil authorities, and vice versa, as a component of DHS. Army units conducting DSCA may support or receive support from Coast Guard elements. In a large incident, the senior Coast Guard officer in charge could exercise tactical control over some or all of responding federal military forces.

Department of Justice

1-87. Among its many agencies, the Department of Justice includes the Federal Bureau of Investigation (FBI); the Drug Enforcement Administration; and the Bureau of Alcohol, Tobacco, Firearms and Explosives. (See the Department of Justice website for more information about the Department of Justice.) The Attorney General of the United States has lead responsibility for criminal investigations of terrorist acts or terrorist threats by individuals or groups inside the United States. The Attorney General acts through the FBI and cooperates with other federal departments and agencies engaged in activities to protect national security. The Attorney General and these departments and agencies coordinate the activities of other members of the law enforcement community to detect, prevent, preempt, and disrupt terrorist attacks against the United States.

Federal Bureau of Investigation

1-88. The mission of the FBI is to protect and defend the United States against terrorist and foreign intelligence threats, to uphold and enforce the criminal laws of the United States, and to provide leadership and criminal justice services to federal, state, municipal, and international agencies and partners. The FBI performs its responsibilities in a manner that is responsive to the needs of the public and is faithful to the Constitution of the United States.

Drug Enforcement Administration

1-89. The mission of the Drug Enforcement Administration is to enforce the controlled substances laws and regulations of the United States. The Drug Enforcement Administration aims to bring to the criminal and civil justice systems of the United States, or other appropriate jurisdictions, those involved in growing, manufacturing, or distributing controlled substances in or destined for illicit traffic in the United States. The Drug Enforcement Administration recommends and supports non-enforcement programs aimed at reducing the availability of and demand for illicit controlled substances on the domestic and international markets.

Bureau of Alcohol, Tobacco, Firearms and Explosives

1-90. The mission of the Bureau of Alcohol, Tobacco, Firearms and Explosives is to conduct criminal investigations, regulate the firearms and explosives industries, and assist other law enforcement agencies. This work is undertaken to prevent terrorism, reduce violent crime, and protect the public in a manner that is faithful to the Constitution and the laws of the United States.

Other Federal Government Response Partners

1-91. During an incident response, other federal agencies may fulfill primary, coordinating, or supporting roles, or any combination. The ESF annexes outline the various roles, authorities, resources, and responsibilities. Although DOD usually supports DHS, any agency may request federal military support if its own resources are overtaxed. Several federal agencies can declare disasters or emergencies, and DOD may support agencies such as the—

- Department of Agriculture.
- Department of Commerce.
- Department of Health and Human Services.
- Department of the Interior.
- Department of Energy.

1-92. For example, the Secretary of Agriculture may declare a disaster in certain situations when a county has sustained production loss of 30 percent or greater in a single major enterprise, authorizing emergency loans for physical damages and crop loss. The Forest Service (as part of the Department of Agriculture)

supports wildland fire fighting. The Secretary of Health and Human Services may declare a public health emergency. The Secretary of Health and Human Services directs the national response to communicable diseases.

1-93. The Department of the Interior includes the Bureau of Indian Affairs, Bureau of Land Management, and the National Park Service. These agencies provide wildland fire fighting teams and incident management teams.

1-94. The Department of Energy is the coordinator for ESF Annex #12. In the event of an accident involving a U.S. nuclear weapon, the Department of Energy would work directly with DOD according to established plans and procedures.

Coordination of a Large Federal Government Response

1-95. When a large incident exceeds the scope of a regional response coordination center, FEMA establishes a joint field office near the incident site (joint, in this context, means multiagency) to coordinate support from federal agencies and other partners. The joint field office becomes the primary federal level (and NIMS based) coordination structure supporting the incident, but it does not manage on scene operations. Partners working together in a joint field office can include federal, state, territorial, tribal, and local civil authorities with primary responsibility for response and recovery, along with private sector and nongovernmental organizations. FEMA organizes every joint field office to achieve unified coordination according to the NIMS and NRF, adapted to meet the requirements of the situation. Therefore, every joint field office has a similar division of major responsibilities but is staffed differently. A joint field office may be geographically grouped or functionally grouped. Sometimes air operations or evacuation functions are included. Operations at a joint field office continue as long as needed. (Figure 1-4 illustrates a notional fully staffed joint field office with all ESF annexes activated.)

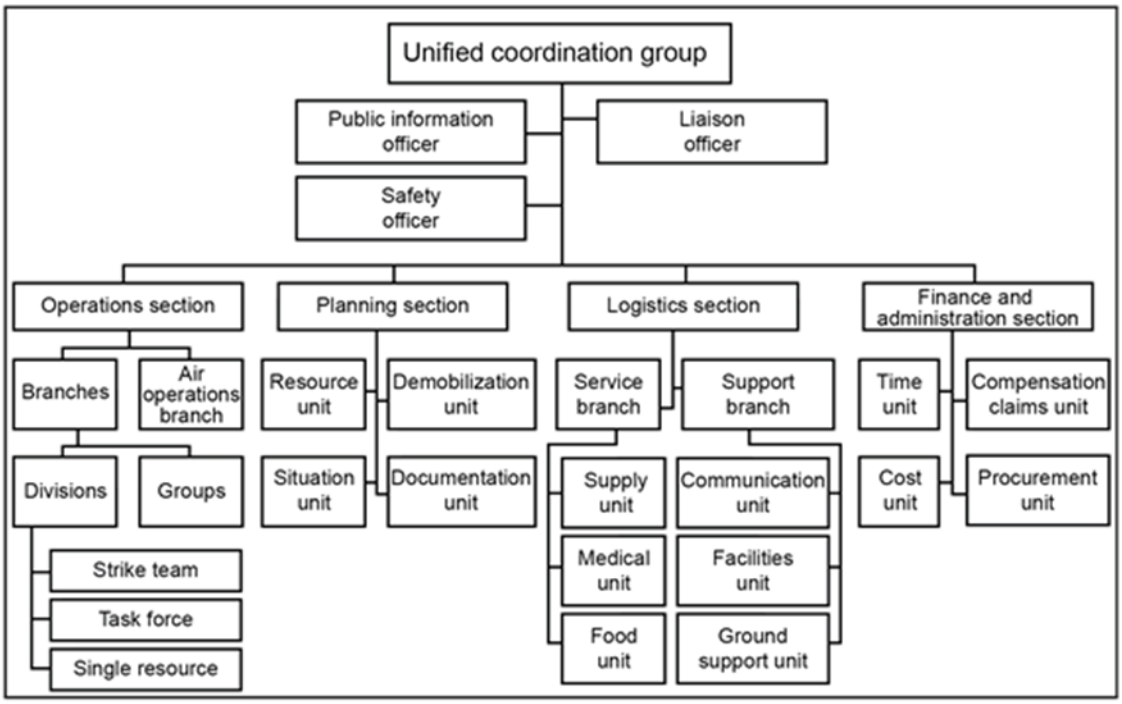


Figure 1-4. Example of a fully staffed joint field office organization (multiagency), based on the National Incident Management System

1-96. When FEMA uses a joint field office, the Administrator of FEMA and the Secretary of Homeland Security recommend a federal coordinating officer for the operation, and the President makes the appointment. The federal coordinating officer represents FEMA in the unified coordination group and

ensures integration of federal activities. The unified coordination group consists of designated state and federal officials working together to manage the response. Normally, the federal coordinating officer selected for a specific operation is a full time, permanent federal coordinating officer from within the FEMA region affected by the incident. In some cases, an officer from another FEMA region becomes the federal coordinating officer for the operation because of availability.

1-97. Should a large response require more than one joint field office, the Secretary of Homeland Security or the President would likely designate an individual to ensure efficient federal government operations. This individual would represent DHS in each unified coordination group. However, for most incidents requiring a federal government response, the federal coordinating officer is the senior federal official for the operation.

NONGOVERNMENTAL ORGANIZATIONS AND PRIVATE SECTOR ENTITIES

1-98. Numerous entities respond to domestic incidents. Responding groups may be local, regional, national, permanent, ad hoc, or even international. Nongovernmental organizations and private sector entities are essential partners. These groups often provide specialized services that help individuals with special needs, including those with disabilities. They help with shelter, food, counseling services, and other vital support.

1-99. Some organizations have a charter to perform emergency assistance, such as the American Red Cross. Normally, professional American Red Cross personnel operate positions in local and state emergency operations centers. Faith-based organizations often support disaster relief. Quite often, ad hoc groups of concerned citizens travel to a disaster and offer their services and resources to relief organizations. Responding organizations normally link their efforts to civil authorities through the local and state emergency operations centers. Sometimes they simply go to where they perceive a need.

1-100. Commanders need to coordinate with the leadership of nongovernmental and other private sector organizations on the ground and establish a collaborative working relationship with them. Commanders may need to explain that requests for military support must go through the appropriate coordinating officer. Effective relationships depend on making clear to a supporting group's leadership what Soldiers in the area can and cannot do for them according to laws and policies.

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Chapter 2

Army Support

Building on the principles described in chapter 1, this chapter begins with a discussion of the core tasks and purposes for Army support of civil authorities in the homeland and Army Components' capabilities. It concludes with a summary of key legal considerations that distinguish DSCA tasks from other elements of decisive action.

SECTION I – DEFENSE SUPPORT OF CIVIL AUTHORITIES

2-1. Army leaders should understand the four key DSCA tasks as outlined in ADP 3-0. These tasks include—

- Provide support for domestic disasters.
- Provide support for domestic chemical, biological, radiological, and nuclear incidents.
- Provide support for domestic civilian law enforcement agencies.
- Provide other designated support.

It is important to lead this discussion by listing the tasks, however, refer to Chapter 4, Section II for information on these tasks in greater detail with special considerations for executing each task.

2-2. Army leaders ensure that Army units supporting civil authorities in the homeland are guided by core purposes. These purposes are to—

- Save lives.
- Restore essential services.
- Maintain or restore law and order.
- Protect infrastructure and property.
- Support maintenance or restoration of local government.
- Shape the environment for intergovernmental success.

2-3. Some missions may accomplish these purposes directly. For example, an aircraft crew participating in a search and rescue operation is there to save lives. Soldiers fighting fires in a national forest are protecting public property, as are the National Guard Soldiers patrolling streets in the aftermath of a tornado. Other missions accomplish these purposes indirectly. Soldiers and civilians loading medical supplies for shipment from an installation to a municipal shelter will not meet the people housed there, but their actions will help reduce the distress of their fellow citizens.

2-4. Army support of civil authorities is a vital aspect of the Army's service to the Nation and a way it maintains trust with its citizens. Even in cases of the absence of orders or in uncertain and chaotic situations, Commanders, Soldiers and Army civilians providing support in the homeland make decisions and perform their duties in an honorable manner while living up to their oaths of service. In all cases, Army professionals base their decisions and actions on the moral principles of the Army Ethic, ensuring the protection of the inalienable rights of all people. In this way, Army professionals live by and uphold the moral principles of the Army Ethic and reinforce the Army culture of trust.

2-5. Commanders exercise leadership to unify the elements of combat power and ensure effective inter-organizational coordination during DSCA missions. They understand the respective roles and capabilities of civil authorities and other partners. They keep in mind that Army forces conduct operations in the homeland as supporting partners. They synchronize military actions with civilian partners to achieve unity of effort through unified action. Command leadership provides purpose, direction, and motivation to Soldiers while operating to accomplish DSCA purposes and missions.

HOMELAND DEFENSE

2-6. Army support of civil authorities is a vital element of unified land operations and homeland security. However, DSCA tasks differ substantially from other elements of decisive action. *Decisive action* is the continuous, simultaneous execution of offensive, defensive, and stability operations or defense support of civil authorities tasks (ADP 3-0). Important differences include the roles and responsibilities of civilian organizations and the relationship of military forces to federal, state, territorial, tribal, and local government agencies. The purposes and characteristics of Army support in the homeland shape the Army's conduct of decisive action.

2-7. Homeland defense, as defined by JP 3-27, is "the protection of U.S. sovereignty, territory, domestic population, and critical infrastructure against external threats and aggression or other threats as directed by the President." The Army deters and defeats attacks through decisive action, in support of homeland defense and DSCA operations, conducted across all domains (land, air, sea, space, and cyber) as part of the joint team in the forward regions, in the approaches, and in the homeland. DOD is the federal agency with lead responsibility for homeland defense, which may be executed by DOD alone (e.g., Ballistic Missile Defense) or include support from other USG departments and agencies. The Army supports the defense of the homeland in depth using support of civil law enforcement, antiterrorism and force protection, counterdrug, critical infrastructure protection, border security, cyber security, and security cooperation with other partner nations such as Canada and Mexico. Homeland defense and DSCA operations may occur in parallel and require extensive integration and synchronization.

2-8. Operations may transition from homeland defense to DSCA, or vice versa, depending on the situation. The Army, across all components, will utilize decisive action to support the achievement of the national security objective. The National Guard and the reserves have a vital role in the defense of the homeland. The National Guard can support homeland defense and DSCA under Title 10, USC; Title 32, and in exceptional circumstances, may perform homeland defense in state active duty. Understanding the roles and responsibilities of AC and RC forces and how they are used and the various duty statuses used to employ National Guard forces is critical to achieve unity of effort.

DEFENSE SUPPORT OF CIVIL AUTHORITIES AND HOMELAND SECURITY

2-9. Joint doctrine defines homeland security as a concerted national effort to prevent terrorist attacks within the United States; reduce America's vulnerability to terrorism, major disasters, and other emergencies; and minimize the damage and recover from attacks, major disasters, and other emergencies that occur (JP 3-27). The 2015 National Security Strategy states—

> *The United States government has no greater responsibility than protecting the American people. Yet, our obligations do not end at our borders. We embrace our responsibilities for underwriting international security because it serves our interests, upholds our commitments to allies and partners, and addresses threats that are truly global. There is no substitute for American leadership whether in the face of aggression, in the cause of universal values, or in the service of a more secure America. Fulfilling our responsibilities depends on a strong defense and secure homeland. It also requires a global security posture in which our unique capabilities are employed within diverse international coalitions and in support of local partners.*

2-10. The Army conducts decisive action in support of the homeland security missions of preventing terrorism, protecting our borders and cyberspace, and mitigating the effects of attacks or natural disasters while ensuring disaster resiliency. The Army provides capabilities and resources. Some of those capabilities include—

- Counter air threats, provide rapid acquisition, analysis, and dissemination of terrorist threat information with unified action partners, support of law enforcement, prevent terrorist use of WMD and maintain preparedness to rapidly respond to Chemical, Biological, Radiological, Nuclear (CBRN) incidents, provide support during complex catastrophes, and strengthen civil support through North American security cooperation.

2-11. The Army's combat power includes constructive capabilities that civil authorities can count on in a crisis. Not only are Soldiers willing to help in the homeland, but also Army units are able operate in the most austere, chaotic, or hazardous conditions for extended periods if needed.

READINESS FOR DOMESTIC OPERATIONS

2-12. Commanders gauge unit readiness for domestic operations by assessing proficiency in three warfighting functions: command and control, sustainment, and protection. Although these warfighting functions are non-exclusive, they are the most relevant to DSCA for determining readiness with no specificity to priority due to differences in missions or conditions.

2-13. Domestic operations are constrained by statute and policy to a greater degree than military operations conducted abroad in forward regions. It is accurate to say that many tasks performed in domestic support are common to operations overseas; however, Soldiers conduct them under very different conditions. DSCA tasks stress the employment of nondestructive means to save lives, restore essential services, maintain or restore law and order, protect infrastructure and property, support maintenance or restoration of local government, and shape the environment for intergovernmental success.

2-14. The requirement to deploy in the homeland (often with little warning) and to operate with joint and civilian partners requires the command and control warfighting function to adapt tasks and systems for a noncombat organization led by civil authorities.

2-15. The majority of DSCA missions will stress the sustainment warfighting function. Mission success depends on units' abilities to deliver personnel, medical support, supplies, and equipment, while maintaining their equipment and Soldiers. This is challenging because forces often provide support in areas devastated by a disaster and lacking potable water, electrical power, and sanitation. When needed, a federal installation identified as a base support installation (BSI) will serve as a base for federal military forces throughout an operation.

2-16. Due to the nature of domestic operations, civilian law enforcement will most likely be engaged to capacity which stresses the importance of Army organic protection capabilities. It is imperative that commanders understand the readiness and skills relating to the protection warfighting function. They must also understand which of those capabilities may be exercised legally in the homeland so that they can be properly integrated into the overall scheme of protection.

RESPONSE CAPABILITIES OF CIVIL AND MILITARY RESPONDERS

2-17. Under the Constitution-based national emergency preparedness policy, state and local governments take the lead in responding to emergencies, while the federal government and the military provide supporting capabilities when requested. The responsibility for responding to domestic disasters and emergencies normally starts with the lowest level of government able to manage the response. If a situation exceeds local capability, local authorities first seek help from neighboring jurisdictions, usually under a mutual aid agreement. If the capabilities of neighboring jurisdictions are overtaxed, or responders anticipate additional requirements, they turn to their state authorities for support. If state capabilities prove insufficient, state authorities then request support from other states under existing agreements and compacts (this includes support from other states' National Guard units serving under state authority). In most incidents, state authorities normally exhaust state resources, including support from states within their region, before requesting federal assistance. This overall sequence is called a tiered response (see paragraphs 1-9 and 1-40 and 1-41 for more about the principle of tiered response).

2-18. Most declared emergencies require no federal military forces, even in incidents requiring significant support from FEMA. For most incidents needing military support, a state's National Guard capabilities are sufficient. However, this could be impacted by overseas deployments, which may necessitate requests for assistance from other states' National Guard units and federal military assistance.

2-19. A military response can vary from loaning equipment to committing major units of the Army National Guard, Regular Army, and Army Reserve. When requested, federal military forces will deploy as quickly as possible to support response efforts (which usually are led by FEMA). A capability gap, though it will decline quickly, may remain until the bulk of federal military forces arrive. Federal military forces can fill the

capability gap until other resources, such as a state's civilian and National Guard responders, can meet requirements. Deploying and receiving large forces in disaster areas takes time; initial responses will always lag behind requirements.

2-20. Civilian agencies will eventually reach their full response capacity, recovery will begin, and military forces will no longer be needed. Transition for military forces usually follows the reverse order of alert and deployment. Federal military forces redeploy when ordered to their home stations, usually before other responders terminate their operations. Responsibility for any remaining tasks passes to civil authorities (usually executed by civilian contract), National Guard units, and other civilian partners. However, should conditions deteriorate, the President can increase federal military support at any time. As state and local agencies recover, National Guard units will begin to redeploy, with priority normally given to National Guard units from other states assisting under emergency management assistance compact (EMAC) or mutual aid agreements. Until the governor is satisfied that citizens' needs can be met by civilian means alone, a state's National Guard forces will continue to support local authorities in a reduced, steady state posture.

2-21. Civil and military planners anticipate the possibility of an extreme emergency. The DOD calls this a *catastrophic event* which is any natural or man-made incident, including terrorism, which results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, national morale, and/or government functions (JP 3-28). In a worst-case situation, an incident and its ensuing effects could span several states or regions.

2-22. For example, a cyberattack on the electric power grid could have cascading effects on other critical infrastructure, or a pandemic disease outbreak could quickly sicken thousands of people. The strategic planning assumption is that the magnitude of requirements in such an event would exceed local and state civil authorities' capabilities to respond from the outset, inhibiting the tiered response. The effect of the emergency on responders (disaster victims themselves) would compound the need. Although a formal request for assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (commonly known as the Stafford Act) would follow the process for mission assignments, the President could commit federal aid, including military forces, simultaneously with a governor's commitment of state resources. Based on initial assessments from DHS and the supported combatant commander, the Secretary of Defense could authorize significant deployments of federal military forces. (See figure 4-2 on page 4-5, and chapter 4 for details on mission assignments and initial military responses.)

2-23. In a catastrophic event such as a large chemical, biological, radiological, and nuclear (CBRN) incident, the President could order federal military forces to take the lead or to perform tasks normally managed by local and state civil authorities. For example, the President could order federal military forces to maintain law and order, although the Posse Comitatus Act (see paragraphs 2-40 to 2-47) generally prohibits federal military forces from conducting most domestic law enforcement tasks. Army leaders must ensure that even in a catastrophic event, Army support remains within the boundaries of constitutional principles, U.S. laws, DOD policies, and Army regulations. Army leaders still apply fundamental doctrinal principles to the way they plan and operate in response to a catastrophic event. Even in a worst-case national emergency, the military will always operate under civilian control.

COUNTERTERRORISM SUPPORT

2-24. In very limited circumstances, federal military forces may support domestic counterterrorism operations. The doctrine in this publication, however, does not apply to domestic counterterrorism operations. The FBI may request specialized federal military counterterrorism support. The President or Secretary of Defense must approve all federal military support to counterterrorism within the United States.

2-25. Protecting against terrorism in the United States is a civilian law enforcement responsibility. The Department of Justice, through the FBI, has primary federal responsibility for combating terrorism.

2-26. The FBI continually assesses intelligence and reports of terrorist activity. When there is a credible threat, the FBI is responsible to disrupt it and prevent an attack. In response to a terrorist incident, the principal Army contributions to this effort are antiterrorism and force protection. State and federal military forces take effective antiterrorism and force protection measures to prevent attacks and, by complicating the terrorists' activities, increase the likelihood of their detection and apprehension.

ANTITERRORISM SUPPORT

2-27. Antiterrorism efforts within the United States require force protection and indirect support to civilian law enforcement agencies for training and material assistance. Antiterrorism and force protection programs are interrelated; commanders must ensure their application and integration in all DSCA activities. Force protection is an overarching mission that mitigates risk and facilitates the execution of mission essential functions. Force protection activities include actions taken to prevent or mitigate hostile actions against personnel (including family members), resources, facilities, and critical information. Activities contributing to the force protection mission include antiterrorism, critical infrastructure protection, continuity of operations, logistics, medical activities, legal activities, and safety.

2-28. Antiterrorism involves defensive measures used to reduce the vulnerability of individuals and property to terrorist acts, including limited response and containment by local military forces and civilians. Antiterrorism programs form the foundation for effectively combating terrorism. The basics of such programs include training and defensive measures that strike a balance between the level of protection, the mission, individual freedoms, and resource availability.

SECTION II – COMPONENTS OF THE ARMY

2-29. Commanders and civilian agencies need to keep in mind the distinctions between the Components of the Army. This discussion highlights the components and their capabilities within the legal framework. (For overall Army organization see ADP 1)

REGULAR ARMY

2-30. Regular Army operational forces and the institutional force provide DSCA as directed by the Secretary of Defense and defined by DODD 3025.18. The Regular Army's key capabilities for missions are its ability to generate large forces rapidly and sustain them for long periods during an incident. When directed, and with the support of U.S. Transportation Command, the Regular Army deploys forces ranging from small detachments to corps size formations or larger, supported by the full resources of the DOD. In this case, Regular Army units are federal forces serving as part of a joint task force under Title 10, USC.

2-31. Limiting factors include proximity, legal considerations, and operational commitments. Regular Army units are concentrated at several large installations spread across the country, and they may be based far from an incident's location. Their ability to respond is less a factor in their readiness than available intra-theater transportation. While certain legal considerations affect all Soldiers alike, there are additional legal limitations on the use of Regular Army Soldiers. Perhaps the most important limitation on the use of Regular Army forces is their operational tempo: the rapidity with which Regular Army forces are committed to support ongoing campaigns and other missions outside the United States.

ARMY RESERVE

2-32. The units of the Army Reserve contain many capabilities civil authorities may likely need, such as logistics, medical, construction, and bridging capabilities. Like the National Guard, the Army Reserve is distributed across the states and territories. Activated Army Reserve units are federal forces serving as part of a joint task force under Title 10, USC.

2-33. The Army Reserve maintains an operational response command that provides rapid response for chemical, biological, radiological, and nuclear incidents in the homeland. In support of DSCA, it also maintains augmentation units, as well as, regional and state emergency preparedness liaison office (ELPO) teams. The operational response command also provides DSCA Training opportunities to reserve units through Civil-Military Project Officers (CMPOs) aligned to separate FEMA regions. Army Reserve units also maintain a DSCA plans officer to coordinate and monitor compliance with USARC-directed training requirements due to the increased emphasis on DSCA training and missions.

2-34. Army Reserve force packages are organized to support mission assignments (see figure 4-2, page 4-5). Army Reserve forces support DSCA either through a Presidential reserve call up (PRC) under Section 12304 of Title 10, USC, or by direct activation under another status. Activation under PRC or annual training, active

duty training, or active duty special work are accomplished from the unit's home station as a direct employing unit operating in the homeland.

ARMY NATIONAL GUARD

2-35. The Army National Guard comprises fifty-four state and territorial National Guard elements. All fifty states, the District of Columbia, the territories of Guam and the Virgin Islands, and the Commonwealth of Puerto Rico have National Guard forces. The Army National Guard has a dual role: as a state force under the governor's authority, and as a reserve force that the President may call up for federal service.

2-36. Army National Guard units operating under state authority, within state active duty status or in Title 32, USC duty status, have advantages and disadvantages for employment in support of civil authorities. Significant advantages are proximity, responsiveness, knowledge of local conditions, tactical flexibility in domestic operational areas, and closer association with state and local officials. The essential disadvantages for using National Guard forces are wide distribution of units between states, limited endurance, and the limited ability of the states to fund them for extended periods.

2-37. Because they are state resources, a governor can activate National Guard units based on requirements in the state. The National Guard is more flexible in terms of the range of missions forces may be assigned, particularly regarding law enforcement tasks within the home state. In many situations, leaders are well acquainted with the other key state officials, which speeds communication through state channels.

2-38. Each day a National Guardsman is deployed is a day away from civilian employment. Most employers are accommodating in allowing time for National Guard call ups, but deployments for annual training, state domestic support missions, and deployments overseas create serious strains. The endurance of the National Guard is also limited by fiscal considerations. States have limited funds to pay personnel and operational costs, including health care costs.

SECTION III – KEY LEGAL CONSIDERATIONS

2-39. The application of complicated U.S. laws and military policies makes DSCA distinct from operations conducted abroad. Legal issues are likely to arise and necessitate timely legal advice during DSCA missions. This publication only provides a summary; this is not a comprehensive review of every requirement and restriction. Commanders should always consult their staff judge advocate for legal advice.

THE POSSE COMITATUS ACT

2-40. The Constitution does not explicitly bar the use of military forces in civilian situations or in matters of law enforcement, but the United States has traditionally refrained from employing troops to enforce the law except in cases of necessity. The Posse Comitatus Act (Section 1385, Title 18, USC) punishes those who willfully use any part of the Army or the Air Force as a posse comitatus or otherwise to execute laws, unless expressly authorized by the Constitution or an Act of Congress. Questions arise most often in the context of defense support of civilian law enforcement agencies.

2-41. The Posse Comitatus Act applies by regulation to the Navy and Marines. It does not prohibit activities conducted for a military purpose (such as base security or enforcement of military discipline) that incidentally benefit civilian law enforcement bodies. The Posse Comitatus Act does not apply to state National Guard forces, but state law may impose similar restrictions.

VIOLATIONS OF THE POSSE COMITATUS ACT

2-42. In the context of defense support of civilian law enforcement agencies, courts have held that, absent a recognized exception, the Posse Comitatus Act is violated when—

- Civilian law enforcement officials make direct active use of military investigators.
- The military pervades the activities of civilian officials
- The military is used to subject citizens to the exercise of military power that is regulatory, prescriptive, or compulsory in nature.

EXCEPTIONS TO THE POSSE COMITATUS ACT

2-43. Congress has provided for a number of statutory exceptions to the Posse Comitatus Act by explicitly vesting law enforcement authority either directly in a military branch (the Coast Guard) or indirectly by authorizing the President or another government agency to call for assistance in enforcing certain laws. There are several exceptions to the Posse Comitatus Act, including those under—

- The Prohibited Transaction Involving Nuclear Materials statute.
- The Insurrection Act.
- The Emergency Situations Involving Chemical or Biological Weapons of Mass Destruction statute.

2-44. Under the Prohibited Transaction Involving Nuclear Materials statute (Section 831, Title 18, USC), if the Attorney General and the Secretary of Defense jointly determine the Nation faces an emergency, the Secretary of Defense may authorize federal military forces to provide direct support to the Attorney General of the United States to protect nuclear materials.

2-45. The Insurrection Act (Section 333, Title 10, USC) governs the President's ability to deploy federal military forces (including federalized National Guard) within the United States to put down lawlessness, insurrection, and rebellion with or without the consent of the governor, depending on the situation.

2-46. Under the Emergency Situations Involving Chemical or Biological Weapons of Mass Destruction statute, (Section 382, Title 10, USC) if the Attorney General and the Secretary of Defense jointly determine that the Nation faces an emergency involving an attack with a chemical or biological weapon of mass destruction, the Secretary of Defense may provide resources and personnel to support civil authorities.

2-47. Federal military forces may provide strictly limited indirect support to federal, state, and local civilian law enforcement agencies. This includes passing information relevant to a violation of federal or state laws; providing equipment, supplies, spare parts, and facilities; supplying sensors, protective clothing, antidotes, or other supplies appropriate for use in responding to a chemical or biological incident; training in the operation and maintenance of equipment; giving expert advice; and allowing personnel to maintain and operate certain detection and communications equipment. The Secretary of Defense or a designee exercises approval authority for this level of support.

FEDERAL MILITARY FORCES AND AUTHORITY FOR DOMESTIC CIVIL DISTURBANCE SUPPORT

2-48. Congress has delegated authority to the President to call up federal military forces during an insurrection or civil disturbance. The Insurrection Act authorizes the President to use federal military forces within the United States to restore order or enforce federal law in an emergency. The President normally executes this authority by first issuing a proclamation ordering the dispersal of those obstructing the enforcement of the laws. The President may act unilaterally to suppress an insurrection or domestic violence against the authority of the United States without the request or authority of the state governor.

AUTHORITY FOR THE USE OF FORCE IN THE HOMELAND

2-49. Soldiers deployed overseas follow rules of engagement established by the Secretary of Defense and adjusted for theater conditions by the joint force commander. Within the homeland, Soldiers adhere to RUF (sometimes including SRUF). There are many similarities between them, such as the inherent right of self-defense, but they differ in intent. Rules of engagement are by nature permissive measures intended to allow the maximum use of destructive power appropriate for the mission. RUF are restrictive measures intended to allow only the minimum force necessary to accomplish the mission. (See Chapter 4, for more information on use of force in regards to DSCA tasks.)

DUTY STATUS OF ARMY FORCES SUPPORTING CIVIL AUTHORITIES

2-50. Commanders and Soldiers must understand the duty status of the forces providing support and how their duty status affects field operations. The Army supports elected officials with complementary capabilities when and where needed through unified action (despite overlapping definitions of terms):

Homeland Defense and Defense Support to Civil Authorities (DSCA) are total force missions. Unity of effort is maintained consistent with statutory responsibilities in operations involving Federal forces and non-federalized National Guard forces with Federal forces under Federal command and control and non-federalized National Guard forces under State command and control.

DODD 1200.17

2-51. Each Component of the Army (Regular Army, Army Reserve, and Army National Guard) has different capabilities, requirements, and restrictions for supporting civil authorities. Regular Army forces and activated Army Reserve units always conduct DSCA missions under the command of the President, exercised through the Secretary of Defense and the combatant commanders. The Army National Guard and Air National Guard are state forces. Army National Guard and Air National Guard units conduct DSCA missions or National Guard civil support missions under the command of their governors. If placed in federal service, under Title 10, USC, National Guard units become federal military forces. Operations of various military units can be in support of different agencies, within overlapping operational areas, and under different chains of command. Military support for a large incident response can include simultaneous operations of—

- Federal military forces made up of Regular Army, activated Army Reserve, and federalized Army National Guard.
- State military forces made up of Army National Guard and Air National Guard.

2-52. In domestic operations, duty status refers to the broad legal authority under which Army forces support civil authorities. Important differences related to duty status exist at the departmental and adjutant general levels, as pay and benefits are affected. In addition, the Posse Comitatus Act authorizes certain tasks and prohibits others depending on duty status. The duty status of a unit (the legal standing of the organization) determines its chain of command and the missions it may undertake within the homeland.

2-53. Three categories of duty status apply to domestic operations. These are federal military forces in Title 10, USC status (conducting DSCA missions), National Guard forces in Title 32, USC status (conducting DSCA missions), and National Guard forces in state active duty status (conducting National Guard civil support missions). The tactical tasks are similar for National Guard forces serving in Title 32, USC status or state active duty status. Forces in either status may be intermixed in a National Guard task force, also known as joint task force-state (JTF-State). All Army forces, regardless of Component or duty status, conduct decisive action as part of unified land operations. The three duty statuses do not necessarily correlate to the three Components of the Army.

2-54. State National Guard units in either state active duty or Title 32, USC status remain under command of their governor. However, command authority will change for National Guard units if federalized (placed in federal service). All forces under the command of the President, including federalized National Guard, are federal military (Title 10, USC) forces. (Table 2-1 summarizes the features of the three types of duty status.).

Table 2-1. Summary of types of duty status for Army forces

Duty status of Army forces:	***State active duty*** ***(Component: Army National Guard in state service)***	***Title 32, United States Code*** ***(Component: Army National Guard in state service)***	***Title 10, United States Code*** ***(Components: Regular Army, activated Army Reserve, and Army National Guard in federal service)***
Command:	Governor	Governor	President
Where missions are performed:	Within home state or territory, or in neighboring state according to emergency management assistance compact or state to state memorandum of agreement	Within home state or territory, or in neighboring state according to emergency management assistance compact or state to state memorandum of agreement	Worldwide
Funding:	State government	Federal government, administered by the state	Federal government
Types of missions:	Assigned by governor, under state law— missions include law enforcement and emergency (incident) response	Department of Defense missions include service for annual training, drills, exercises, and other military requirements. Governor directed disaster response and law enforcement missions.	Assigned by Department of Defense—missions include worldwide training and operations, as assigned by joint force commander
Discipline:	State military code	State military code	Uniform Code of Military Justice
Support for civilian law enforcement:	Yes, direct and indirect support as authorized by the supported governor	Yes, direct and indirect support as authorized by the supported governor	Yes, but strictly limited to indirect support consistent with the Posse Comitatus Act, standing execute orders, and Department of Defense directives and instructions
Authority for determining pay:	State law	Department of Defense Publication 7000.14 R	Department of Defense Publication 7000.14 R
Authority for travel, lodging, and benefits:	State law	Department of Defense travel regulations and public law. See <Defense Travel>	Department of Defense travel regulations and public law. See <Defense Travel>

PERSONAL LIABILITY

2-55. State and territorial National Guard forces have primary responsibility for providing military support to state and local authorities in emergencies. They normally serve in state active duty or Title 32, USC status. In most incidents within the homeland, the President will not federalize National Guard forces. National Guard units conduct advance planning with civilian responders to establish coordination plans and procedures based on the NIMS and the NRF. Command lines follow the authority under which Service members are ordered to duty

2-56. Federal military personnel are immune from personal liability if they cause death, injury, or property damage as a result of their negligent acts (not intentional misconduct) while carrying out duties under the Stafford Act or within the scope of employment under the Federal Tort Claims Act (Sections 1346(b) and 2671 through 2680 of Title 28, USC), respectively. As long as they are performing DSCA under a valid mission authority, they are protected. If a negligent act causing the death, injury, or property damage was

committed outside the scope of their duty or employment, a Soldier or civilian employee may face personal liability, criminal prosecution, or both.

RELIGIOUS SUPPORT

2-57. Religious support in DSCA requires special attention from the command. Military ministry teams deploy during DSCA missions to provide religious support to authorized DOD personnel. In this context, authorized DOD personnel are defined as military members, their families, and other authorized DOD civilians (both assigned and contracted as determined by the joint force commander). Laws implementing the Establishment Clause of the Constitution of the United States generally prohibit chaplains from providing religious services to the civilian population. However, following certain rare and catastrophic events, local and state capabilities of all types (including spiritual care) could become overwhelmed. In these situations, unit ministry teams could serve as liaisons to nongovernmental organizations (including faith based organizations) when directed by the joint force commander. In addition, the primary supported agency, in coordination with local and state authorities, could request federal military chaplains to provide care and counseling or informational services to persons not affiliated with DOD. Commitment requires meeting four criteria known as the four prong test (see JG 1-05 for additional guidance):

- The support must be individually and personally requested in an emergency situation, whereby the need is immediate, unusual, and unplanned.
- The need must be acute. Acute needs are of short duration, prone to rapid deterioration, and require urgent and immediate care. The necessary provision of last rites is an example.
- The requested support must be incapable of being reasonably rendered by members of the clergy unaffiliated with the Armed Forces. Time, distance, and the state of communications may require such a determination to be made on the spot, by the chaplain, based on the information available at the time.
- The support must be incidental. Such support incurs no incremental monetary cost and does not significantly detract from the primary role of the religious support team.

Chapter 3
Organization for Army Support

This chapter discusses unity of effort to expand on principles for coordination of federal military forces conducting DSCA missions and state National Guard forces conducting defense support of civil authorities or National Guard civil support missions. Then it covers organization principles to achieve unity of effort and concludes with considerations for the exercise of command and control when coordinating operations with numerous military and civilian unified action partners.

SECTION I – UNITY OF EFFORT

3-1. Army leaders must understand how operations in the homeland differ from operations by forces operating in the forward regions so they can achieve unity of effort. *Unity of effort* is the coordination and cooperation toward common objectives, even if the participants are not necessarily part of the same command or organization, which is the product of successful unified action (JP 1). In addition to the limits on types of tasks permissible in the homeland, the differences are particularly apparent in how forces coordinate and cooperate to achieve unity of effort. Military commanders and civilian leaders need to keep in mind the distinctions between the Components of the Army. Each Component of the Army has different DSCA capabilities, requirements, and restrictions. In DSCA, the total Army is operating with different Components serving under separate chains of command and performing different tasks. National Guard forces in Title 32, USC status serve under their governor and adjutant general; federal (Title 10, USC) forces serve under the President, Secretary of Defense, and combatant commander. These arrangements created within the constitutional principles are a strength, not a weakness, for the Nation and the Army this arrangement is based on. This arrangement is a significant and distinct aspect of military operations in the homeland.

3-2. Army forces of any component demonstrate the Army's core competencies through the conduct of decisive action (see ADP 3-0). Army Components support civil authorities in the homeland by performing DSCA tasks. Domestic laws and national and DOD policies structure military tasks and missions to ensure unity of effort.

3-3. Military forces that conduct DSCA missions under federal authority may include Regular Army, Marine Corps, Navy, and Air Force; activated Army, Marine Corps, Navy, and Air Force Reserves; and National Guard units placed in federal service. *Federal service* is a term applied to National Guard members and units when called to active duty to serve the United States Government under Article I, Section 8 and Article II, Section 2 of the Constitution and the Title 10, United States Code, Sections 12401 to 12408 (JP 4-05).

3-4. Missions to support disaster response under Title 10, USC are not limited to the National Guard (see paragraphs 1-51 and 2-32 to 2-34 regarding Army Reserve forces for DSCA). Federal (Title 10, USC) forces conducting DSCA missions may include federalized National Guard units and activated Army Reserve. A senior federal official from an agency of the federal government coordinates all federal support, including federal military.

3-5. Military forces that support civil authorities under state authority are Army National Guard and sometimes Air National Guard, serving under state authority in state active duty status or Title 32, USC duty status. State National Guard forces in state active duty status perform decisive action, as part of National Guard civil support missions in state service. State National Guard forces under Title 32, USC duty status perform tasks of decisive action as part of DSCA missions, but in state service.

NATIONAL GUARD FORCES

3-6. This publication briefly discusses National Guard capabilities and organization to facilitate coordination for unified action. However, National Guard operations in state active duty status do not fall under the definition of DSCA.

THE ADJUTANT GENERAL

3-7. A state's adjutant general is an Air Force National Guard or Army National Guard general officer who serves as the commander of the state's National Guard and is the joint force commander for all military forces under the governor's command. The adjutant general recommends National Guard response options to the governor and designates the National Guard commander for any National Guard response. The adjutant general has a joint staff (referring to state Air and Army National Guard) that includes full time National Guard officers and state civilian employees. If necessary, the adjutant general coordinates with adjutants general from other states and with the National Guard Bureau for incident response. In states with constituted militia units not a part of the National Guard (such as the State Defense Force of California), the adjutant general serves as a liaison between the state militia and the state National Guard forces. Each state has existing contingency plans for different incidents, and these plans include the National Guard and the state militia if applicable.

3-8. In many states, the adjutant general also serves as the governor's homeland security advisor and emergency management administrator. The adjutant general, in this case, is responsible for military operations, emergency management, emergency telecommunications, and policy interaction with executive and legislative branches of local, state, and federal governments.

CHIEF OF THE NATIONAL GUARD BUREAU

3-9. The Chief of the National Guard Bureau is the highest ranking officer in the National Guard of the United States, which is a joint reserve component of the United States Army and the United States Air Force. The Chief is a member of the Joint Chiefs of Staff and serves as the principal advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, on matters involving National Guard forces (in state service or in federal service). The National Guard Bureau is a joint activity of DOD.

3-10. The Chief of the National Guard Bureau is the liaison between the state and territorial National Guards and the federal military components. Coordination facilitates continuity and integration with state, territorial, and federal military capabilities. The Chief of the National Guard Bureau also coordinates closely with federal civil authorities and adjutants general of the states.

3-11. The National Guard Bureau in Washington D.C. maintains a continuously manned National Guard operations center. This operations center keeps the Chief of the National Guard Bureau informed about National Guard forces committed to DSCA and to deployments.

FEDERAL MILITARY FORCES

3-12. When directed by the President or the Secretary of Defense, the DOD provides support to a primary agency as part of a coordinated federal response, following a request from civil authorities. The JDOMS (an element of the Joint Staff's Operations Directorate) coordinates federal military support with the combatant commands, Military Departments, the National Guard Bureau, and other DOD elements. The JDOMS (in the Deputy Directorate for Antiterrorism/Homeland Defense) serves as the Joint Staff's focus point for DSCA.

GEOGRAPHIC COMBATANT COMMANDS

3-13. The President and Secretary of Defense direct federal military forces through the combatant commands. Two geographic combatant commands have primary DSCA responsibilities: USNORTHCOM and USPACOM. The other combatant commands provide capabilities to USNORTHCOM and USPACOM for DSCA as directed by the Secretary of Defense. (see paragraph 3-27 through 3-41 for detailed information)

UNITED STATES ARMY CORPS OF ENGINEERS

3-14. USACE manages components of the nation's public works infrastructure. This includes maintenance and management of the national waterways, environmental remediation and recovery operations, real estate, disaster recovery operations, and general project management functions. In the event of a natural or man-made disaster, the U.S. Army Corps of Engineers is prepared and ready to respond as part of the federal government's unified national response to disasters and emergencies.

3-15. USACE operates separately from state National Guard forces and federal Army forces. its capabilities are employed for DSCA through traditional Army command structure, USCs, public law, or DODDs. During natural disasters and other emergencies, USACE can respond under its own authority, Public Law 84-99 (PL 84-99); as a component of the Department of Defense; and as the designated lead agency in support of FEMA for Emergency Support Function Number 3, Public Works and Engineering (ESF #3.) USACE receives priorities from the joint field office directly. Federal military forces may also receive mission assignments under ESF Annex #3, but they remain under the federal joint task force's command.

Public Law 84-99 (Section 5 of the Flood Control Act of 1941)

3-16. PL 84-99 is the USACE Emergency Management authority. Under PL 84-99, USACE may undertake the following:

- Disaster Preparedness: This includes coordination, planning, training, and exercises with key local, state, territorial, Tribal and Federal stakeholders/partners under USACE statutory authorities and in support of the Federal Emergency Management Agency.
- Emergency Operations: USACE responds to flood and storm related disasters. USACE will activate its Emergency Operations Centers to command and control the operation; provide liaisons to FEMA, States, Tribes, and local governments; provide technical assistance and direct assistance for flood fighting; and conduct rescue operations.
- The Rehabilitation Program. The Rehabilitation Program provides for the inspection and rehabilitation of Federal and non-Federal flood risk management projects damaged or destroyed by floods and coastal storms.
- The Restoration Program. The Restoration Program provides for the inspection and restoration of Federal Coastal Storm Damage Reduction projects damaged or destroyed by floods and coastal storms. All projects must meet certain standards in order to be eligible for restoration assistance.
- Advance Measures. Advance Measures assistance may be provided in order to prevent or reduce damages when there is an imminent threat of unusual flooding.
- Drought Assistance. Drought Assistance may be provided to drought distressed areas. Drought assistance includes technical assistance, well drilling in limited circumstances, and transportation (but not purchase) of water to drought distressed areas to make up for inadequate supplies of water.
- Emergency Water Assistance Due to Contaminated Water Source. Emergency Water Assistance may be provided when a locality is confronted with a source of contaminated water causing or likely to cause a substantial threat to the public health and welfare of the local inhabitants. Emergency Water Assistance includes technical assistance, purchase of water, transport of water to local water points, delivery of bulk or bottled water to community-level distribution points, temporary connection of a new water supply to the existing distribution system, installation of temporary filtration.

3-17. See Public Law 84-99 for more information.

Emergency Support Function #3 – Engineering and Public Works

3-18. USACE assists the Department of Homeland Security and FEMA by coordinating and organizing public works and engineering-related support as the agent for the Department of Defense. Typical ESF #3 assistance provided by the Corps of Engineers includes the following:

- Needs Assessments: Conduct damage/needs assessments.
- Temporary Power: Provision of emergency power (generators) to public facilities.

- Temporary Roofing: Provision and installation of "Blue Tarps" to damaged houses and public buildings that have suffered roof damage and are subject to additional damage from wind and rain. Restoring the roof allows the home or building to continue to be used until a permanent repair can be made without displacing the occupants.
- Debris Management: Emergency debris clearance and removal and disposal management of debris from public property.
- Emergency Infrastructure Assessments: Assessments of damaged streets, bridges, ports, waterways, airfields and other facilities necessary for emergency access to disaster victims.
- Temporary Housing. Technical assistance to FEMA for temporary housing in support of displaced people in the impacted area, up to complete design, installation, and turnover to temporary housing facilities.
- Critical Public Facility Restorations: Emergency restoration of critical public facilities (including temporary restoration of water supplies and wastewater treatment systems).
- Demolition / Structural Stabilization: Emergency demolition or stabilization of damaged structures and facilities.
- Technical Assistance: Technical assistance including inspection of private residential structures and commercial structures.

3-19. USACE also uses pre-awarded contracts that can be quickly activated for missions such as temporary roofing, temporary power and debris management. (See USACE website for more information).

STATE DEFENSE FORCES THAT ARE NOT COMPONENTS OF THE STATE ARMY NATIONAL GUARD

3-20. Not all individuals wearing a military-type uniform are part of the Army. Twenty four states have a state defense force, organized under a separate provision of Section 109(c) of Title 32, USC. Many of these units wear standard military-type uniforms that are indistinguishable from standard Army uniforms except for patches and state name tapes. A state defense force may be a state organized defense force, a state guard, or even a named militia unit. However, these are not Army National Guard forces, although they usually are the responsibility of the state's adjutant general. They are always under the governor's authority. Members of a state defense force cannot be federalized. State defense forces may conduct law enforcement missions consistent with state laws and orders by their governor. In some states, the defense force has law enforcement authority similar to credentialed law enforcement officials. State defense forces may be on scene, operating in the same areas as National Guard units conducting National Guard civil support and federal Army units conducting DSCA.

SECTION II – COORDINATION OF STATE AND FEDERAL MILITARY FORCES

3-21. State and federal Army leaders apply doctrinal principles that will ensure all Army forces achieve unity of effort when state military and federal military units are partners in a response. Army units supporting civil authorities are likely to serve alongside military partners under different chains of command. The particular duty status of a unit (the legal standing of the organization) determines its chain of command and in some cases the missions it may undertake in the homeland. Depending on their status, units may be described as federal forces or state forces. However, the inclusion of National Guard units within either category varies.

3-22. The principle of tiered response means that support for incident response expands from the bottom up, with each partner continuing to provide support after additional partners arrive. State National Guard forces usually are the first military partners to arrive. If federal military forces join the response, the state forces will not necessarily depart. This discussion provides Army leaders an overview of the coordination principles commonly used for state and federal military forces. Understanding of this discussion depends on understanding the principles described in chapters 1 and 2. (See JP 3-08 and JP 3-28 for a detailed discussion about coordination of all military forces that support incident response.)

COORDINATION OF STATE NATIONAL GUARD FORCES

3-23. Each adjutant general maintains a permanent headquarters for the state's National Guard forces, referred to as a joint force headquarters-state (JFHQ-State). The word joint, in this context, includes only the state's Army National Guard and Air National Guard. However, each state's National Guard varies in composition and size; there is no standard response organization among the 54 National Guard headquarters. Each state maintains contingency plans for different incident types and adjusts these plans as needed during operations, including adjustments for federalized National Guard units. In most incidents, the adjutant general establishes a JTF-State. In this context, the word state is used generically; each JFHQ-State and each JTF-State is named differently. A JTF-State, based on the adjutant general's contingency plans, usually has operational control of all Army and Air National Guard forces from all participating states. Partnerships are established and reinforced through joint and multiagency exercises well before incidents occur. The commander of the JTF-State task organizes units into task forces for missions. These state task forces sometimes work alongside federal task forces. (Figure 3-1 illustrates an example of a state National Guard response organization).

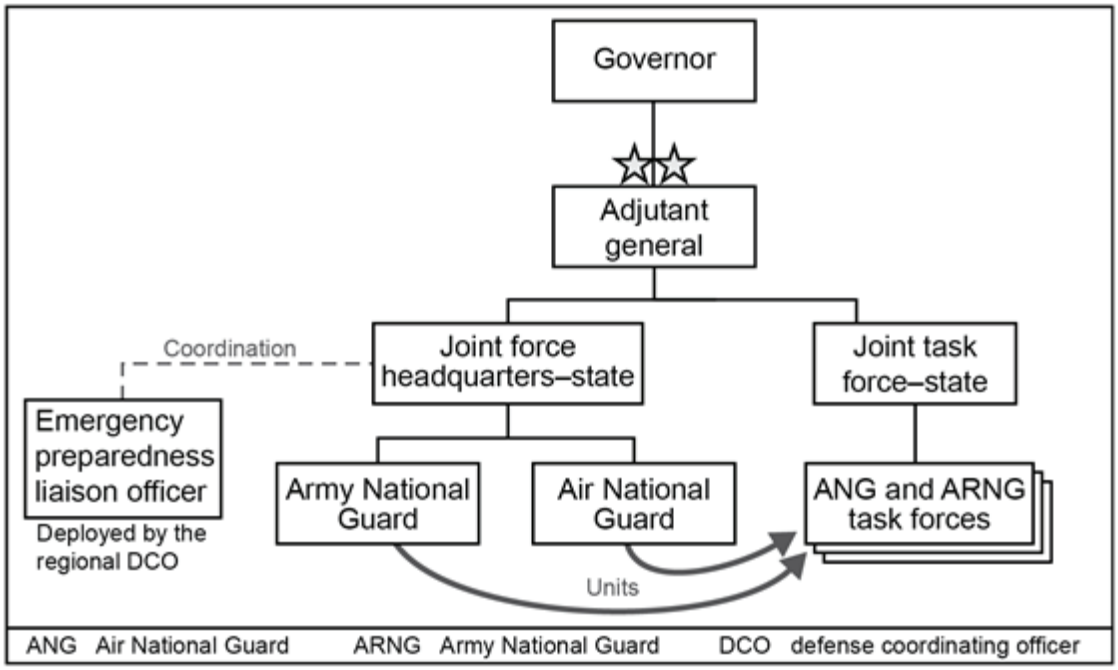


Figure 3-1. Example of a state National Guard organization for missions in state active duty or Title 32, USC status

COORDINATION OF FEDERAL MILITARY FORCES

3-24. The DOD appoints twelve full time DCOs: one in each of the ten FEMA regions along with one supporting Hawaii and U.S. territories in the Pacific and one supporting Puerto Rico and the U.S. Virgin Islands. Each DCO works closely with federal and state emergency management entities in each FEMA region. Over time, the DCO can develop personal ties with the representatives of key partners. Each DCO has a permanent workspace inside the regional response coordination center, near the ESF managers. The DCO for the affected region serves as the DOD's representative for the federal response. Each DCO manages a defense coordinating element: a staff and military liaison officers who facilitate federal military support to activated ESFs. Responsibilities of the DCO usually include coordinating requests for assistance, forwarding mission assignments to military organizations through DOD channels, and assigning military liaisons, as appropriate, to activated ESFs. Generally, requests for DSCA originating at a joint field office are initially processed through the DCO. In some situations, the DOD may commit small military detachments when state

authorities request specialized federal military support. When directed by USNORTHCOM, a DCO exercises tactical control over these forces and coordinates with United States Army, North (USARNORTH) for their sustainment. (Figure 3-2 illustrates an example of the organization of a defense coordinating element.)

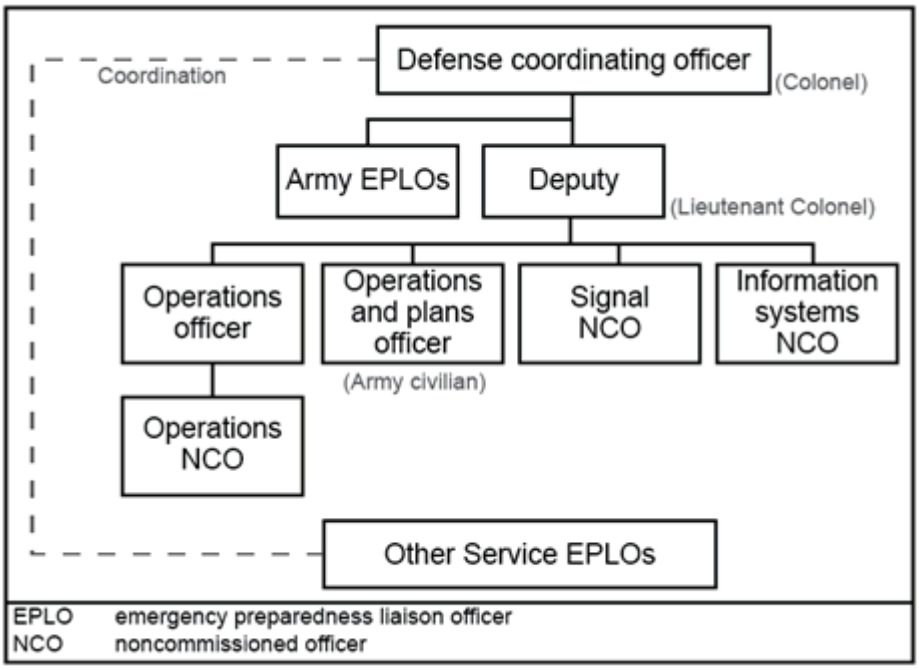


Figure 3-2. Example of defense coordinating element organization

3-25. An emergency preparedness liaison officer (EPLO) is a senior Reserve officer (typically an O-5 or O-6) who represents one of the military Services at a joint field office. These individuals are trained in DSCA requirements, regulations, and related laws. They perform a liaison role in coordinating their Services' support. EPLOs are provided through programs by the Army Reserve, Navy Reserve, Air Force Reserve, and Marine Corps Reserve. (See DODI 3025.16 for more information about the DOD EPLO program.)

3-26. The Army places a permanent EPLO in each of the ten FEMA regions. The DCO in each region directs the regional EPLO, who works in close coordination with the defense coordinating element. During DSCA operations in the USNORTHCOM area of operations (AOR), Army EPLOs are under the tactical control of USARNORTH. An EPLO may serve as a liaison to a National Guard's JFHQ-State or at a DOD installation when tasked by the DCO. An EPLO identifies potential federal military support requirements for incidents.

COMBATANT COMMAND ORGANIZATION

3-27. USNORTHCOM and USPACOM maintain several standing joint task forces that have primary missions associated with DSCA. The command organizations differ due to mission, responsible areas of operations, and standing forces available.

UNITED STATES NORTHERN COMMAND ORGANIZATION

3-28. USNORTHCOM anticipates and conducts homeland defense and DSCA involving federal military forces within its AOR to defend, protect, and secure the United States and its interests. In accordance with the Chairman of the Joint Chiefs of Staff standing execute order for DSCA (referred to as the CJCS DSCA EXORD) the Commander, USNORTHCOM, has the authority to alert and prepare to deploy assigned and allocated forces in support of a primary agency such as FEMA. The Commander, USNORTHCOM may request, deploy, and employ selected forces upon notification from the Chairman of the Joint Chiefs of Staff and the Secretary of Defense, in support of a validated request for assistance from a primary agency.

USNORTHCOM may deploy an augmentation package as an advance joint liaison element to maintain situational awareness (see paragraph 3-63 for more information on situational awareness teams).

Army Service Component Command Assigned to USNORTHCOM

3-29. USARNORTH is the Army Service component command (ASCC) and theater army assigned to USNORTHCOM. Additionally, USNORTHCOM designates USARNORTH as the standing joint force land component commander (JFLCC) for the USNORTHCOM AOR. Serving as both the ASCC and standing JFLCC, USARNORTH commands and controls federal military forces conducting DSCA, homeland defense, and theater security cooperation. USARNORTH maintains a main command post, based at Fort Sam Houston, and a contingency command post capable of operating as a joint task force with augmentation. The contingency command post is organized for rapid land or air deployment anywhere in the USNORTHCOM AOR. The contingency command post has communications systems compatible with joint and interagency partners, with satellite links. In response to an incident, USARNORTH typically deploys the contingency command post near the joint field office.

3-30. The DCOs and defense coordinating elements for all ten FEMA regions are assigned to USARNORTH. (Figure 3-3 illustrates USNORTHCOM and USARNORTH organization for DSCA.)

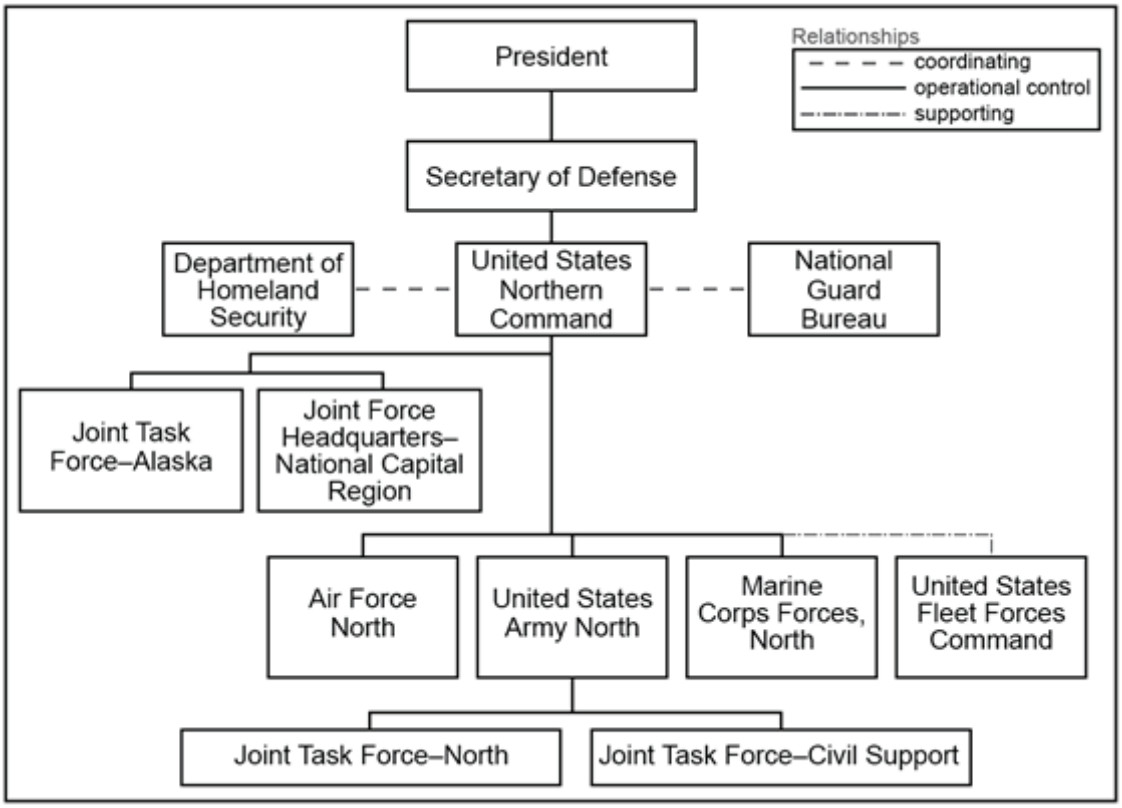


Figure 3-3. Example of United States Northern Command and United States Army North organization

Standing Joint Task Forces Assigned to USNORTHCOM

3-31. Joint Task Force-Civil Support is a standing joint task force headquarters assigned to USNORTHCOM and under the operational control of USARNORTH. It plans and integrates DOD support for chemical, biological, radiological, or nuclear incidents (referred to as CBRN incidents). During support for CBRN incidents (including CBRN consequence management) Joint Task Force-Civil Support forces consist mainly of the Defense CBRN Response Force provided to USNORTHCOM in an annually updated execute order

for CBRN incident response operations (JP 3-41). When directed by the Secretary of Defense, the Commander, USNORTHCOM, deploys Joint Task Force-Civil Support to establish control of federal military forces supporting a CBRN incident. USNORTHCOM may deploy Joint Task Force-Civil Support to the USPACOM AOR to provide CBRN incident support, when requested.

3-32. Joint Task Force-Civil Support and the USARNORTH contingency command post can quickly form as a joint task force to command and control federal forces. The JFLCC, designated as the main supported effort, commands and controls federal military forces and joint task forces operating in small and medium scale DSCA missions

3-33. Joint Task Force-North is a standing joint task force assigned to USNORTHCOM and under the operational control of USARNORTH. It employs military capabilities in support of federal civilian law enforcement agencies in the homeland.

3-34. Joint Task Force-Alaska, headquartered at Elmendorf Air Force Base, is a subordinate command of USNORTHCOM. Joint Task Force-Alaska's mission is to deter, detect, prevent and defeat threats within the Alaska joint operations area to protect U.S. territory, citizens, and interests, and as directed, conduct DSCA. Within its operational area, Joint Task Force-Alaska plans and integrates DOD homeland defense efforts and provides DSCA to civilian agencies such as FEMA.

3-35. The Joint Force Headquarters-National Capital Region plans, coordinates, and maintains situational awareness in the National Capital Region to safeguard the Nation's capital.

3-36. Other allocated or theater committed military assets for homeland defense and DSCA include a theater sustainment command, an air and missile defense command, a contracting support brigade, and a human resources command.

UNITED STATES PACIFIC COMMAND ORGANIZATION

3-37. USPACOM conducts DSCA in Hawaii, Guam, and American Samoa, and the U.S. territories within its AOR. USPACOM conducts DSCA through assigned Service components and designated functional components. Depending on the disaster response, USPACOM will activate a task force (TF); either TF East (Hawaii), TF West (Guam), and/or a TF Homeland (when one or more task forces are activated). There are two USPACOM Defense Coordinating Officers (DCO), DCO-East for Hawaii and DCO-West for Guam. When USPACOM executes DSCA plans, DCO-East becomes operational control to USPACOM Joint Operations Center. USPACOM can also activate a joint task force (Joint Task Force-Homeland Defense) to perform DSCA and homeland defense missions.

3-38. USPACOM forms Joint Task Force-Homeland Defense by combining a Service headquarters (such as an Army division), a joint signal element, personnel from a joint manning document, and a DHS liaison. This joint task force conducts DSCA within the USPACOM AOR.

3-39. In accordance with the CJCS DSCA EXORD, the Commander, USPACOM has the authority to alert and prepare to deploy assigned and allocated forces in support of a primary agency. The Commander, USPACOM, may request, deploy, and employ forces upon notification from the Chairman of the Joint Chiefs of Staff and Secretary of Defense, in support of a validated request for assistance from a primary agency.

3-40. United States Army, Pacific (USARPAC) is the ASCC and theater army assigned to USPACOM. USARPAC commands Army forces in the Asia Pacific region. United States Army Pacific includes approximately 80,000 Soldiers spanning from the Northwest Coast and Alaska to the Asia Pacific region, including Japan.

3-41. USARPAC is engaged throughout the Asia Pacific region, providing trained and ready combat and enabling forces and playing a key role in USPACOM's theater security programs. USARPAC provides training support to National Guard and Army Reserve forces in Alaska, Hawaii, Guam, and American Samoa, as well as humanitarian assistance and DSCA.

SECTION III – CONSIDERATIONS FOR THE EXERCISE OF COMMAND AND CONTROL

3-42. Arguably, the most challenging aspect of DSCA for Army leaders is the nature of providing support alongside numerous partners when there is no unity of command. During emergencies, many of the military forces supporting first responders will be working with each other for the first time. Federal forces may be providing DSCA for the first time. Effective command and control in this type of environment is just as important as in combat operations. Commanders need to understand how the exercise of authority in DSCA differs from combat operations. However, the principles of Army mission command doctrine still apply.

3-43. Mission command, as the Army's approach to command and control, relies on people, rather than technology or systems, to enable effective unified land operations. Mission command requires shared understanding of the commander's (or civilian authority's) intent. It also entails building mutual trust and cohesion within Army organizations and with JIM (joint, interagency, multiagency), and civilian partners, to include assessment of, and accepting prudent risk, by exercising disciplined initiative, and frequent coordination with all participants. The command and control warfighting function requires the establishment of extensive command, control, and communications networks to achieve and maintain unity of effort, often requiring large numbers of liaison personnel attached to civilian agencies and between federal military and National Guard forces. (See ADP 6-0 for doctrine on the exercise of command and control.)

STATE NATIONAL GUARD COMMAND

3-44. National Guard forces in Title 32, USC status or state active duty status remain under the command of their state's governor. The governor exercises command through that state's adjutant general and the JFHQ-State. State forces often conduct National Guard civil support under the operational control of a JTF-State made up of Air and Army National Guard units.

3-45. In accordance with Chief National Guard Bureau Instruction 3000.04 (CNGBI 3000.04), each state maintains a headquarters (a JFHQ-State) to unify command of its Air and Army National Guard forces. The JFHQ-State functions as the joint staff for the adjutant general, who directs the state National Guard's operations. The JFHQ-State co-locates with the state's emergency operations center and allocates resources to National Guard forces. The JFHQ-State coordinates requests for state National Guard assistance. As it processes requests, the JFHQ-State provides situation reports to the National Guard Bureau's joint operations center in Washington D.C. During a disaster response, however, most states exercise operational control of their deployed forces through a JTF-State in the operational area.

3-46. The adjutant general alerts state National Guard forces through emergency communications networks that tie together subordinate National Guard armories, installations, and commanders. Based on standing contingency plans, the adjutant general organizes one or more task forces formed around one of the state's battalions or large units. This may be a brigade headquarters that includes Air National Guard personnel and civilians working for the state government. Although states' arrangements differ, the support follows similar patterns. The adjutant general supports the governor, and the JFHQ-State supports the state emergency operations center. The JTF-State exercises operational control of committed forces and works with the civilian incident command organization (described in chapter 1) on scene. (Figure 3-4, on page 3-10, illustrates the relationships between civilian command organizations and National Guard echelons during a sample large, state level, multijurisdictional disaster response-as used in Illinois.) If a National Guard response only involves Army National Guard, the state may use a task force rather than a joint task force.

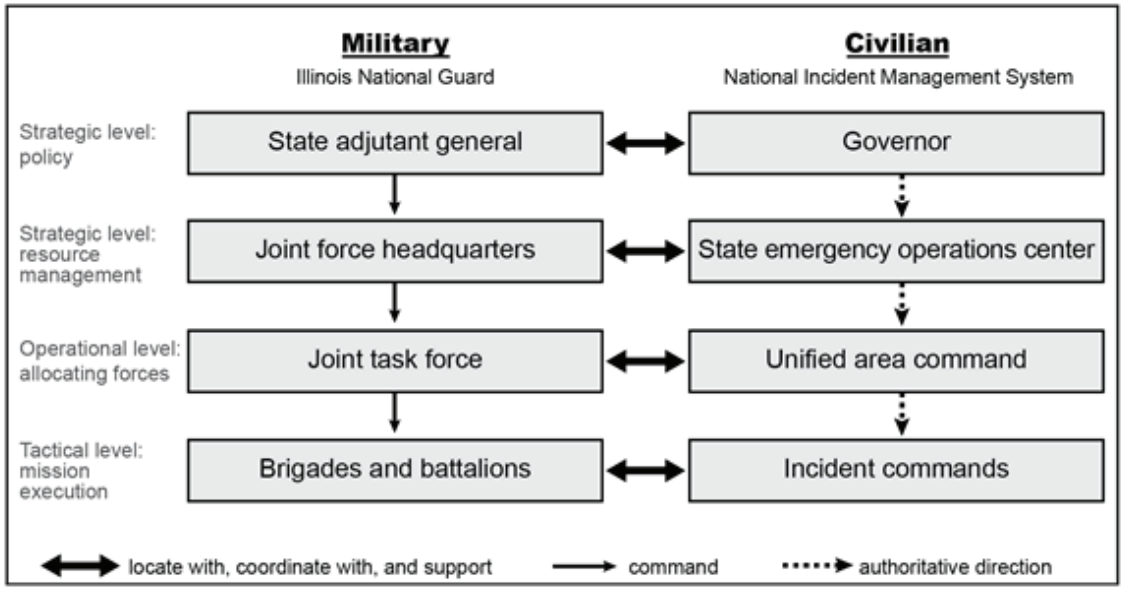


Figure 3-4. Example of a state response (Illinois) with National Guard and civilian echelons

3-47. Even in states where the adjutant general is also the state emergency management administrator, National Guard forces remain in support of civil authority. State constitutions echo the principles in the Constitution of the United States and respect the authorities of elected and appointed officials within their jurisdictions. The relationship between National Guard leaders and their civilian counterparts may intertwine considerably. National Guard and state officials work closely together for years and often form multiagency teams to respond to incidents.

FEDERAL MILITARY COMMAND

3-48. Federal forces providing DSCA remain under the command of the President. Command is exercised through the geographic combatant commander. This discussion focuses on the USNORTHCOM AOR.

3-49. For any federal force operating in the USNORTHCOM AOR, the JFLCC (USARNORTH) determines the required capabilities and the appropriate command relationships, depending on the situation. However, in the USNORTHCOM AOR, the Commander, USNORTHCOM, identifies the BSI (see paragraph 4-26 for more about the BSI).

3-50. Usually, USNORTHCOM will direct USARNORTH, as the standing JFLCC, to deploy a contingency command post or joint task force to provide command and control for federal forces conducting DSCA missions. The JFLCC is designated as the main supported effort. In a large response, separate joint task forces could be employed simultaneously, under operational control of the JFLCC. Should a catastrophic event occur, a corps headquarters could become the main supported effort, with the JFLCC under operational control of the Commander, USNORTHCOM. In that case, the JFLCC would set the theater and provide theater sustainment.

3-51. Both USNORTHCOM and USARNORTH routinely deploy situational assessment teams to disaster areas in advance of a decision to commit federal military forces. These teams deploy to the incident area and come under the operational control of the DCO. The DCO facilitates coordination and information sharing between the assessment teams and the various ESFs. If required, the DCO can coordinate for information sharing between the assessment team, the state emergency operations center, and the JFHQ-State. Once an assessment team provides its findings to its parent headquarters, it becomes part of the defense coordinating element. As part of the defense coordinating element, assessment teams continue to provide situation updates to their former headquarters through the DCO's situation report.

3-52. USNORTHCOM or USARNORTH also sends liaison teams to DOD installations nearby to assess the potential basing requirements. If deployment of federal forces is likely, USARNORTH deploys a contingency command post to the vicinity of the joint (multiagency) field office. From there, the contingency command post usually coordinates requirements between the DCO and USARNORTH, assists the defense coordinating element, and begins tying in command of federal military forces with the joint field office.

3-53. USPACOM exercises command and control through the Joint Operations Center, Homeland Defense. They activate task forces dependent on the situation. In addition, USARPAC provides a majority of the staff to the USPACOM staff augmentation package for a dual status commander.

PARALLEL AND DUAL STATUS COMMAND

3-54. Command and support relationships pose challenges for synchronizing federal and state forces conducting DSCA tasks. As previously discussed in chapter 2, section III, Key Legal Considerations, the laws and legal authorities differ between federal and state forces operating within the homeland. The two usual and customary models used in domestic support are parallel command and dual status command. Under parallel command, federal forces take orders from the DOD chain of command, and state National Guard forces take orders from the state's chain of command. If dual status command is used, the President and the governor sign an agreement appointing one officer to command both federal and state National Guard forces. That officer serves simultaneously in Title 10, USC and Title 32, USC duty status. Although dual status command enhances command and control, it does not create unity of command. Missions for federal and state National Guard forces originate separately and must be conducted by their respective forces.

PARALLEL CHAINS OF COMMAND

3-55. In many large scale incidents, state National Guard and federal military forces operate in overlapping operational areas under separate chains of command. A parallel command structure enhances unity of effort, but its success depends on continuous coordination between all of its components. Within a parallel command structure, there is no single force commander and therefore no unity of command in the military sense. Both the federal and state commanders retain control of their respective forces. Decisions regarding an operation require the collective effort of all participating leaders: state and federal civil authorities, and state and federal military leaders. Leaders collaborate as partners, based on the NIMS and NRF, to develop common goals, unify their efforts, and accomplish the mission. (Figure 3-5, on page 3-12, illustrates a parallel command structure.)

3-56. The challenge in using a parallel command structure for DSCA is achieving effective use of forces by the state and federal chains of command. Effectiveness depends on a close working relationship between commanders. Physically co-locating command posts or exchanging liaison officers at command posts facilitates this coordination.

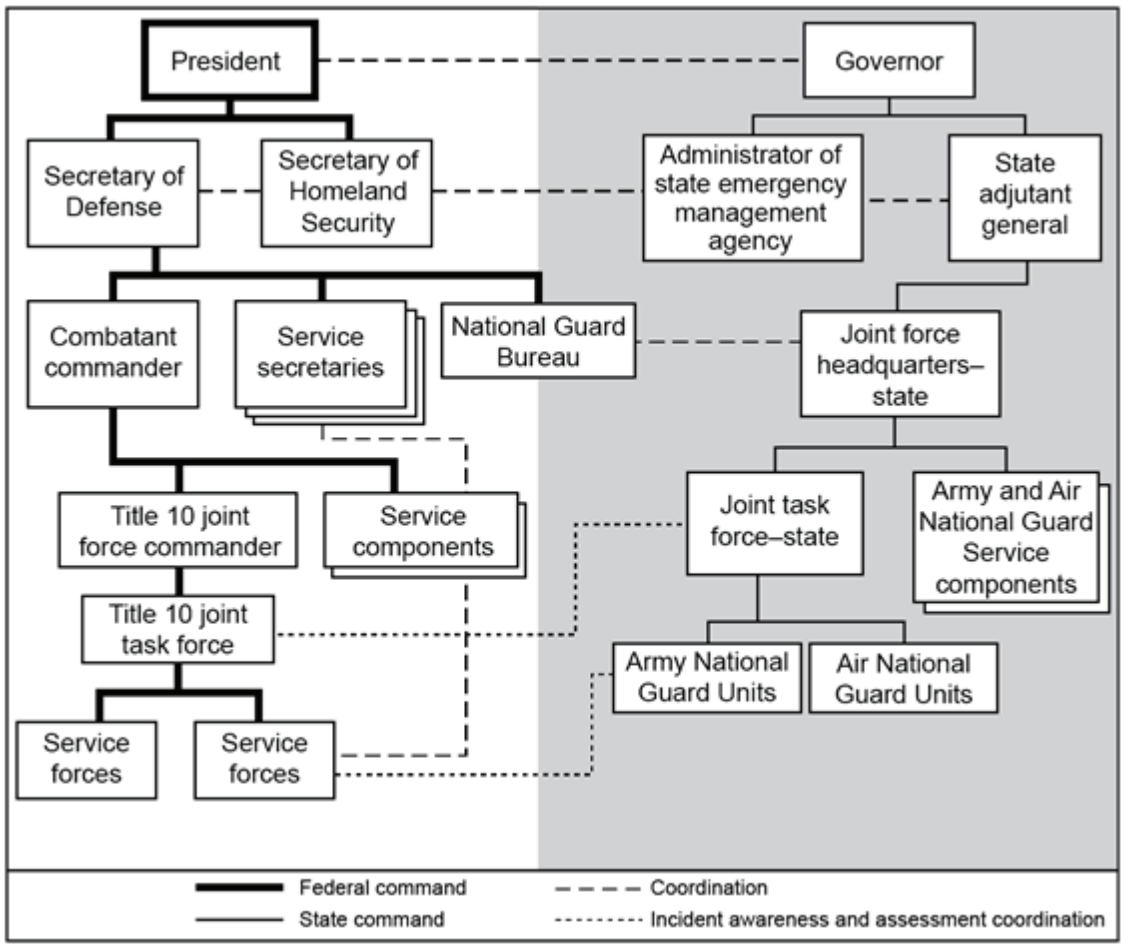


Figure 3-5. Example of parallel command structure

DUAL STATUS CHAIN OF COMMAND

3-57. In a large, protracted response, the Secretary of Defense and the state governor or governors may agree to appoint a dual status commander. Dual status command is unique to DSCA. Federal law permits the use of a dual status military commander to integrate federal and state National Guard forces, reduce duplication of effort, and ensure unity of effort during a national-level, multiagency response or a NSSE.

3-58. A National Guard officer may serve in Title 10, USC status while retaining state status (state active duty or Title 32, USC), if the Secretary of Defense authorizes service in both duty statuses, and if the governor of the affected state consents. Conversely, the President may approve a Title 10, USC active duty officer detailed to duty with the state National Guard by a Service Secretary to accept a commission from a governor into the state National Guard. This person serves concurrently in both a federal and nonfederal status. In this case, only the commander is in a dual status; subordinate forces are not.

3-59. In an extreme emergency, and particularly when also conducting homeland defense, the President may consolidate all military forces under the DOD by federalizing the National Guard and exercising command through USNORTHCOM or USPACOM; this is not dual status command.

3-60. The dual status commander may elect to combine or keep separate sections of the staff. Four documents are necessary to implement dual status command:

- Authorization by the President.
- Consent of the governor.
- Order by the appropriate Service Secretary bringing the designated commander onto dual status.
- A memorandum of agreement between the two chains of command.

3-61. When in a federal duty status, the dual status commander takes orders from the President or those officers the President and the Secretary of Defense have ordered to act on their behalf. The dual status commander may issue orders to federal forces under his or her command. When in a state duty status, the dual status commander takes orders from the governor through the adjutant general and may issue orders only to National Guard Soldiers serving in a state duty status (Title 32, USC or state active duty). However, both chains of command recognize and respect that the dual status commander cannot exercise dual authority simultaneously on behalf of two mutually exclusive sovereign governments. Instead, a dual status commander exercises authority in a mutually exclusive manner, (either in a federal or state status), but never in both statuses at the same time. In other words, a dual status commander holds a federal hat in one hand and a state hat in the other hand but can wear only one hat at a time. (Figure 3-6 illustrates an example of a dual status command structure.)

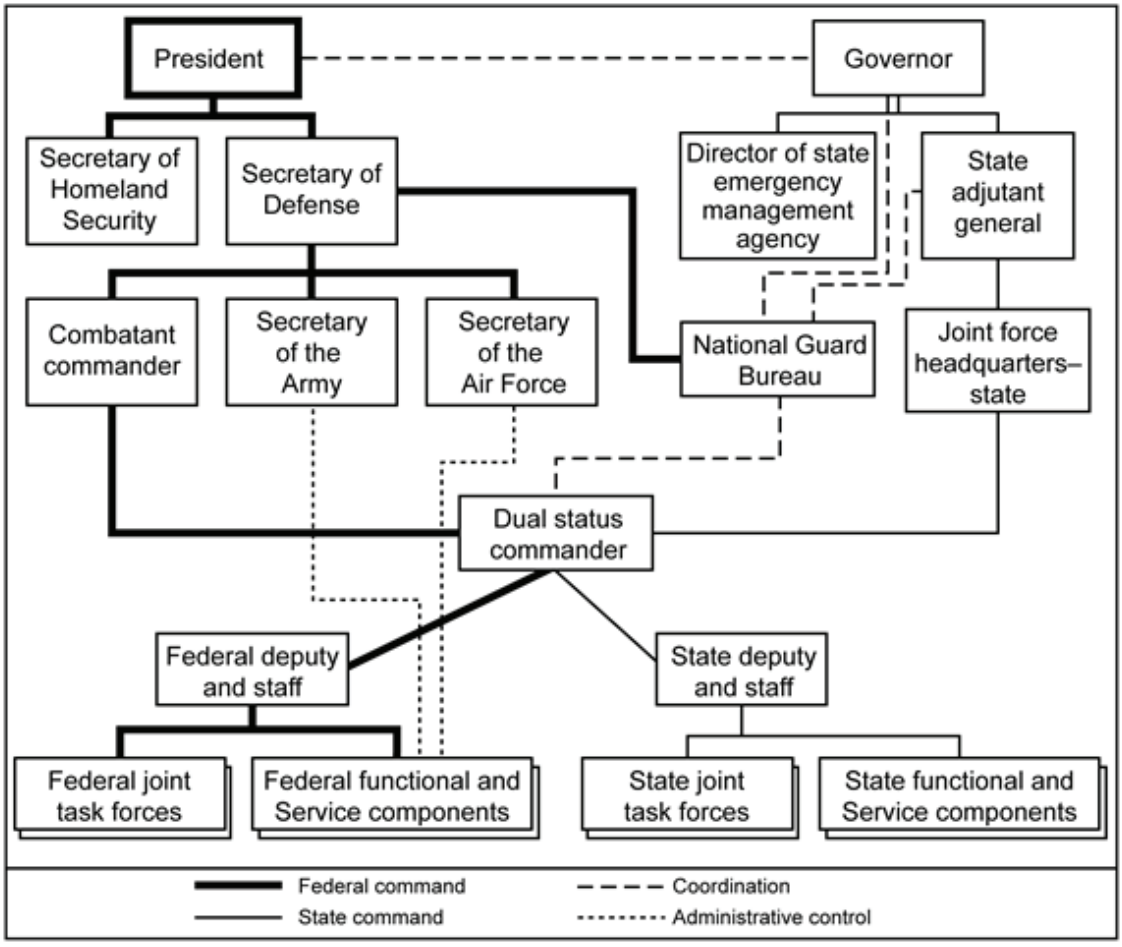


Figure 3-6. Example of dual status command structure

3-62. A memorandum of agreement must be signed by the governor and the Secretary of Defense or their designees before a dual status commander can be established. The purpose of the memorandum of agreement is to avoid future complicating liability determinations and confusion over the application of the Posse Comitatus Act (see paragraphs 2-40 to 2-47 for more about the Posse Comitatus Act). This memorandum of agreement between the two chains of command should define, at a minimum—

- An agreement that each chain of command will not attempt to issue orders to the dual status commander that concern forces or missions assigned to the other chain of command.
- Delineation of missions to be performed by forces in each chain of command and that the federal missions will not involve law enforcement duties.
- The military justice authority that can be exercised by the dual status commander in each status.
- The successor of command authority for each chain of command.
- Rules for the use of force for both chains of command.
- Procedures to resolve any conflicts that may arise.

3-63. A federal unit placed under a dual status National Guard commander should plan to receive a staff augmentation package from the combatant command. This augmentation package includes subject matter experts in DSCA. (An example of an augmentation package from USNORTHCOM or USARNORTH-sometimes known as a joint support force staff element-is shown in table 3-1.)

Table 3-1. Example of augmentation package from USNORTHCOM or USARNORTH

Staff element	*Manning*	*Related position description*
Personnel	1	Facilitates joint reception, staging, onward movement, and integration of federal military forces; ensures accountability.
Intelligence	1	Incident awareness and assessment management and coordination. Supports the joint operations directorate and the joint task force with situational awareness.
Logistics	1	Joint reception, staging, onward movement, and integration coordination; assists with expenditure management.
Medical planner	1	Principal joint task force medical advisor. Monitors all medical status.
Communications	2	Coordinates, establishes, and maintains all communications equipment and requirements.
Search and rescue	1	Situational awareness on all current search and rescue operations; principal federal military search and rescue advisor.
Land	2	Situational awareness on all current ground operations; principal federal military ground advisor.
Air	2	Situational awareness on all current air operations; principal federal military air advisor.
Maritime	1	Situational awareness on all current maritime operations; principal federal military advisor.
Global force management	1	Force flow management for federal military forces; maintains situational awareness on National Guard.
Legal advisor	1	Joint task force; legal advice
Information management and knowledge management	1	Facilitates collaborative tool usage.
Contracting	1	Required to advise commander and legally obligate the US government when necessary
Finance and Accounting	1	Works closely with logistics and contracting assists with expenditure management
Public affairs	1	Coordinated communications; joint task force strategic message.

COMMAND IN A MULTI-STATE CATASTROPHE

3-64. A catastrophic event such as a major earthquake may affect several states simultaneously. The participation of civil and military responders from different levels of authority and different jurisdictions makes a coordinated national response imperative. The military commitment could involve thousands of Soldiers from every Component of the Army.

3-65. Within affected states, National Guard forces normally support their respective states' first responders. However, in a multi-state disaster, existing agreements for support from adjacent states may be overridden by the extent of the catastrophe. In such a situation, the National Guard Bureau works with all unaffected states to coordinate for additional National Guard forces to deploy and reinforce the state National Guard forces within the affected states. In a multi-state disaster, FEMA sets up at least one joint field office per state. In states where federal military forces join the response effort, a DCO serves in each joint field office. DCOs from other FEMA regions deploy to added joint field offices since the region's DCO remains with the regional response team and principal federal official. FEMA may expand the regional response coordination center within the disaster area (if still operational) to direct the regional response efforts.

COMMAND AND SUPPORT RELATIONSHIPS

3-66. Military forces remain under military chain of command, but state National Guard and federal forces have different chains of command. Unless directed by the President as specified in law, the chains of command remain separate. Although the chains of command remain separate, the forces are often intermixed geographically.

3-67. State National Guard commanders may enhance unity of effort through judicious use of support relationships, which differ from command relationships under Army doctrine. For example, the JTF-State may place a National Guard company in direct support of a local incident commander. The National Guard commander receives priorities directly from the incident commander, but the National Guard commander retains operational control over all Guardsmen in the company.

3-68. Federal forces are attached or under operational or tactical control to the federal military joint task force. The joint task force commander further task organizes subordinate units based on mission assignments, normally specifying operational control by the gaining headquarters. Administrative control remains with the original providing component headquarters, subject to modification by the Secretary of the Army.

3-69. Support relationships can facilitate unified action when federal and state National Guard forces operate in the same area, subject to mission assignments. Following requests from FEMA or the state, a federal military installation or unit may support a National Guard force, particularly in cases where the federal installation is supporting FEMA efforts. However, because the command lines remain separate, any supporting relationship requires approval by both DOD and the affected state's adjutant general, in coordination with their respective federal and state coordinating officers.

INTELLIGENCE AND INFORMATION

3-70. Intelligence oversight is an important topic in DSCA operations. Intelligence oversight is discussed in paragraphs 3-70 through 3-76. The rules regarding sensitive information are different in DSCA operations than in other Army operations. Sensitive information is discussed in paragraphs 3-77 through 3-79. Information sharing has unique aspects in DSCA operations. Information sharing is discussed in paragraphs 3-82 through 3-83. (For more information see ATP 2-91.7.)

INTELLIGENCE OVERSIGHT

3-71. The concepts and processes used to produce intelligence to support decision making for DSCA are no different from those used during offensive, defensive, and stability operations. However, an operational environment is different, and all commanders must ensure intelligence support in DSCA remains within the guidelines of U.S. law and applicable policies. Commanders ensure adherence to regulations, statutes, and laws concerning intelligence activities by following DODM 5240.01 for procedures 1 through 10, DOD 5240.1-R for procedures 11 through 15, and AR 381-10, US Army Intelligence Activities.

3-72. Intelligence operations must adhere to regulations and directives that implement restrictions in compliance with intelligence oversight requirements. Any use of intelligence capabilities for purposes other than designated in the Chairman, Joint Chiefs of Staff Standing DSCA Execute Order (also called the CJCS DSCA EXORD) must be expressly approved by the Secretary of Defense. Information collection conducted to support the commander focuses on saving lives and reducing risk to Army forces. Commanders and intelligence professionals consult with staff judge advocates concerning any unclear areas of intelligence

activities. The following individuals and groups are considered U.S. persons (per AR 381-10) protected by intelligence oversight rules:

- U.S. citizens.
- Lawful permanent resident aliens.
- Unincorporated associations substantially composed of U.S. citizens or permanent resident aliens.
- Corporations incorporated in the United States, except for those directed and controlled by a foreign government.

3-73. Eight documents contain the core legal authorities for intelligence oversight:

- Constitution of the United States.
- Executive Order 12333 (1981).
- National Security Act of 1947.
- Foreign Intelligence Surveillance Act of 1978 (Public Law 95-511).
- DODD 5240.01.
- DODM 5240.01.
- DOD Publication 5240.1-R.
- AR 381-10.

3-74. Intelligence oversight directly affects Army elements and other military organizations conducting authorized intelligence activities. Commanders and intelligence personnel may receive and retain information concerning foreign intelligence and counterintelligence. Commanders and intelligence personnel may require further authorization, however, to retain information if a foreign group or noncitizen is working with U.S. persons.

3-75. Civilian police may ask Soldiers to report any illegal activity they observe through their chain of command to civilian law enforcement. Such information may be reported by Army intelligence or military police and force protection units according to DODI 3025.21, DOD Publication 5240.1-R, Procedure 12; and DODD 5200.27, paragraphs 3, 4, and 5. A unit may retain law enforcement intelligence that is provided by civilian law enforcement according to DODI 3025.21, DOD Publication 5240.1-R, Procedure 3; and DODD 5200.27; and log any information provided to civilian law enforcement agencies under intelligence oversight or other sensitive information program standards, as long as no identifying information about U.S. persons is retained. Before any further dissemination, the staff should confirm with the staff judge advocate that the staff can distribute the information to subordinate units.

3-76. Airborne sensors and unmanned aircraft systems pose particular challenges for intelligence oversight. These intelligence systems provide commanders and civil authorities with powerful tools to help them assess the situation on the ground, particularly in the initial stages of a response. However, information gathered by these systems can conflict with the intelligence oversight restrictions. For example, an Army helicopter equipped with forward looking infrared may be tasked to assess the stability of flood control constructed earlier in the day. During the course of the surveillance mission, the aircrew may spot a group of looters near the flooding. They may legally report this to their chain of command, without identifying the looters, according to DOD Publication 5240.1-R, Procedure 12. According to DODM 5240.1, Procedure 3, information on U.S. persons, whether collected intentionally, incidentally, or voluntarily provided, must be evaluated promptly, and may be retained for evaluation for up to 5 years.

SENSITIVE INFORMATION

3-77. Any information acquired on civilians and civilian organizations by military personnel or by DOD law enforcement, antiterrorism, or force protection personnel is considered sensitive information. Its collection must be authorized, and all information collected must be provided directly to the supported civilian law enforcement agency unless separate exceptions permit retention by DOD. Otherwise, the military unit may not retain this information. If commanders determine or suspect that these prohibitions have been violated, they report the violation in accordance with DOD Publication 5240.1-R, Procedure 15, for assistant chief of staff, intelligence (G-2) violations. Commanders report violations for improper collection activities by provost marshal, antiterrorism, or force protection personnel according to DODD 5200.27. DOD Publication

5240.1-R and DODD 5200.27 govern the release of sensitive information. Any waivers or exceptions to these restrictions may only be granted by the Secretary of Defense or the Secretary of the Army.

3-78. There are legal restrictions on using information about individuals and organizations physically located within the United States and its territories unless they are part of DOD (military, civilian, or contractor). The core regulations pertaining to these restrictions are DODD 5200.27 and AR 380-13. The restrictions on the use of law enforcement information govern the activities of all members of DOD (uniformed members and civilians). These restrictions are designed to ensure that the rights of, and information on, individuals or organizations not affiliated with DOD are protected unless such information is essential to the accomplishment of specified DOD missions. Any information collected on people not affiliated with DOD must pertain only to the protection of DOD functions and property, personnel security, or operations related to civil disturbance. Seven specific prohibitions regarding information acquisition are that—

- Information acquired on individuals or organizations not affiliated with DOD is restricted to that which is essential to the accomplishment of assigned DOD missions.
- No information shall be acquired about a person or organization solely because that person or organization lawfully advocates measures in opposition to government policy.
- Physical or electronic surveillance of federal, state, or local officials or of candidates for such offices is prohibited.
- Electronic surveillance of any individual or organization is prohibited, except as otherwise authorized by law (such as by warrant).
- Covert or otherwise deceptive surveillance or penetration of civilian organizations is strictly prohibited, unless specifically authorized by the Secretary of Defense (or designee).
- Absolutely no computerized data banks shall be maintained relating to individuals or organizations not affiliated with the DOD, unless specifically authorized by the Secretary of Defense (or designee).
- No DOD personnel shall be assigned to attend public or private meetings, demonstrations, or other similar activities for the purpose of acquiring information, without specific prior approval by the Secretary of Defense (or designee).

3-79. Limited exceptions are possible but not recommended, according to DODD 5200.27. Commanders should consult a staff judge advocate.

SHARING INFORMATION

3-80. Because of these restrictions, commanders should ensure information and sensitive information are not only lawfully collected or acquired, but are also lawfully retained and disseminated. The DOD operates under the common Congressional mandate to ensure all agencies, including the DOD, share homeland security and homeland defense information and intelligence with the proper authorities to identify threats rapidly and effectively. The key is to understand authorities and the requirement to protect civil rights. Because information acquired during DSCA missions often refers to persons not affiliated with the DOD, commanders require their subordinates to segregate and label electronic and paper files generated during a DSCA mission. This facilitates efficient disposal of all information on persons and organizations not affiliated with the DOD when missions are completed.

3-81. At the conclusion of any DSCA mission, commanders should direct their subordinates to inspect printed and electronically stored information acquired during the operation. There is a 90 day window for disposal of sensitive information related to U.S. citizens not affiliated with the DOD (measured from the time of acquisition). (See DODD 5200.27 for more information.)

3-82. All staff sections and subordinate units should inspect their paper and electronic archives. The purpose of this inspection is to ensure that the unit has not inadvertently retained personal information on any civilian or civilian organization. In general, units should only retain operational records and documents related to expenditures. They should delete or destroy any information containing civilian names, phone numbers, addresses, or any other personal identifying information, even if acquired incidental to the mission (such as from an aircraft manifest). Information on U.S. persons not affiliated with the DOD contained in files, databases, and repositories is retained in accordance with disposition criteria in AR 25-400-2. Information about U.S. persons deleted from user electronic files, but remaining on servers or archived files, may remain

until systems administrators purge or retire them in accordance with systems maintenance policies, AR 25-400-2, or Archivist of the United States disposition instructions. Commanders should ensure their subordinates who have taken any photographic images, audio, or video of U.S. persons during the operation purge their military and personal electronic devices of that sensitive information.

3-83. In deployed operations, many units reconfigure command post processes to create a fusion center for different types of intelligence, particularly in a counterinsurgency mission. Any information received from a variety of sources is funneled to the fusion center where it is analyzed and used in databases. While a powerful tool in combat situations, units engaged in DSCA should not use a fusion center to combine operational information with any sensitive information, including criminal intelligence or law enforcement information. Fusing information using combat intelligence techniques and procedures with information received from civilian police authorities on any persons not affiliated with the DOD will invariably lead to violations of intelligence oversight and sensitive information restrictions. In a DSCA mission, commanders and their staffs segregate any sensitive information into appropriate law enforcement channels and keep it there only until the mission is complete.

Chapter 4
Response

This chapter discusses the elements of decisive action Army forces perform in support of civil authorities. It begins with four core tasks. Then it presents tactical considerations for domestic operations, organized by the Army's warfighting functions. Finally, it highlights special considerations for two of the core tasks—support to domestic civilian law enforcement and support to domestic chemical, biological, radiological, or nuclear incidents.

SECTION I – RANGE OF RESPONSE

4-1. Soldiers are trained to exercise initiative in combat and training. Leaders and Soldiers must understand which military capabilities may be employed during domestic operations, including consideration for duty status (Title 10, USC; Title 32, USC; or state active duty). With this understanding, they will be able to maximize their initiative and efforts. Commanders maintain a balance between the willingness of their subordinates to engage any mission against the capability to accomplish it. Military capability comprises—

- The ability to perform a task effectively, efficiently, and ethically.
- The ability to perform a task safely.
- The legal authority to perform a task.

4-2. The range of response by Army forces includes support provided by the Regular Army, activated Army Reserve, and the National Guard in state or federal service. National Guard forces may conduct DSCA, National Guard civil support, or both. In principle, Army forces may conduct DSCA in conjunction with offensive and defensive tasks within homeland defense. DSCA is a DOD term and does not encompass all types of domestic military support. DSCA describes tasks that the DOD executes in support of civil authorities within the national homeland security enterprise. (Figure 4-1, on page 4-2, illustrates the range of response for Army support of domestic civil authorities.) Together, DSCA and National Guard civil support comprise support provided by the Components of the Army to civil authorities within the United States and its territories. Emergency services and law enforcement at every level respond according to prior planning and the availability of resources. A military response occurs at four levels:

- At the direction of the governor for state National Guard forces.
- After a declaration by the President, which the governor of the affected state requests.
- At the direction of Secretaries of the Army, Marine Corps, Navy, or Air Force for capabilities not assigned to combatant commanders (such as bases and installations).
- Through immediate response authority, according to conditions allowing military support in urgent situations (see paragraph 4-28 for more about immediate response authority).

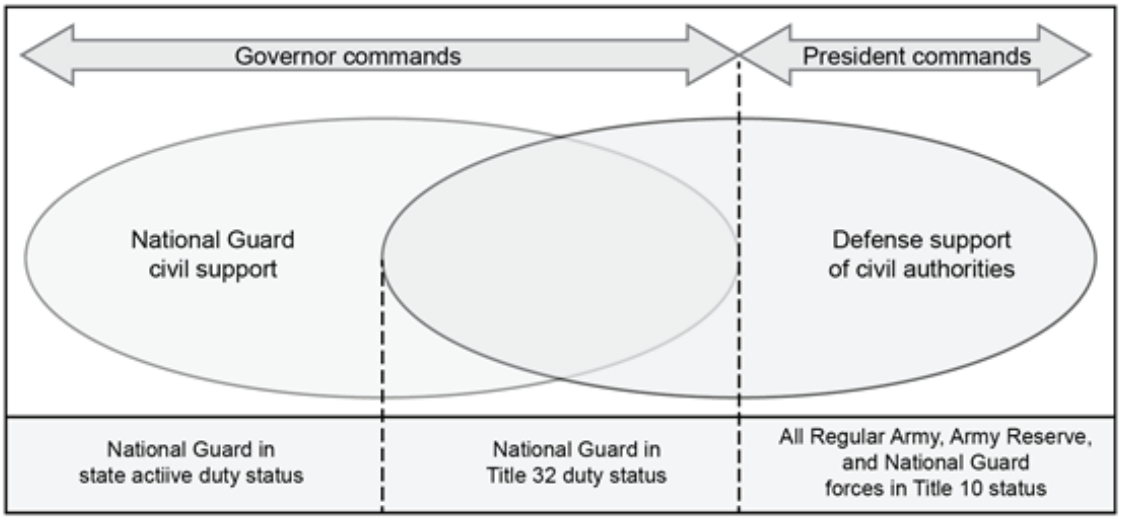


Figure 4-1. Range of response

ARMY NATIONAL GUARD SUPPORT

4-3. Duty status determines whether Army National Guard forces conduct National Guard civil support, DSCA, or both. National Guard forces in state active duty status conduct National Guard civil support missions; they do not conduct DSCA missions in state active duty status. According to DODD 3025.18, DSCA missions may include operations of National Guard forces in Title 32, USC status but not in state active duty status. National Guard forces in either state active duty or Title 32, USC status remain in state service, under the command of their governor. When Army National Guard units are federalized (placed in federal service, under Title 10, USC) they are no longer considered state forces. As federal military forces, they conduct DSCA missions only.

4-4. National Guard civil support consists of support for domestic disasters; support for domestic civilian law enforcement; support for domestic chemical, biological, radiological or nuclear incidents; or other designated domestic support provided by the National Guard of the states to civil authorities while in state active duty status.

4-5. Title 32, USC status for National Guard forces is used for training and certain DSCA missions. A member's pay and allowances are federally funded, but the member is under state authority and subject to the state military code versus the Uniform Code of Military Justice. Operationally, this status is used for counterdrug missions, homeland defense activities, and the National Guard's weapons of mass destruction-civil support teams. Title 32, USC status is also used to secure strategic facilities, such as airports, pharmaceutical labs, nuclear power plants, and border crossings.

4-6. Certain aspects of DSCA, such as the process that leads to mission assignments for federal military forces, do not apply to National Guard forces in Title 32, USC duty status. National Guard forces only become federal military forces when placed in Title 10, USC status. When this publication discusses federal military forces, it refers to all forces operating under Title 10, USC. (For more information on duty status, see Chapter 2, Section III, Key Legal Considerations).

INITIAL NATIONAL GUARD SUPPORT

4-7. When a municipality or county activates the local emergency operations center, it notifies the state emergency management agency. The administrator of the state emergency management agency passes a situation report to the state National Guard's JFHQ-State. The state National Guard's joint force headquarters notifies the National Guard Bureau watch desk. The adjutant general or a designated representative may deploy a liaison team from the joint force headquarters to assess and monitor the situation.

4-8. Before and during an incident, city, county, or tribal emergency managers continuously assess their jurisdictions' ability to respond. They consider the civilian incident commanders' assessments, their jurisdictions' experience with similar incidents, training based on NIMS and NRF, and advance coordination with their counterparts in adjacent states or territories. They determine if they will need support from outside their jurisdictions.

4-9. When local authorities determine they will not be able to manage the response through support from their neighbors, they request support from the state or territory. The state or territory activates its emergency operations center, and representatives of the state or territory ESFs report to it. The state or territory emergency operations center normally initiates operations from its permanent offices. However, the governor or state emergency manager may displace it if the permanent location is affected by the disaster and would degrade the response, or if the governor needs to be closer to the disaster area. Under certain circumstances and based on state laws, local National Guard commanders may provide immediate response to a local community without orders from the governor through the adjutant general. The local emergency managers may have contingency agreements in place with local armories and nearby National Guard training installations. The National Guard unit commander may not be a permanent full time member and typically is alerted through an alert roster. Soldiers committed locally in an immediate response may be needed subsequently for a larger call up of National Guard forces by the governor. The local commander may limit the immediate assistance in order to support higher priority missions. Frequently, National Guardsmen begin to muster at their units before an official alert order; their experience enables them to anticipate when they will be needed.

PLANNING CONSIDERATIONS FOR STATE NATIONAL GUARD UNITS

4-10. State National Guard contingency planners consider several factors when preparing for potential disasters. Some factors are common to Army unit planning, but several are specific to the National Guard. These include—

- Proximity of the unit to the disaster.
- Deployed personnel and equipment.
- Distribution of tactical units with emphasis on the distribution of capabilities.

INTERSTATE NATIONAL GUARD SUPPORT (UNDER STATE AUTHORITY)

4-11. The EMAC establishes a legal framework for interstate mutual aid. The National Emergency Management Association administers the EMAC. All states, the District of Columbia, Puerto Rico, and the Virgin Islands are members of the EMAC. (See the National Emergency Management Association for more information.)

4-12. When incidents occur, governors enter into contractual agreements between their states based on prior EMAC arrangements. States request assistance on an EMAC request form (known as a REQ A). On the form, requesting states provide details about support sought from neighboring states, including costs for reimbursement. Support under EMAC requires an emergency declaration from the requesting state's governor but not from the President of the United States.

Duty Status of National Guard Forces Providing Interstate Support

4-13. If National Guard forces under their state's authority support another state based on an EMAC agreement, they normally serve in state active duty status. If approved by the Secretary of Defense, they sometimes conduct operations in Title 32, USC status. The EMAC does not pertain to National Guard forces called to federal service (in Title 10, USC status).

Terms of Agreements for Interstate National Guard Support

4-14. Article XIII of the EMAC prohibits EMAC agreements for using National Guard forces from one state for civil disturbance or law enforcement operations in another state. Interstate support for civil disturbance or law enforcement requires a separate memorandum of understanding. For example, the Gulf States have executed memoranda with each other for civil disturbance and law enforcement support. The terms of their

agreements cover the use of armed National Guardsmen from other states, including command relationships, immunity, carrying and loading of weapons authority, law enforcement authority, and training on state rules for the use of force.

Coordination Requirements Among States

4-15. Whenever state National Guard forces respond in support of another state, each JFHQ-State (supporting and supported) ensures certain coordination requirements are met. The JFHQ-State performs the necessary coordination and specify requirements in their memorandum of understanding, including—

- The duration of the supporting forces' commitment with the supported state. (Most National Guard commitments are for 30 days.)
- The time on station, excluding mobilization, movement, and demobilization time.
- The command relationship between the gaining unit and the supporting unit. The preferred relationship is for the gaining unit to exercise operational control, with the memorandum detailing specific coordinating instructions for logistics and Army Health System support.
- Law enforcement authorities granted by the supported governor and approved by the supporting governor.

4-16. The supporting state retains administrative control of its units throughout a deployment. The supporting units deploy with a minimum of 72 hours of sustainment. The supporting unit commander provides the gaining unit commander with a complete unit status report when the unit arrives, and updates it according to the gaining unit's standing operating procedure. Forces avoid needless operational and administrative difficulties by ensuring accurate status reporting. The supporting units bring or maintain access to any professional licenses not already validated under EMAC (such as medical or veterinary licenses) for personnel provided under a mutual aid agreement.

4-17. The supported state specifies which licensing requirements, if any, are waived or restricted. The supported state designates and operates the joint reception, staging, onward movement, and integration (JRSOI) facility and procedures for all incoming units. Both states agree to the documentation needed for reimbursable expenses and procedures not covered in National Guard regulations. The gaining and supporting unit commanders coordinate actions related to disciplinary matters. Unless modified by the respective governors, Soldiers remain subject to their home state's military codes.

National Guard Bureau Assistance With Interstate Support

4-18. State National Guard forces provide their interstate support agreements to the National Guard Bureau. Because the National Guard Bureau monitors the status of the total National Guard force, it can identify resources to match requirements and help state authorities with managing the details. In an emergency, the National Guard Bureau assists with additional agreements between states, but the governors must execute their memoranda of understanding concerning the use of out of state forces.

FEDERAL MILITARY SUPPORT

4-19. Usually, the commitment of federal military forces for DSCA missions follows a disaster declaration under the Stafford Act. A civil authority, usually a FEMA representative or a federal coordinating officer, coordinates with the DCO to prepare a formal request for assistance and submit it to the DOD Executive Secretary. However, another federal agency may request federal military support. In addition, the President may bypass the usual request process and order the DOD to provide support. (Figure 4-2, on page 4-5, summarizes the usual process that leads to mission assignments for federal military forces. See JP 3-08 for more information.)

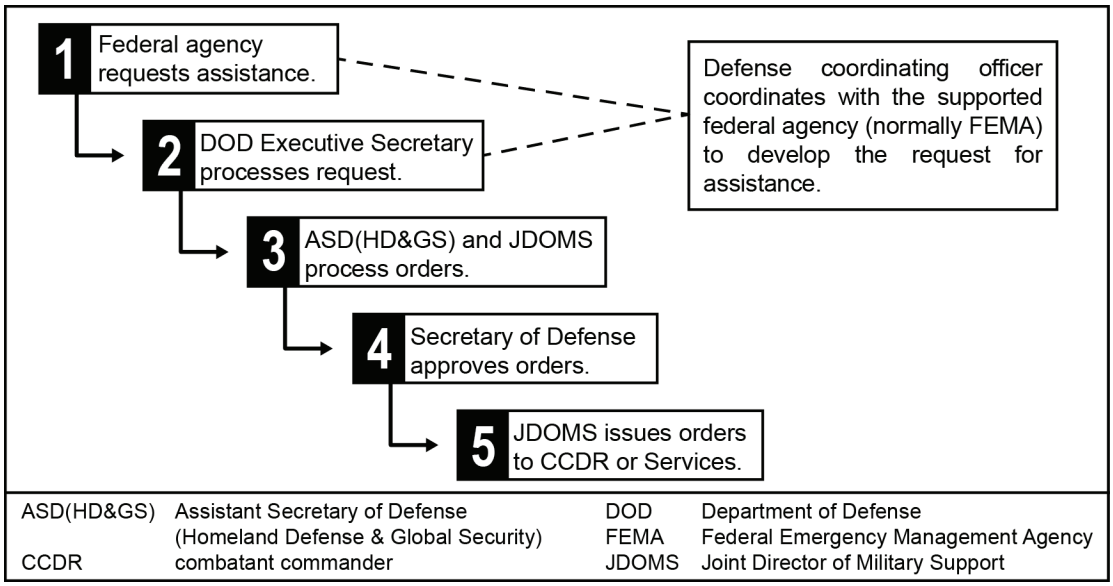


Figure 4-2. Summary of process leading to mission assignments

4-20. Concurrently with the support request to JDOMS, the appropriate combatant command (either USNORTHCOM or USPACOM) develops the concept of operations and support and submits a request for forces to the Joint Staff. The Secretary of Defense designates the supported combatant command and any supporting combatant commands. When validated, the request for forces becomes an order to the supporting combatant commands to provide the forces. Based on Army force generation, the ASCC coordinates with Department of the Army and United States Army Forces Command (for most Army units) concerning required capabilities and appropriate ASCCs.

4-21. Additionally, when a USPACOM requested capability does not exist within assigned or allocated forces, USPACOM submits a request for forces (RFF) to the Joint Staff through ARNORTH's DOD DSCA automated support system.

4-22. Within the joint field office, ESF coordinators analyze the requirements and capabilities in coordination with the federal coordinating officer and DCO. Beginning with the DCO and continuing through the chain of command, each request for assistance receives an evaluation based on factors of legality, lethality, risk, cost, appropriateness, and impact on readiness. The staff supporting the DCO (known as the defense coordinating element) translates the mission assignment into a mission tasking order for the joint task force. Ideally, the federal coordinating officer and DCO determine the capabilities needed, allowing flexibility for command and control arrangements. The joint task force commander translates the mission tasking order into an operation order. The Geographic Combatant Commander decides whether to commit a standing joint task force. The Army Service Component Commander (ASCC) may employ a contingency command post as a joint task force or land component command. Conversely, the ASCC may designate an incoming headquarters as the joint task force or land component command. Federal military forces receive their missions when they arrive in the operational area.

Command and Control of Federal Military Forces

4-23. The Secretary of Defense specifies the command relationship of federal military forces to the gaining combatant command, either operational control or attached. The Secretary of the Army may direct modifications to administrative control; if not, administrative control remains with the providing Army headquarters. Command arrangements for federal (Title 10, USC) forces are adjusted to accommodate requirements. (Figure 4-3, on page 4-6, illustrates a sample USNORTHCOM organizational structure for a federal joint task force conducting DSCA.)

4-24. If ordered by the President, the Secretary of Defense may activate certain National Guard forces for federal service. Federalized National Guard forces pass to the operational control of the gaining combatant commander. National Guard units conducting DSCA in federal service (under Title 10, USC status) change their administrative control to the gaining ASCC (usually USARNORTH). However, the ASCC coordinates with the providing adjutant general to continue as much of the administrative control as feasible through the respective states.

4-25. If relatively few federal units are needed, the JFLCC may place them under operational control of the DCO. The JFLCC provides the DCO with any additional assets needed. The DCO coordinates missions with the federal coordinating officer and issues orders to the unit commander or commanders. (See chapter 3 for a more detailed discussion of coordination for state and federal military forces.)

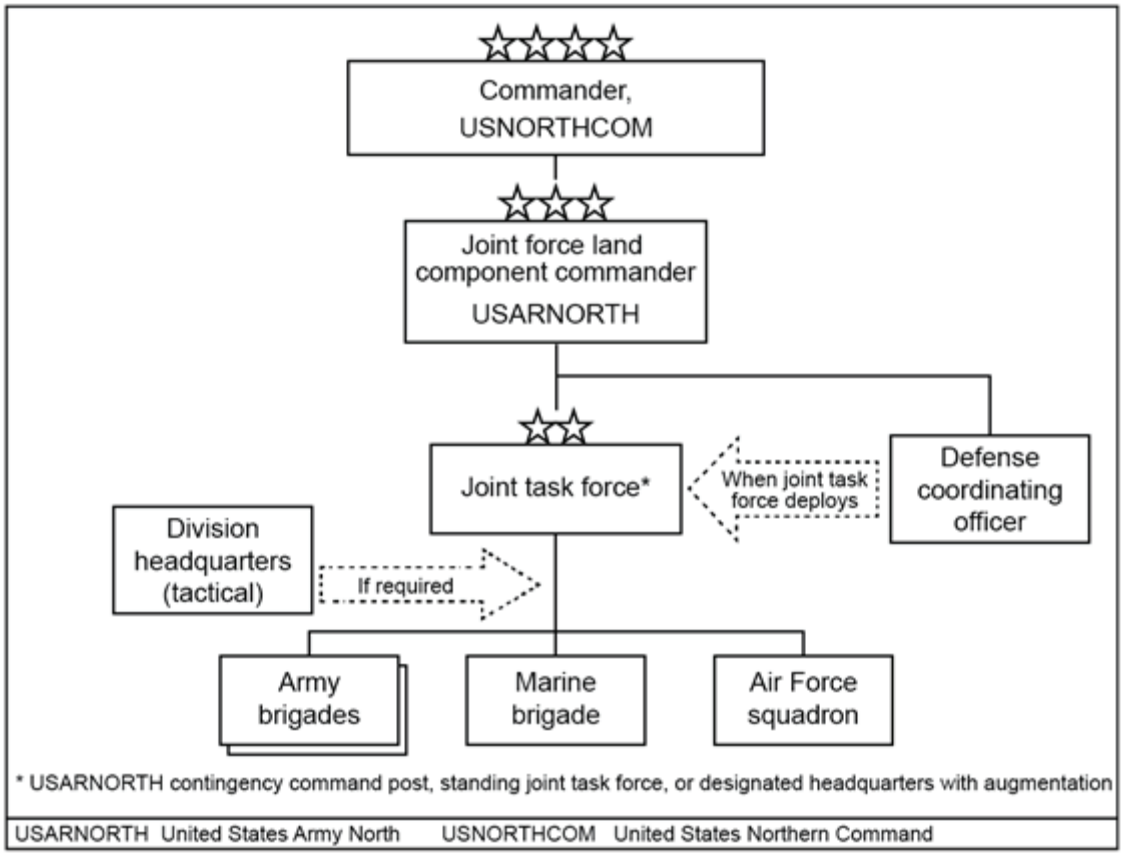


Figure 4-3. Example of United States Northern Command joint task force command and control

BASE SUPPORT INSTALLATION

4-26. A BSI is a Service or DOD agency installation within the homeland tasked to serve as a base for military forces engaged in DSCA or homeland defense. The Secretary of Defense may direct the Service secretaries to place selected installations in a support relationship to the combatant command. In the USNORTHCOM AOR, the Commander, USNORTHCOM, will designate an installation as a BSI, with owning Service concurrence and approval of the Secretary of Defense (or designee). A BSI provides common user logistic support and assists a joint task force with JRSOI of responding DOD forces. A BSI generally is located near an airfield and suitable support facilities close to an incident. The BSI may also become the aerial port of debarkation and JRSOI facility for federal military forces. In addition to JRSOI, the BSI may become a training facility and principal supporting base for the federal government (nonmilitary) relief efforts. If a suitable DOD installation is not nearby, USNORTHCOM will go to General Services

Administration for a potential installation. Commanders and staffs conduct mission analysis to plan for logistic requirements.

4-27. If a designated BSI is a major installation reasonably near the incident area, that installation will augment joint task force common user support to all responding forces to the greatest extent possible. This will enable the responding joint task force to focus on the DSCA mission.

SUPPORT UNDER IMMEDIATE RESPONSE AUTHORITY

4-28. Requests for assistance under immediate response authority usually go directly from local civilian authorities to local military commanders. Requests may also go to DOD officials. Military commanders may provide all assets with the exception of those that have a potential for lethality. Deployed forces remain under military command and function in direct support of the requesting local authority. Support provided under the initial response authority is normally concluded within 72 hours. (See DODD 3025.18 for more information.)

4-29. Typical initial response authority missions include—

- Urban search and rescue.
- Medical treatment, evacuation, patient decontamination, and assistance in the restoration of medical services.
- Removal of debris or hazards to permit rescue or movement.
- Detecting, assessing, and containing a chemical, biological, radiological, or nuclear incident.
- Collecting, safeguarding, and distributing essential food items and supplies.
- Damage assessment.
- Communications.
- Explosive ordnance disposal.
- Firefighting and restoration of public services.

Note. An installation's senior commander will not approve any civilian jurisdiction's request for law enforcement support outside the installation, including interdicting vehicles, conducting searches and seizures, making arrests or apprehensions, surveillance, investigation, or undercover work.

FIREFIGHTING

4-30. According to Section 1856a of Title 42, USC, each agency charged with providing fire protection for any property of the United States may enter into agreements with local firefighting organizations (including nearby military installations) to provide assistance in fighting fires. This includes personal services and equipment required for fire prevention, the protection of life and property from fire, and emergency services. Emergency services include basic medical support, basic and advanced life support, hazardous material containment and confinement, special rescue events involving vehicular and water mishaps, and extractions from trenches, buildings, or confined spaces.

PHASES OF DISASTER RESPONSE OPERATIONS

4-31. Commanders conducting DSCA planning should be familiar with the phases of disaster response operations, as used in the NRF and in USNORTHCOM plans for DSCA. USNORTHCOM planners use six operational phases, which are similar to the flexible phasing model described in JP 3-0, but they are somewhat modified for DSCA: shape, anticipate, respond, operate, stabilize, and transition. (Army doctrine and decisive action is not a phasing method). Commanders should weight tasks across the phases of an operation, and may not move linearly through them in sequence. See ADP 3-0, chapter 3.) The NRF uses three phases: prepare, respond, and recover. (Figure 4-4, on page 4-8, illustrates the relationship between the NRF phases and the USNORTHCOM phases.)

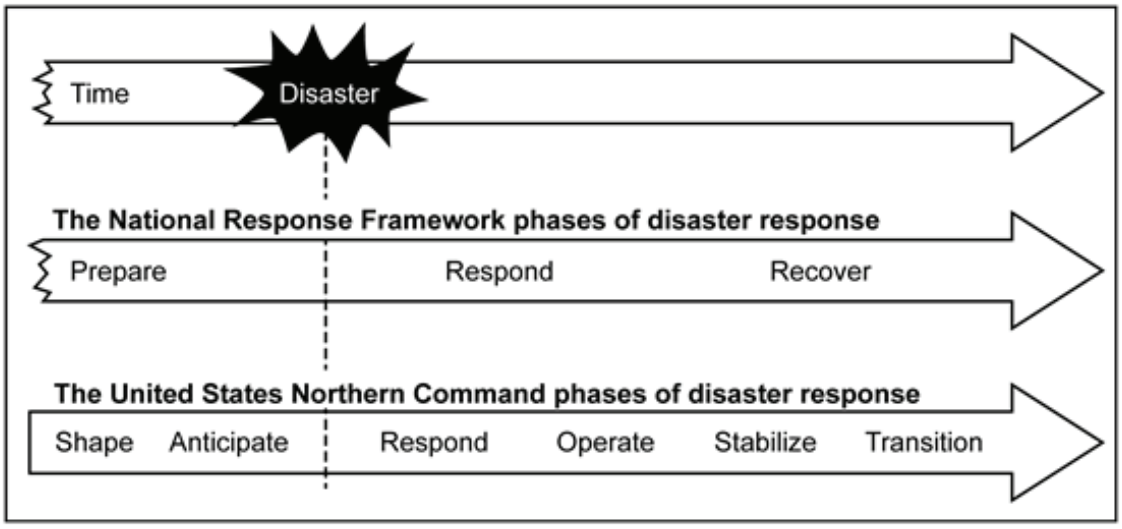


Figure 4-4. Phases of disaster response

4-32. Phase 0 [zero], shape, refers to continuous situational awareness and preparedness. Activities in this phase include planning, equipping, coordinating with military entities and among other partners, designating forces, ensuring governors establish EMACs, supporting relationships among adjutants general, identifying capability gaps, conducting joint exercises, and conducting public affairs activities. Geographic Combatant Command plans synchronize Phase 0 activities, which are ongoing.

4-33. Phase I, anticipate, begins when directed by the President or Secretary of Defense, or when an incident likely to need DOD support occurs. This phase ends when federal military forces deploy or when the determination is made that DOD support is no longer needed. Phase I is completed when the DCO and the defense coordinating element, emergency preparedness liaison officers, and other teams arrive on site.

4-34. Phase II, respond, begins with the deployment of DOD response capabilities. This phase ends when forces are ready to conduct operations in the joint operations area. Key activities include notification, muster, accountability, loading vehicles, financial accountability, reconnaissance, liaison, unit movement, JRSOI, and situational awareness. This phase is completed when sufficient forces are deployed to accomplish the mission.

4-35. Phase III, operate, begins when forces commence DSCA operations. Phase III ends when DOD forces are close to completing their missions and no further requests for assistance are anticipated. Key activities include liaison, command and control, coordination, situational awareness, hazard assessment, urban search and rescue, patient decontamination, air and ground medical evacuation, and logistic support.

4-36. Phase IV, stabilize, begins when military and civil authorities decide that federal military support will scale down. Military and civil authorities establish criteria for transition to civilian management of the response without DOD support. Phase IV is successful when all operational aspects of mission assignments are complete and federal military support is no longer needed. Key activities include patient redistribution, logistic support, and other ESF activities to minimize human suffering and enable community recovery.

4-37. Phase V, transition, begins with the redeployment of remaining DOD forces. This phase ends when forces have redeployed and their parent commands have resumed operational control. Federal military forces transition operations back to state National Guard forces or civil authorities. Key activities include site cleanup, hazardous material disposition, financial closeout, and after action reviews.

Actions Within the Phases of the Operation to Set the Theater

4-38. The term set the theater refers to a broad range of actions necessary to employ landpower before and during a crisis. This includes base development, theater opening, reception, staging, onward movement, and

integration, air support operations squadron, DOD combatant command support agent requirements, and other sustainment-related support in the AOR. The theater army, in conjunction with its associated theater sustainment command (Army), prepares support and sustainment estimates that outline the responsibilities and requirements for maintaining access and setting the theater.

4-39. Theater communications support is rapidly evolving. Cyberspace operations are composed of the military, intelligence, and ordinary business operations of DOD in and through cyberspace. Cyberspace operations missions are categorized as offensive cyberspace operations, defensive cyberspace operations, and DOD information networks. Cyberspace operations require synchronized employment of offensive, defensive, and DOD information networks to deliver information across strategic, operational, and tactical boundaries. Refer to JP 3-12 for more information on cyberspace operations.

Steady State Activities — Shape

4-40. Phase 0 is continuous situational awareness and preparedness. Key tasks during this phase are: planning, preparedness for assigned/allocated forces, training, coordination with Federal and State partners, and public affairs outreach. The shape phase includes missions, tasks, and actions that deter adversaries and assure friends, as well as establish conditions for possible DSCA contingencies. Shape activities are continuous. The combatant commander uses them to improve mutual trust and working relationships among the various organizations potentially providing support to DSCA operations. The theater army integrates landpower within theater engagement plans and cooperation with other civilian activities. Integrating landpower requires the theater army to train and prepare assigned forces for operations as well as to coordinate training and readiness requirements with the Service force providers. Integrating landpower also includes extending the signal and network and establishing the network that supports operations by the joint force land component. Notably, these continuous working relationships persist throughout the AOR even as the primary effort within the geographic combatant command shifts during phase zero to the conduct of a campaign in a portion of the AOR.

Steady State Activities — Anticipate

4-41. The anticipate phase begins with the identification of a potential DSCA response mission, a no-notice incident, or when directed by the President or Secretary of Defense. The phase ends when the decision is made, by appropriate authority, to deploy elements in response to a potential or actual incident or when the determination is made that there is no incident requiring a DSCA response. Key tasks during this phase are: identification of the mission, interagency coordination, alerting key assigned enablers such as the DCO, identification of the BSI(s), and planning command and control and JRSOI.

Army Logistics Role in Setting the Theater

4-42. Army forces arrive via the most efficient use of available lift, and speed is usually a critical factor during DSCA operations. Based on mission and mission, enemy, terrain and weather, troops and support available, time available, and civil considerations (METT-TC), the theater army may be required to establish reception, staging, onward movement, and integration operations. The theater army normally assigns reception, staging, onward movement, and integration to the theater sustainment command (Army) and its attached expeditionary sustainment command (ESC). Upon arrival in the AOR, attachment of the unit transfers from the force provider (United States Army Forces Command or the National Guard Bureau) to the theater army. The theater army passes tactical control of the unit to the ESC or other Army headquarters responsible for reception, staging, onward movement, and integration. Upon arrival of the deploying unit's chain of command, the theater army and gaining operational commander establish a relationship of direct liaison authorized in order to facilitate communications and planning. The ESC receives personnel and equipment at the joint theater base established in or near the joint operations area (reception). When the unit is fully assembled, it moves as a unit to a designated assembly area within the joint operations area (staging). For DSCA, the joint theater base may be a BSI, but the arriving forces could also self-deploy and move directly to their designated areas of operation, bypassing a staging area, and establishing logistics support from the ESC and designated BSI from there.

4-43. Sustainment of Army forces under operational control of a joint task force remains a primary responsibility of the theater army throughout all phases of a campaign, including operations regarding DSCA

tasks. The theater army sustains the deployed forces by reinforcing the organic sustainment capability of modular Army brigades and headquarters with theater army assets dedicated to logistics, health service support, and personnel services. The deployed ESC and sustainment brigades normally support on an area basis, using a joint support area and bases distributed in the joint operations area. Sustainment may be augmented through an intermediate staging base or directly from a designated BSI. Commanders should be aware and plan accordingly for the possibility of limited resources available to both civilian responders and Army forces such as potable water and fuel within the affected area of operations.

TRANSITION FROM MILITARY TO CIVILIAN SUPPORT

4-44. Army units should be among the first organizations to complete their tasks, transition responsibilities to civil authorities, and depart. Commanders should understand the differences between military end state, transition criteria, and the objectives of other unified action partners, the private sector, and the parties to the incident.

4-45. When civil authorities no longer need military support for the purposes of saving lives, alleviating suffering, and protecting property, military forces prepare to redeploy. Army leaders plan for the communities they support to return to self-sufficiency. When directed by a federal coordinating officer or state coordinating officer, Army forces complete their missions and turn over responsibility for further efforts to civilian agencies and commercial enterprises. (The governor of the affected state appoints a coordinating officer to coordinate state response efforts with the federal government response.) Commanders coordinate with appropriate partners (including joint field offices, emergency operations centers, incident commands, and defense coordinating elements) to avoid gaps in necessary support. State authorities should manage as much of the long term recovery as possible.

4-46. Federal military forces redeploy when ordered to their home stations, usually before other responders terminate their operations. Transition for military forces usually follows the reverse order of alert and deployment. Responsibility for any remaining tasks passes to civil authorities (usually executed by civilian contract), National Guard units, and other civilian partners.

4-47. In addition, commanders at every level should keep in mind the human aspects of the transition to civilian organizations and account for it in their assessments. When military units are near the end of a disaster response mission, they need to coordinate the transition with their civilian counterparts. State National Guard forces may supplant federal military forces as communities begin to recover; this is likely in incidents involving immediate response authority (see paragraph 4-28). Federal forces that arrived immediately at an incident site may be relieved by National Guard forces as the latter reach the scene. In other cases, federal forces may receive a mission assignment to replace state National Guard units so state forces can enforce public order while federal troops support humanitarian efforts. The transition between federal forces and state National Guard forces is planned and coordinated through the joint field office, between the federal coordinating officer, defense coordinating officer, and state coordinating officer.

4-48. Army planners should begin to identify transition and redeployment priorities well in advance. It is usually desirable to establish redeployment priorities for Federal military forces, out-of-state National Guard units assisting under emergency management assistance compact or mutual aid agreements, and then in-state National Guard units in that order. However, commanders should take into account limited logistics and transportation resources and best cost savings practices to assess best courses of action.

SECTION II – CORE DSCA TASKS

4-49. In DSCA, decisive action refers to how Army forces execute DSCA tasks to support homeland security and, if required, DSCA tasks with offensive and defensive tasks to support homeland defense. (See ADP 3-0, figure 3-1 and table 3-1.) Army forces conduct four core tasks (Figure 4-5, on page 4-11, illustrates the DSCA core tasks with examples) in support of DSCA and the overall homeland security enterprise:

- Provide support for domestic disasters.
- Provide support for domestic CBRN incidents.
- Provide support for domestic civilian law enforcement agencies.
- Provide other designated domestic support.

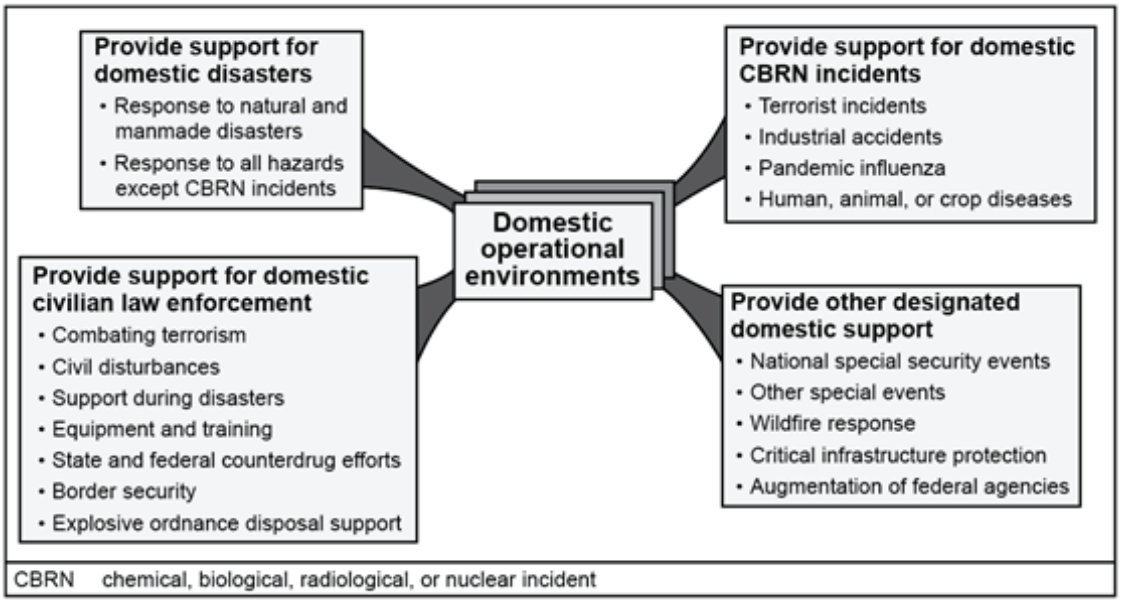


Figure 4-5. Defense support of civil authorities core tasks with examples

4-50. Army organizations performing DSCA tasks, as part of DSCA missions or National Guard civil support missions, apply the tenets and supporting principles of unified land operations described in ADP 3-0, keeping in mind the main purposes and characteristics of Army support (see chapter 2). Leaders and units remain adaptive and flexible, adjusting operations as conditions change. They apply the Army's operational concept to conduct operations and accomplish missions. Commanders provide a clear commander's intent and concept of operations. Commanders use a flexible command and control system. Leaders, Soldiers, and partners develop a shared understanding of their operational environment and the purpose of the operation. Commanders liaise and coordinate operations with interagency partners. They ensure effective information collection and security operations. Units maintain the ability to change their task organization quickly. Commanders encourage initiative so units can respond quickly, and they ensure responsive sustainment.

PROVIDE SUPPORT FOR DOMESTIC DISASTERS

4-51. Natural and manmade disasters occur throughout the United States and its territories. Most domestic disasters require no federal military support. State and federal emergency management entities receive most military support from the National Guard in state active duty or Title 32, USC status. In a catastrophic event, the demand for resources may exceed National Guard capacity, even with assistance from other states. In such situations, federal Army forces provide requested support, through either USPACOM or USNORTHCOM.

4-52. DOD defines a *complex catastrophe* as any natural or man-made incident, including cyberspace attack, power grid failure, and terrorism, which results in cascading failures of multiple, interdependent, critical, life-sustaining infrastructure sectors and causes extraordinary levels of mass casualties, damage or disruption severely affecting the population, environment, economy, public health, national morale, response efforts, and/or government functions (JP 3-28*).*

4-53. There are two distinguishing characteristics of a complex catastrophe: 1) the extremely large scale of damage and casualties, and 2) the cascading effects of the failure of critical infrastructure. These cascading effects impact both the types and quantity of response required in support of the affected populace as well as the environmental conditions in which the response must occur. Some of the effects include widespread and long term power grid failure, degraded or inoperable communications, and severe impacts to the transportation infrastructure. The cascading effects from these failures could cause numerous problems beyond the immediate Affected Area and increase the severity of the situation, including, but not limited to

widespread scarcity of food and water, lack of medical services at fixed sites within the impacted area, and potentially the breakdown of governance and rule of law.

4-54. DOD installations and activities may receive requests directly from local civil authorities and will respond, within their capability, under their own immediate response authority in accordance with DODD 3025.18 and mutual aid agreements in accordance with DODI 6055.06.

PROVIDE SUPPORT FOR DOMESTIC CHEMICAL, BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR INCIDENTS

4-55. A *chemical, biological, radiological, or nuclear incident* is any occurrence, resulting from the use of chemical, biological, radiological, and nuclear weapons and devices; the emergence of secondary hazards arising from counterforce targeting; or the release of toxic industrial materials into the environment, involving the emergence of chemical, biological, radiological, and nuclear hazards (JP 3-11). The NRF integrates governmental jurisdictions, incident management and emergency response disciplines, and private sector entities into a coordinated CBRN incident response.

4-56. Military forces conduct domestic CBRN incident support under appropriate laws, regulations, and policies. These include the hazardous waste operations and emergency response standard (Title 29, Code of Federal Regulations, Part 1910, Occupational Safety and Health Standard Number 1910.120) and the Comprehensive Environmental Response, Compensation, and Liability Act (Sections 9601 to 9675 of Title 42, USC). Responders at every level plan and operate in accordance with these laws. These and other laws define—

- Response authorities for public and private agencies.
- Hazardous substances, emergency planning, and community right to know.
- Cleanup requirements.
- Required protective measures and training for responders within the United States.

4-57. DHS uses the National Fire Protection Association Standard 472, Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents, to establish the qualifications for personnel conducting domestic CBRN incident response. (See National Fire Protection Standard 472). During domestic CBRN incident response operations, national laws subordinate military doctrine and military authority outside DOD installations. Command structures are based on the NRF and the NIMS, with DOD as a supporting partner. DOD is not the lead unless an incident occurs on a DOD installation.

Special Considerations for Domestic CBRN Incident Support

4-58. The NRF integrates governmental jurisdictions, incident management and emergency response disciplines, and private sector entities into a coordinated CBRN incident response. However, national doctrine and policy for CBRN incident response is evolving (see paragraph 1-22 regarding the National Exercise Program; go to FEMA for current national policy).

Response to a Range of CBRN Incidents

4-59. Federal military forces and state National Guard forces are prepared to respond to CBRN incidents as part of an overall DOD CBRN response enterprise. The range of potential incidents is broad and requires integrated capabilities. CBRN incidents may involve a response to a single incident site or to multiple sites in different states. Should a large incident occur, DOD may commit some or all of a standing joint task force and a defense CBRN response force. Other specialized CBRN units could include technical support forces and Defense Threat Reduction Agency teams. In large disasters or CBRN incidents, DOD installations can serve as staging areas for resources and agencies. During anthrax responses in 2001 and 2002, for example, DOD laboratories, resources, and personnel played critical response roles that helped mitigate incident effects and costs to the public. A large CBRN incident could require military forces to augment security and essential services. Explosive ordnance disposal (EOD) units would likely be one of the first DOD assets called to respond to a CBRN incident. EOD units are the only units manned, trained, and equipped to respond to, and render safe, all CBRN hazards. (See ATP 3-11.41 for more information about CBRN consequence management, including coordination of various response enterprise capabilities.)

4-60. CBRN incidents could cause massive casualties without warning. In addition to casualties, CBRN incidents could lead to large numbers of individuals known as patients with psychological effects. This refers to people who believe they have been exposed to hazardous materials although they do not display signs or symptoms indicating exposure. Medical practitioners acknowledge that these patients, considered low risk, may have been exposed and need some type of medical care (to include psychological). Apparent casualties and patients with psychological effects who self-present at hospitals can overwhelm facilities and potentially spread contamination. Victims suffering from blast induced internal injuries or contamination invisible to the eye further complicate response efforts.

Chemical Threats

4-61. Local, state, and federal responders, with National Guard augmentation as required, manage most domestic chemical incidents. These organizations organize, train, and equip to respond to CBRN incidents and mitigate the consequences. Identification of the hazard, isolation of the affected area (including evacuation), and rapid decontamination of victims and responders are essential to the initial response. A larger incident requires additional resources. The Environmental Protection Agency and Coast Guard provide significant capabilities in accordance with ESF #10.

4-62. For incidents beyond minor industrial accidents, the governor may order the adjutant general to provide National Guard support. The state may commit a National Guard civil support team. A responding civil authority may request and receive additional National Guard capabilities, such as a chemical, biological, radiological, nuclear, and high yield explosives enhanced response force package. A catastrophic event may lead to requests for federal military support such as the defense CBRN response force to transport, secure, sustain, and decontaminate for a protracted period. DOD maintains contingency plans to manage accidents involving stored chemical weapons or incidents at chemical weapons disposal sites.

Biological Threats

4-63. Biological weapons pose a significant threat to the United States. Hostile regimes could develop or refine biological agents with the potential to disrupt the economy and cause mass casualties. Biological agents are lethal in tiny quantities and relatively easy to manufacture. Battlefield protective equipment will protect Soldiers against biological hazards. Most biological detection systems screen for battlefield biological hazards. Biological detection and analytical equipment require extensive training and laboratory support for confirmative results. Weapons of mass destruction-civil support teams possess mobile analytical laboratory systems and train to meet standards required by civilian agencies and laboratory networks. In DSCA, public health departments and other agencies handle the majority of biological sampling and identification.

Radiological and Nuclear Threats

4-64. Often called dirty bombs, radiological dispersal devices require less technology than nuclear weapons, but are also far less destructive. Instead of a nuclear explosion, a radiological dispersal device uses conventional explosives to spread a radiological contaminant such as cesium. While less lethal, even a low grade radiological dispersal device presents the ability to terrorize a population, requires significant cleanup, and denies use of an area for a prolonged period.

4-65. The probability of accidents involving radioactive materials is lower than other threats. U.S. authorities plan for accidents involving nuclear reactors. The most publicized incident in the United States occurred in Pennsylvania at the Three Mile Island reactor. Lessons learned from the incident helped to improve response and coordination at every level. The Nuclear Regulatory Commission oversees the operation of all civilian reactors. DOD, Department of Energy, and Environmental Protection Agency also have contingency plans to manage any accident involving an American nuclear weapon or nuclear propulsion plants.

4-66. Nuclear weapons are more destructive than any other type. Fortunately, nuclear threats are not likely to materialize for several reasons. They require extensive resources to develop and safeguard, so terrorists are unlikely to build their own. Terrorists could acquire a nuclear weapon from a rogue entity, but this is not very likely. Finally, the use or threat of use of nuclear weapons risks U.S. retaliation, which serves as a deterrent.

4-67. Department of Energy capabilities include response teams, radiological isotope identification, response assets deployed across eight Department of Energy regions, and watch centers staffed with subject matter experts. In accordance with the NRF, the Interagency Modeling and Atmospheric Advisory Center provides the federal hazard prediction model for domestic nuclear incidents. Based on computer generated models, planners can determine staging areas, evaluate lines of communications, and predict the spread of contamination. Other supporting civilian agencies and DOD capabilities provide downwind contamination monitoring, decontamination support, transportation, water purification, security around affected areas, and support to the ESFs.

4-68. Military forces are equipped to address the domestic consequences of a nuclear or radiological incident. Battlefield radiological detection equipment and protective gear are suitable for DSCA. Post blast nuclear and radiological devices present standard exposure levels and decay rates. Conventional radiological detection systems can detect and monitor radioactive materials.

4-69. Battlefield decontamination equipment and measures work well against CBRN hazards. Sunlight, household disinfectants, and inclement weather also break down some chemical and biological contaminants. Chemical, biological, radiological, nuclear, and high yield explosives enhanced response force package; chemical-biological incident response force; and defense CBRN response force units can support the decontamination of mass casualties or responders during large incidents. Commanders and leaders of CBRN decontamination units coordinate with their headquarters concerning the location and procedures for operating the station. If available, team leaders should consult with civilian experts from Defense Threat Reduction Agency, Environmental Protection Agency, and other organizations. In particular, senior commanders need to confirm the proposed location and protection measures at the decontamination site with the unified coordination group to ensure hazardous substances are controlled and eliminated safely.

Explosives Threats

4-70. Soldiers and civilian response agencies may face a range of homemade explosives, such as fertilizer bombs and other improvised explosive devices. Although increased restrictions on CBRN hazards and precursors are in place, information regarding explosives is easily accessible.

4-71. Managing a collapsed structure requires trained search and rescue teams. A catastrophic collapse may create additional health hazards and cause long term health problems. FEMA search and rescue teams, augmented, when requested, by military search and extraction teams, conduct collapsed structure rescue operations. The governor and President may commit specialized military units from state and federal units to augment civilian resources.

4-72. Police bomb squads typically respond with fire and emergency medical service to bomb threats and other explosives incidents. Military EOD units often assist, when requested.

National Guard CBRN Response Enterprise

4-73. The National Guard CBRN incident response capabilities include—

- Weapons of mass destruction-civil support team.
- Chemical, biological, radiological, nuclear, and high yield explosives enhanced response force package.
- Homeland response force.
- Joint force headquarters state (JFHQ-State).
- JTF-State.
- Joint enabling team.

4-74. These entities may cooperate for a particular mission, support different agencies on different missions within an operational area, or conduct missions separated across large distances. Geography, type of hazards, number of response agencies, and size of the incident influence how commanders determine the employment of these forces.

4-75. A weapons of mass destruction-civil support team identifies CBRN agents, assesses consequences, and advises on response measures. These state National Guard assets usually are employed in Title 32, USC duty status to support the DOD CBRN response enterprise.

4-76. A chemical, biological, radiological, nuclear, and high yield explosives enhanced response force package (sometimes known as CERFP), conducts search, extraction, medical triage, emergency medical treatment, decontamination of casualties, and recovery of remains. It can support and advise local, state, and federal emergency management personnel. Seventeen chemical, biological, radiological, nuclear, and high yield explosives enhanced response force packages are placed around the United States so they can deploy rapidly to an incident anywhere in the homeland. They consist of state and federal military assets.

4-77. Ten homeland response forces, one in each FEMA region, are organized to deploy rapidly in support of state operations. A homeland response force is organized from existing chemical, biological, radiological, nuclear, and high yield explosives enhanced response force packages; weapons of mass destruction-civil support teams; and other state and federal assets. A homeland response force can provide command and control, search and extraction, decontamination, emergency medical care, and incident site security. A homeland response force can deploy independently or as a headquarters that can assume control of weapons of mass destruction-civil support teams and chemical, biological, radiological, nuclear, and high yield explosives enhanced response force packages. Governors coordinate their employment through EMAC or other state to state agreements.

4-78. Each state National Guard maintains a permanent state headquarters, or JFHQ-State, that provides consequence management command and control for state Army and Air National Guard forces. The JFHQ-State can serve as a command and control element for weapons of mass destruction-civil support teams; chemical, biological, radiological, nuclear and high yield explosives enhanced response force packages; National Guard homeland response forces; and other intra or interstate National Guard forces. For additional communications, the JFHQ-State employs the Joint Incident Site Communications Capability secure communications system to augment or replace civilian communications.

4-79. Based on forces available and conditions on the ground, states often employ a subordinate JTF-State for CBRN consequence management command during an incident. Most states have a prearranged joint task force or a designated unit headquarters identified for immediate activation to provide additional command and control of CBRN enhanced response force packages, weapons of mass destruction-civil support teams, and EOD, medical, communications, or other units.

4-80. The National Guard Bureau deploys joint enabling teams when requested by a state National Guard. Joint enabling teams have internal communications equipment. They provide situational awareness to the National Guard Bureau staff. They provide subject matter expertise and facilitate requests for assistance through the emergency management assistance compact.

DEPARTMENT OF DEFENSE CBRN RESPONSE ENTERPRISE

4-81. Following the 2010 Quadrennial Defense Review, DOD modified its CBRN response capability. The DOD CBRN response enterprise (described in more detail in appendix C of JP 3-41) integrates state and federal capabilities into a comprehensive and unified consequence management effort.

4-82. State National Guard assets that support the overall DOD CBRN response enterprise (in Title 32, USC or Title 10, USC status) include—

- Fifty seven weapons of mass destruction-civil support teams.
- Seventeen chemical, biological, radiological, nuclear, and high yield explosives enhanced response force packages.
- Ten homeland response forces.
- Federal military assets that support the DOD CBRN response enterprise include-
- Standing joint task force.
- Defense CBRN response force (two force packages).
- Command and control CBRN element (two elements).

4-83. If a large response is needed in the USNORTHCOM AOR, DOD commits a standing joint task force assigned to USNORTHCOM and a defense CBRN response force. Highly trained and specialized CBRN units such as technical escort units and Defense Threat Reduction Agency teams may augment the DOD response. In a large CBRN incident, DOD installations serve as staging areas for military and civilian entities. In a large CBRN incident, military forces can provide security and essential services. Food distribution points as well as the National Pharmaceutical Stockpile or inoculation sites could require security measures. Water supply, trash collection, medical screening, and augmentation of local government could become support missions during recovery.

4-84. As the JFLCC, USARNORTH deploys a contingency command post configured as a joint task force. Based on the initial situation reports from the defense coordinating officer, the Commander, USNORTHCOM alerts USARNORTH of a potential requirement. Joint assessment and liaison teams from USNORTHCOM, USARNORTH, and the standing joint task force deploy as directed to the affected state emergency operations center (or centers) and FEMA's regional response coordination center. (See JP 3-41 for more information.)

4-85. The USNORTHCOM standing joint task force (Joint Task Force-Civil Support) is equipped to command and control joint CBRN consequence management. The joint task force exercises operational control of defense CBRN response force units and other forces if a catastrophic domestic CBRN incident occurs. The joint task force deploys to the supported joint field office and coordinates federal military support with the incident command staff and state National Guard forces. The USARNORTH contingency command post receives augmentation. In a catastrophic event, one of the USARNORTH deployable command posts could become the JFLCC's forward command post and assume operational control of the standing joint task force and other federal military forces.

4-86. The Marine Corps Chemical-Biological Incident Response Force (CBIRF) is the largest CBRN element within the defense CBRN response force. Additional Army CBRN units would provide decontamination, detection, and reconnaissance capabilities. Army units would provide logistic, Role 2 medical, and aviation support. The Air Force would provide specialized engineering support and medical treatment facilities.

4-87. The composition of the defense CBRN response force varies according to the Army force generation cycle. DOD identifies units for the defense CBRN response force through the Joint Staff and the National Guard Bureau, based on requirements and force readiness. The force consists of a mix of federal and state National Guard forces. Each defense CBRN response force unit is subject to a CBRN incident response posture level with prepare to deploy time lines determined by the Commander, USNORTHCOM, and the Secretary of Defense.

4-88. Within the USPACOM AOR, Joint Task Force-Homeland Defense has a domestic CBRN consequence management mission. Although it may require augmentation from a joint manning document, many of its capabilities, subject matter experts, and resources are already within United States Army Pacific. Joint Task Force-Homeland Defense works with state, territorial, and military organizations to ensure response across a large AOR. Because of the vast geographical distances within the Pacific, each territory and base has plans to respond to a variety of threats, with forces in place, since any external forces will have to come by air or sealift. The USPACOM consequence management plan includes flexible task organizations from Services; components; weapons of mass destruction-civil support teams; chemical, biological, radiological, nuclear, and high yield explosives enhanced response force packages; federal fire departments; Army and Navy EOD teams; and chemical companies.

4-89. Explosive ordnance disposal teams and chemical, biological, radiological, nuclear, and explosive response teams respond to CBRN incidents in support of a combatant commander. If requested, they respond to USNORTHCOM and USPACOM for specialized domestic CBRN incident support. Support includes unknown explosive ordnance, improvised explosive devices, homemade explosives and weapons of mass destruction, movement of munitions, and disposal of unusual unexploded ordnance. These units frequently deploy for NSSEs. The CBRN incident response teams deploy with mission specific sustainment capabilities, but life support assistance comes from the supported combatant commander.

4-90. The Defense Threat Reduction Agency specializes in analysis of weapons of mass destruction and disposal of weapons of mass destruction. This agency has a variety of specialized CBRN capabilities. During a CBRN incident, teams may support federal forces or state National Guard forces.

HAZARD PREDICTION MODELS

4-91. Hazard prediction modeling programs graphically depict the expected impacts of CBRN hazards for military commanders and civilian incident commanders. Under the NRF, the Interagency Modeling and Atmospheric Advisory Center employs the National Atmospheric Release Advisory Center, which is the single hazardous airborne and dispersion prediction model used during a federal response. In a CBRN incident, models can provide information on casualty estimates, contaminated areas, roadblock locations, local hospitals, airfields and hazards concentrations. This information helps the incident command staff and supporting agencies organize staging areas, define work zones, conduct downwind monitoring, and determine evacuation measures. Units operating near a CBRN incident site should obtain prediction models through the incident command for situational awareness and force protection. The Defense Threat Reduction Agency, weapons of mass destruction-civil support teams, and fire departments employ hazard prediction models.

WARFIGHTING FUNCTIONS IN DOMESTIC CBRN INCIDENT SUPPORT

4-92. The following paragraphs discuss the warfighting functions pursuant to CBRN incident support.

Command and Control for Domestic CBRN Incidents

4-93. The most difficult command and control challenge during a catastrophic CBRN incident is maintaining situational awareness at all levels and across all agencies involved. Army commanders should deploy liaison personnel to help them maintain constant communication with military and civil authorities.

4-94. The civilian incident command team (described in chapter 1) is responsible for managing the response. The incident command staff develops an incident action plan, a type of operation order that assigns work tasks to partners. The incident command staff determines safety measures, technical reference, reachback, personnel protective equipment, logistics, and other requirements. The incident command staff, together with civilian law enforcement, public health, Environmental Protection Agency, Department of Energy, and other agencies will develop specific requirements such as obtaining samples, setting decontamination standards, or monitoring exposure levels.

4-95. Commanders must integrate risk management in their planning. They must mitigate and manage hazards and ensure adequate force protection. (See ATP 5-19 for more information).

4-96. Most communications systems developed for combat are incompatible with civilian systems unless the military provides specialized connections. Developing situational awareness and building a common operational picture is critical to effective response. Many state and local emergency operations centers use commercial communications software. State agencies, the National Guard Bureau, and USNORTHCOM continually improve tools that facilitate information sharing at CBRN and other incident sites.

4-97. CBRN incident response activities are likely to be highly publicized and can place great pressure on leaders. Public information and education efforts are essential to easing fear and protecting the public during CBRN incidents. Accurate information regarding the incident and efforts to protect the public should be disseminated to all subordinates as soon as the incident command staff makes it available. To ensure a unified message, public affairs information is coordinated through the incident command staff during DSCA. Military public affairs personnel work directly with incident command's joint information center to synchronize efforts.

4-98. Commanders, leaders, and Soldiers play a key role in information. The actions of Soldiers on the ground communicate far more powerfully than other media. Those actions must be in accordance with the commander’s intent, command's public affairs guidance, and in accordance with the moral principles of the Army ethic during all aspects of DSCA. Civilians may assume that uniformed personnel know more about the situation than others do. Rumors would be rampant during the initial response. Disruption to civilian broadcasts may limit routine sources of information. Therefore, well informed Soldiers should be able to

provide updated, factual information to the local populace. Commanders must brief their personnel daily on the public affairs guidance.

Movement and Maneuver for Domestic CBRN Incidents

4-99. The incident staging area is the equivalent of an intermediate staging base. Units move to an incident staging area determined by an incident command staff before moving into a CBRN incident site. The staging area personnel receive the unit's personnel and equipment accountability information and provide details regarding the incident. Before leaving the staging area, a unit receives it mission, safety briefings, and updated information regarding the incident. Debris, contaminated areas, other responding agencies, and terrain conditions might delay movement.

4-100. Contaminated areas could present a serious hazard to movement near any CBRN incident. One of the key tasks that Army forces may anticipate is establishing and maintaining security around a contaminated area, sometimes known as a hot zone. In an urban area, this task could require a significant amount of resources. This situation requires close coordination with the incident command and unified area command to ensure its proper placement, security, and maintenance. Commanders keep in mind that the contaminated area may shift suddenly due to weather or other factors. Army forces directed to move into a contaminated area plan and rehearse before executing the mission. Ideally, the unit will be equipped for CBRN incidents. Otherwise, if a unit is responding to an emergency, Soldiers should follow the unit standard operating procedure for movement techniques in a contaminated environment.

4-101. Movement in or near a contaminated area requires decontamination support. Unless decontamination support is available, commanders should not send Soldiers into or near a contaminated area. Commanders must coordinate with the supporting decontamination element to ensure that they can conduct the necessary detection and decontamination before committing Soldiers.

4-102. Aviation unit commanders must review current instructions for operating in or near a contaminated area. A helicopter is almost impossible to decontaminate completely once exposed to hazardous agents or radiation. Aircraft generally should avoid flying near contaminated areas, if possible. If the mission requires exposing the aircraft and crew to hazardous materials, the aviation unit must establish protective procedures for immediate decontamination, and train the air crew in protective measures.

4-103. Engineering support to a CBRN incident response would be extensive. The key capabilities the engineers provide include—

- Basing and marshalling support.
- Emergency route opening (use of any available means to enable ground emergency movement into and out of the affected area).
- Engineer site assessment.
- Infrastructure repair.
- Geospatial information support.

Intelligence for Domestic CBRN Incidents

4-104. Commanders should carefully review instructions concerning intelligence capabilities in their specific execution orders. Intelligence activities during CBRN incidents may be subject to additional regulatory requirements. Military intelligence support is likely to be requested for ongoing terrorist activities and CBRN incident investigation. The Department of Justice, DHS, Federal Bureau of Investigation, and other law enforcement agencies coordinate with the incident commanders. Military communication systems can tie in with the civilian Joint Incident Site Communications Capability secure communications system. FEMA and other agencies provide this capability to share classified or sensitive information.

4-105. Commanders ensure environmental and safety information receives the widest possible dissemination. The incident command's operations staff provides unclassified information and analysis on the hazardous area to ensure the safety of responders, hospitals, and others affected by the incident. Intelligence staff members can provide mapping, situational awareness, liaison support, and weather support during a CBRN incident response.

4-106. The incident command's operations and planning sections manage CBRN incident information in support of operations. A hazardous materials working group under the operations staff might form in order to coordinate incident information and direct operations. The operations staff receives CBRN and other hazardous materials survey reports from fire fighters, Department of Energy, DOD, Environmental Protection Agency, and other agencies monitoring an incident site. This information refines hazard prediction models to develop a common operational picture of the hazardous locations.

Sustainment for Domestic CBRN Incidents

4-107. Army CBRN emergency responders develop sustainment plans that include the coordination for and establishment of logistics systems to ensure continuous replenishment of consumables, personnel, spare parts, and maintenance. Army installations should plan for sustainment of DOD CBRN emergency responder preparedness programs. Installations should develop ongoing relationships for coordination with the appropriate local and state emergency response officials. They should coordinate with the regional response coordination center for their FEMA region.

4-108. The National Guard's weapons of mass destruction-civil support teams and chemical, biological, radiological, nuclear, and high yield explosives enhanced response force packages receive support from a consequence management support center. A consequence management support center can rapidly deploy equipment stocks to an incident site. In an extended response, the consequence management support center forward deploys personnel and equipment to support the chemical, biological, radiological, nuclear, and high yield explosives enhanced response force packages and weapons of mass destruction-civil support teams.

Federal Emergency Management Agency Sustainment

4-109. FEMA supplies pre-positioned equipment to support state, local, territorial, and tribal responders. This equipment includes protective and decontamination equipment, detection instruments, medical supplies and all other logistics.

Sustainment from Military Installations

4-110. Some military installations have equipment for responding to CBRN incidents. They may have a fire department with appropriate assets. During an emergency, installations might provide protective equipment, air compressors, fire trucks, decontamination systems, power generation, detection equipment and other resources. Installations also can serve as staging areas providing food, shelter, fuel, headquarters facilities, and vehicles to responding units.

4-111. Mortuary affairs personnel may support CBRN incidents. Team leaders should verify procedures for handling remains through higher headquarters and through the defense coordinating officer to the primary agency responsible for the appropriate ESF, normally ESF #8. Specific procedures on identifying and handling contaminated remains are according to the existing civilian plans and doctrine in JP 4-0.

Protection for CBRN Incidents

4-112. During a CBRN incident, the civilian incident command staff normally determines the level of protective garment required based on the hazard. Conventional battlefield protective and detection systems cannot meet all homeland security CBRN requirements. Commanders must understand the limitations of their equipment and personnel.

4-113. Commanders must give special attention to heat injury prevention for Soldiers using personal protective equipment. The civilian incident commander will normally determine the required level of personal protective equipment based on the hazard. In a large federal response, Environmental Protection Agency, Centers for Disease Control, Department of Energy, other civil authorities or response partners, and the incident command's safety officer might contribute to personal protective equipment decisions. When the hazard is unknown or no guidance is available, units use level A personal protective equipment.

4-114. Most Army units are not equipped to detect or protect against toxic industrial chemicals although they may have protective capabilities that exceed those of some local police and civilian organizations. Most chemical hazards degrade in hours or days, and first responders hasten the process by a variety of

decontaminants. However, working around lethal chemicals requires training and protective equipment, including decontamination capabilities. Conventional forces are not equipped to detect or protect against toxic industrial chemicals and materials. Joint Service Lightweight Integrated Suit Technology (also called JSLIST) and protective masks do not meet civilian chemical protection standards or protect against most toxic industrial materials. Battlefield chemical detection systems detect specific battlefield threats. The National Guard's weapons of mass destruction-civil support teams, the defense CBRN response force units, and attached CBRN defense units along with elements of Regular Army CBRNE commands have enhanced CBRN and industrial chemical protection and detection capabilities.

SUPPORT FOR PANDEMIC DISEASE OUTBREAKS

4-115. The designation of pandemic does not relate to the lethality of a disease, but to its spread. The World Health Organization categorizes disease outbreaks according to six phases of contagion, followed by three levels of declining threat. Phases 1, 2, and 3 correlate with preparedness, including capacity development and response planning activities, while Phases 4 through 6 signal the need for response and mitigation efforts. (Figure 4-6 illustrates the World Health Organization's pandemic phases). Periods after the first pandemic wave (through phase 6) are elaborated to facilitate post pandemic recovery activities. The World Health Organization pandemic phases are—

- Phases 1 through 3: predominantly animal infections but few human infections.
- Phase 4: sustained human to human transmission.
- Phases 5 to 6: widespread human infection.
- Post peak period: possibility of recurrent events.
- Post pandemic period: disease activity at seasonal levels.

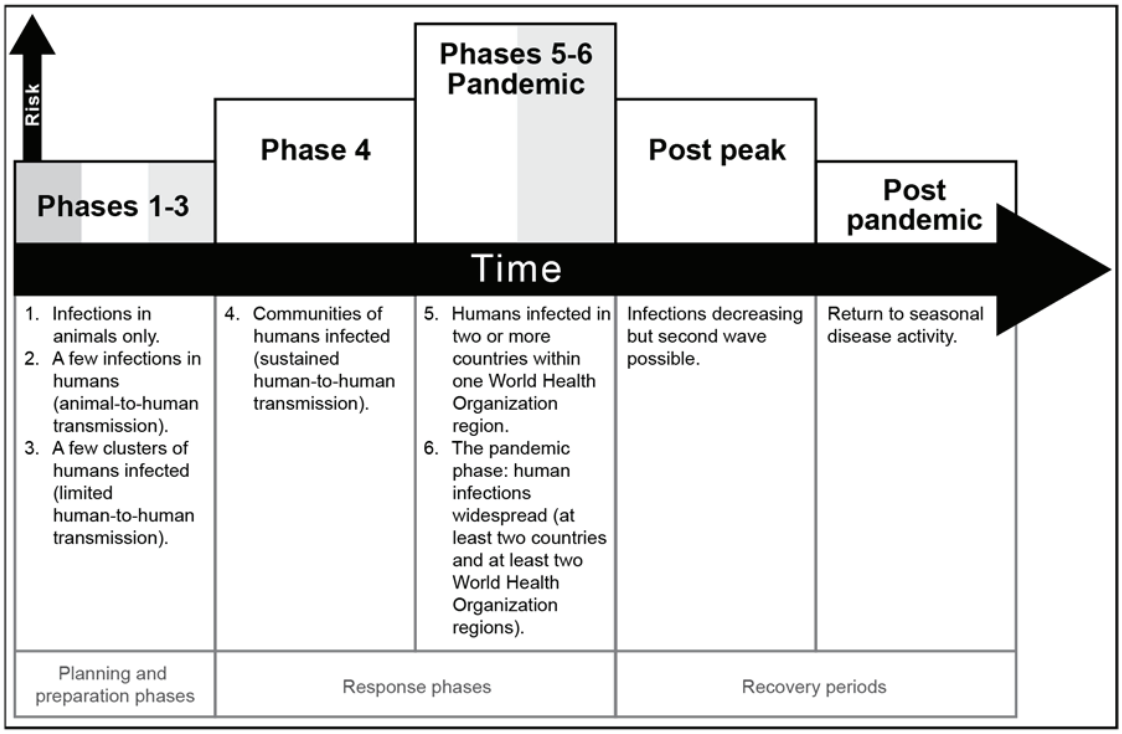


Figure 4-6. World Health Organization pandemic influenza phases

4-116. Pandemics have occurred intermittently over centuries. The last three pandemics produced millions of fatalities. Animals are the most likely reservoir for emerging viruses; avian viruses played a role in the last three influenza pandemics. Viruses remain difficult to combat. Vaccines for a new type of flu may take years to develop and produce, and their effectiveness may vary widely, particularly as the virus continues to evolve

rapidly. Generally, flu vaccines improve resistance and may help reduce the severity of the infection, but the more novel the virus, the less effective the vaccine.

Department of Defense Readiness for Pandemics

4-117. DOD policy and directives stress the importance of installation level planning and preparation before an outbreak requires military support. The priority of effort goes to installation readiness and force health protection measures. Therefore, the installation commander ensures that the civilian workforce remains prepared, and commanders ensure their Soldiers receive flu vaccinations regularly. Post agencies develop plans to operate with reduced manning by prioritizing missions and ensuring that critical positions have cross trained replacements. Leaders stress inoculation of military personnel and develop plans to augment essential services. They also work with the installation to ensure that families are prepared for an outbreak.

Coordinated National Response to Pandemic Disease Outbreaks

4-118. The NRF provides the overall architecture for pandemic influenza response, but there are marked differences to federal response for other incidents. The Department of Health and Human Services is the lead agency for pandemic influenza response. Public communication during a pandemic is the responsibility of federal and state health officials through their joint information centers.

4-119. The mission of DOD in a pandemic is to preserve U.S. combat capabilities and readiness and to support U.S. government efforts to save lives, reduce human suffering, and slow the spread of infection. Military actions before and during a major influenza outbreak focus on four areas:

- Planning and preparation for a possible outbreak.
- Maintaining combat readiness.
- Support to state and federal agencies.
- Humanitarian assistance to other nations as directed by the Secretary of Defense

In any major outbreak of disease, public health workers and medical supplies would require security.

4-120. The Commanders, USNORTHCOM and USPACOM, would control federal military support to federal authorities within their respective AORs.

Note. Federal military commanders should coordinate carefully with their chain of command to clarify information handling requirements for personal identifying information concerning persons outside DOD assisted by the military.

4-121. National Guard forces would support their state emergency managers. State National Guard commanders may provide Soldiers and Airmen to reinforce law enforcement agencies unable to provide full law enforcement support to their communities due to absences from illness.

Enforcement of Isolation or Quarantine

4-122. A public health emergency may require isolation and quarantine measures to protect the public. Isolation refers to the separation and the restriction of movement of people who have a specific infectious illness from healthy people to stop the spread of any communicable illness. In most cases, quarantine refers to the separation and restriction of movement of people exposed to an infectious disease. They may pose a risk of spreading the disease inadvertently before manifesting symptoms. Isolation and quarantine of civilians are normally voluntary, but in extreme emergencies they could be compulsory.

State Authority for Isolation and Quarantine

4-123. Compulsory isolation or quarantine is a law enforcement function authorized at state level. In most cases, Soldiers supporting isolation or quarantine would be National Guard forces under the authority of their Governor. Federal military forces do not typically enforce state authority for isolation and quarantine

4-124. The governor of a state may impose isolation and quarantine restrictions in accordance with state statutes and regulations. There is variation among states regarding the issue of compelled isolation and

quarantine. In general, a governor can declare a public health emergency to initiate isolation or quarantine restrictions. Should first responders identify a need for isolation or quarantine, the appropriate state agency would send a request to the governor for approval. The governor would assess the requirements against the resources. If the governor ordered National Guard support, normally it would be provided in state active duty status. However, a governor could request that the President approve federal military support.

Federal Government Authority for Isolation and Quarantine

4-125. The federal government has authority under the Commerce Clause of the Constitution to prevent the spread of disease into the United States (foreign) or from one state to another (interstate). The Department of Health and Human Services is the lead federal agency for isolation and quarantine. The Director of the Center for Disease Control and Prevention determines whether measures taken by health authorities of any state are insufficient to prevent the spread of communicable diseases from state to state. The Director takes measures to prevent the spread of the disease if state measures are insufficient.

4-126. The President may authorize federal civilian authorities to detain, examine, and isolate individuals that may have dangerous infectious diseases. The Secretary of Health and Human Services coordinates support from state and local authorities for the enforcement of federal quarantine regulations. Such support may include National Guard forces, but the authority to employ National Guard Soldiers belongs to the governor.

4-127. Upon approval by the Secretary of Defense, federal military units may support a state isolation or quarantine only by providing logistic, medical, transportation, communications, and other appropriate support as requested by a primary agency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (commonly known as the Stafford Act). This assistance follows the mission assignment process (see figure 4-2, page 4-5). Unless the President specifically authorizes an exception, federal military forces cannot be used to enforce isolation or quarantine.

Limits of Military Personnel Participating in Quarantine Enforcement

4-128. Except in certain narrow circumstances, military personnel may assist, but not engage directly in the enforcement of federal quarantines, based on the limitations imposed by the Posse Comitatus Act. Despite the general prohibition on the use of military forces for law enforcement, military personnel could be used to (1) support, but not engage directly in enforcement of state quarantines; (2) protect federal facilities and property (such as federal stockpiles of medications); (3) enforce state quarantines through operation of the Emergency Federal Law Enforcement Assistance Act when detailed to a federal law enforcement agency; and (4) restore law and order after invocation of the Insurrection Act.

PROVIDE SUPPORT FOR DOMESTIC CIVILIAN LAW ENFORCEMENT

4-129. Providing support for domestic civilian law enforcement applies to the restricted use of military assets to support civilian law enforcement personnel within the United States and its territories. These operations are significantly different from operations outside the United States. Army forces support domestic civilian law enforcement agencies under constitutional and statutory restrictions, as prescribed by corresponding directives and regulations. (For additional information see DODI 3025.21.)

4-130. Except as expressly authorized by the Constitution of the United States or by another act of Congress, the Posse Comitatus Act (see paragraphs 2-40 to 2-47) prohibits the use of active Army and Air Force as enforcement officials to execute state or federal law and perform direct law enforcement functions. Likewise, US Navy regulations prohibit the use of the Marine Corps and Navy for performing direct state and federal law enforcement functions. However, the Posse Comitatus Act does not apply to state National Guard forces in state active duty status and Title 32, USC status. Nor does the Posse Comitatus Act restrict the Coast Guard, even when under the operational control of the Navy, since the Coast Guard has inherent law enforcement powers under Title 14, USC.

4-131. Domestic law enforcement missions differ substantially from similar stability tasks associated with civil security and civil control. The rights of civilians take precedence during domestic law enforcement support except in extreme emergencies.

4-132. Law enforcement support falls into two broad categories: direct and indirect. Direct support involves enforcing the law and engaging in physical contact with offenders. Indirect support consists of aid to civilian law enforcement agencies but not enforcement of the law or direct contact with offenders. Federal laws, presidential directives, and DOD policy prohibit federal military forces from enforcing laws and providing security except on military installations. These laws, policies, and directives specify limited exceptions to the restrictions. When authorized by the Secretary of Defense, federal military forces may provide indirect support to civilian law enforcement agencies, but support is limited to logistic, transportation, and training assistance except in life threatening emergencies. State and territorial governors can use state National Guard forces for direct support of civilian law enforcement as a temporary expedient in accordance with state laws.

STATE NATIONAL GUARD DOMESTIC CIVILIAN LAW ENFORCEMENT SUPPORT

4-133. The military force with primary responsibility for direct law enforcement support is the National Guard, under state authority. The legal authority for National Guard members to support law enforcement is derived from state law, which varies from state to state. A governor of a state may call up National Guard forces to help local and state law enforcement agencies. The National Guard's authority derives from the governor's responsibility to enforce the laws of that state. Even with that authority, the governor carefully regulates the amount and nature of the support, consistent with state law. The governor may employ the state National Guard for law enforcement support in state active duty status or in Title 32, USC status. Federal laws (principally the Posse Comitatus Act) restrict federalized National Guard forces (in federal service, under Title 10, USC) from providing law enforcement support unless a specific exemption is applicable.

4-134. State National Guard forces in either Title 32, USC status or state active duty status from another state operating under the EMAC or a memorandum of agreement between the states may only support civilian law enforcement as specified in a memorandum approved by both governors.

4-135. There are 54 state and territory National Guard counterdrug support programs, governed by National Guard regulations. The Secretary of Defense, in accordance with Section 112 of Title 32, USC, may provide resources though the Chief, National Guard Bureau, to states with approved National Guard counterdrug support plans. In addition to requiring approval by the Secretary of Defense, the state National Guard counterdrug support plan requires approval from the state's attorney general and adjutant general. The National Guard Bureau funds a full time Title 32, USC active Guard and Reserve counterdrug coordinator in each state for administration and management of the state counterdrug program. The counterdrug coordinator serves as the focal point for all counter drug mission validations, approval authority, and the prioritization for counterdrug mission tasking under appropriate policies, instructions, and directives.

4-136. State National Guard forces also provide support to DHS border security programs. Under Section 112 of Title 32, USC, National Guard Soldiers support border security by operating surveillance systems, analyzing intelligence, installing fences and vehicle barriers, building roads, and providing training. Although state National Guard units could participate in direct law enforcement activities related to border security, under DOD policy they normally provide indirect support, under the control of their governor.

4-137. State National Guard forces frequently augment civilian law enforcement agencies during disaster response. The disruption and confusion associated with a disaster typically cause numerous problems with law enforcement tasks. Commanders should evaluate the potential for law enforcement support as part of their unit's initial assessment and provide their assessment to their state joint task force headquarters. Commanders must impress upon their subordinates that they must refrain from law enforcement activities except as authorized.

FEDERAL MILITARY DOMESTIC CIVILIAN LAW ENFORCEMENT SUPPORT

4-138. DOD support to law enforcement is known as defense support of civilian law enforcement agencies. Federal Army forces may provide indirect support to federal, state, and local law enforcement agencies conducting civil disturbance, border security, counterdrug, antiterrorism, or other tasks, but such support

requires the approval of the Secretary of Defense. Before approval, the DOD legal staff normally conducts a comprehensive legal review of the request and advises the Secretary of Defense on its conclusion.

4-139. Although federal military forces have limitations on direct enforcement of the law, the DOD regularly provides indirect support to civilian law enforcement agencies. Indirect assistance facilitates the supported civilian agency's ability to enforce the laws, while maintaining separation between the Soldier and the civilian offenders. DOD policy provides federal military commanders with guidance on indirect federal military support to civilian law enforcement agencies. DOD policy allows indirect federal military support to civilian law enforcement based on these criteria:

- Assistance is limited to situations when the use of persons not affiliated with the DOD would be unfeasible or impractical from a cost or time perspective and would not otherwise compromise national security or military preparedness concerns.
- Assistance may not involve DOD personnel in direct law enforcement, except as otherwise authorized by law.
- Except as otherwise authorized by law, assistance by DOD personnel will occur at a location where there is not a reasonable likelihood of a law enforcement confrontation.

4-140. Military departments and defense agencies may provide expert advice to federal, state, or local law enforcement officials in accordance with Title 10, USC. The law does not permit regular or direct involvement of military personnel in any civilian law enforcement operations, except as otherwise authorized.

4-141. Federal military forces, when authorized, may support law enforcement activities in a major disaster or a serious CBRN incident. Their mission assignments could include providing technical, logistic, and communications support. Indirectly, they may support law enforcement agencies by relieving National Guard Soldiers of other support missions unrelated to law enforcement. This allows the state's forces to provide direct law enforcement support. This complementary employment of federal and state National Guard forces maximizes the effectiveness of military support to law enforcement agencies.

4-142. Use of DOD personnel to operate or maintain or to help with operating or maintaining equipment is limited to situations when the training of persons not affiliated with the DOD would be unfeasible or impractical from a cost or time perspective and would not otherwise compromise national security or military preparedness concerns.

4-143. The DOD supports federal, state, and local law enforcement agencies in their efforts to disrupt the transport or transfer of illegal drugs into the United States. DOD support helps disrupt illicit drug trafficking, smuggling of every sort, and the regional and global movement of terrorists through financial, political, and operational means.

4-144. The strategic goals of the National Drug Control Strategy are preventing drug use before it starts, intervening and healing those who already use drugs, and disrupting the market for illicit substances. In support of this strategy, Army forces support law enforcement officials indirectly through loan of equipment (without operators), use of facilities (such as buildings, training areas, or ranges), transfer of excess equipment, and training conducted in military schools.

4-145. Indirect support by federal military forces to counterdrug agencies requires approval by the Secretary of Defense or a designated representative. Three standing joint task force headquarters provide indirect support to domestic civilian law enforcement agencies. Joint Task Force-North supports counterdrug efforts within the USNORTHCOM AOR. Joint Task Force-West does the same in the USPACOM AOR. The Joint Interagency Task Force South operates in the United States Southern Command AOR. The missions vary widely and may include ground reconnaissance, detection and monitoring, communications support, aerial reconnaissance, marijuana eradication, linguist support, air and ground transportation, intelligence analysis, tunnel detection, engineering support, and maintenance support.

4-146. The DOD may indirectly support border security efforts under Title 10, USC, Sections 371 through 374. Joint Task Force-North provides this indirect support. Joint Task Force-North does not directly enforce the laws pertaining to homeland security. Its mission is to improve the capabilities of DHS agencies to carry out their law enforcement missions.

4-147. JTF-N supports federal law enforcement agencies in the conduct of counterdrug/counter transnational organized crime operations and facilitates DoD training in the USNORTHCOM area of responsibility to disrupt transnational criminal organizations and deter their freedom of action in order to protect the homeland and increase DoD unit readiness.

Law Enforcement Support Under the Posse Comitatus Act

4-148. The Posse Comitatus Act restricts the use of the federal military forces for direct support to civilian law enforcement agencies. Except as authorized by the Constitution of the United States or by another act of Congress, the Posse Comitatus Act and DOD directives prohibit the use of the Army, Air Force, and (through DOD policy) the Navy and Marine Corps as enforcement officials to execute state or federal law and perform direct law enforcement functions. The Navy and Marine Corps are included in this prohibition, based on DOD policy articulated in DODI 3025.21. However, the Posse Comitatus Act does not apply to state National Guard forces operating in state active duty status or in Title 32, USC status. This is due to the state National Guard's statutory law enforcement functions. Nor does the Posse Comitatus Act restrict the Coast Guard, even when it falls under the operational control of the Navy. This is because the Coast Guard has inherent law enforcement powers under Title 14, USC. Commanders should understand that the Posse Comitatus Act specifies severe criminal penalties if violated.

4-149. Federal military forces require special authorization from the Secretary of Defense to support civilian law enforcement officials outside of federal military installations. In extreme emergencies, the state attorney general, in coordination with the Secretary of Defense, may recommend that the President invoke the Insurrection Act. The restrictions on federal military forces are derived from Posse Comitatus Act case law. Unless specifically authorized by law, no DOD personnel in a Title 10, USC, status (federal military forces) will become involved in direct civilian law enforcement activities, including, but not limited to, search, seizure, arrest, apprehension, stop and frisk, surveillance, pursuit, interrogation, investigation, evidence collection, security functions, traffic or crowd control, or similar activities, except in cases and under circumstances expressly authorized by the President, Constitution, or act of Congress. (See the CJCS DSCA EXORD.)

4-150. The DOD can provide limited, indirect support to local authorities in certain situations. The actions of military forces must be primarily for a military purpose and consistent with the Posse Comitatus Act. (See DODI 3025.21 for guidance.)

Law Enforcement Support Under Emergency Authority

4-151. Closely associated with circumstances under which the President may invoke the Insurrection Act is a federal commander's unique and limited emergency authority. A commander may temporarily exercise this authority to restore public order in the civilian community when (1) a large scale and unexpected civil disturbance develops under extraordinary emergency circumstances that (2) seriously endangers life, federal property or functions, or disrupts the normal processes of government and (3) federal, state, and local authorities are unable to control the situation, and (4) it is impossible to obtain prior authorization from the President

4-152. The commander's decision to take action must always be based on necessity rather than convenience to either the military commander or civil authorities. Under these rare circumstances, a commander may take prompt action, including direct law enforcement duties, as the circumstances reasonably justify. A commander's decision to exercise emergency authority is an exception to the restrictions of the Posse Comitatus Act. However, the commander must immediately notify the National Military Command Center through the chain of command when acting out of necessity. Commanders must end support under emergency authority as soon as circumstances permit.

Law Enforcement Support Under Martial Law

4-153. Martial law involves use of the military to exercise police powers; restore and maintain order; ensure essential mechanics of distribution, transportation and communication; and conduct necessary relief measures. In such cases, the ordinary law, as administered by the ordinary courts, is suspended. Military support under martial law is not part of DSCA.

4-154. Only the President may order federal military forces to impose martial law. Federal military commanders shall not take charge of any function of civil government unless necessary under conditions of extreme emergency. Any commander who is directed, or who undertakes, to control such functions shall strictly limit military actions to the emergency needs and shall facilitate the reestablishment of civil responsibility at the earliest time possible.

4-155. Other officials may be authorized to impose martial law within a particular state under that state's law, but the restraints are similar to the federal level. The state and federal supreme courts may review any imposition of martial law for legality.

Warfighting Functions in Domestic CBRN Incident Support

4-156. The following paragraphs discuss the warfighting functions pursuant to domestic law enforcement support.

Command and Control for Domestic Law Enforcement Support

4-157. Domestic law enforcement support requires expert legal advice to leaders at every level. The command staff judge advocate should review plans and orders carefully, even if this delays their release. Plans and orders should identify measures that require legal consultation, command approval, or both. Supporting commanders should plan for additional liaison personnel and communications to the supported law enforcement agency. Commanders ensure their Soldiers know their chain of command and which law enforcement agency they are supporting. Federal military forces and state National Guard forces sometimes operate in proximity although they remain under separate chains of command. On the ground, however, commanders from both forces co-locate so they can coordinate all operations very closely.

Movement and Maneuver for Domestic Law Enforcement Support

4-158. In any mission that has the potential for lethal force, such as a civil disturbance, commanders should designate a reserve whenever possible. The reserve may be small, even two or three Soldiers, but even a small reserve can become a critical asset when a situation deteriorates. In planning for the reserve, the commander should—

- Provide the reserve with sufficient mobility to move to any part of the operational area quickly.
- Ensure the reserve has tactical communications and monitors the command network.
- Task organize the reserve to enable it to use lethal force according to the RUF.
- Retain the decision to commit the reserve personally.

4-159. Joint patrols involving state National Guard and local law enforcement officers have proven to be a highly effective and efficient use of Soldiers in the aftermath of disasters and disturbances. The inclusion of civilian law enforcement personnel allows for rapid administration of law enforcement and facilitates arrest and detention. Law enforcement personnel normally carry nonlethal weapons, allowing for discriminate application of force. Military vehicles provide increased mobility, and night vision equipment provides the patrol with tactical advantages. As with any law enforcement support, the controlling joint task force coordinates within its higher chain of command before conducting any missions. Small unit commanders should always confirm RUF through their headquarters before placing Soldiers with civilian law enforcement officials. Commanders coordinate carefully with the supervising civilian law enforcement agency's senior officer to plan the patrols and ensure the military patrol leader conducts necessary preparation and coordination.

4-160. Generally, only National Guard members in state active duty or Title 32, USC status are authorized to conduct joint patrols. Federalized National Guard members may conduct joint patrols if the Insurrection Act has been implemented or under other exceptions to the Posse Comitatus Act.

Intelligence for Domestic Law Enforcement Support

4-161. When Army units support civilian law enforcement, they must be very careful about the types of units participating, the nature of the assistance, and the capabilities involved. This is particularly important regarding information about civilians. Civilian law enforcement agencies comply with strict legal limits on

information: who provides it, what is collected, how it is collected, and how it can be used. Military forces supporting civilian law enforcement agencies are even more limited. Commanders must ensure laws, military regulatory authorities, and DOD policies are not violated (see chapter 2.)

4-162. Despite restrictions, many intelligence capabilities can support law enforcement officials during a disaster or CBRN incident if approved by the Secretary of Defense. For example, two of the most important capabilities employed by Soldiers are night vision systems and integrated suites of surveillance systems. Use of sophisticated night vision capabilities such as forward looking infrared requires approval of the Secretary of Defense. Although remotely piloted aircraft have similar surveillance capabilities, airspace control procedures may limit or prohibit their use.

4-163. Military forces using intelligence capabilities to support civil law enforcement agencies are subject to different restrictions than for intelligence activities related to combat. Employment of intelligence systems domestically remains a sensitive legal area, particularly when used in support of law enforcement agencies. Any nontraditional use of intelligence, surveillance, and reconnaissance capabilities in support of law enforcement officials requires approval by the Secretary of Defense and support by a proper use memorandum. Intelligence activities during DSCA should be coordinated through higher headquarters for approval, in addition to consultation from a staff judge advocate. Additionally, Executive Order 12333 provides guidelines for the use of military intelligence, including permitted and prohibited activities during DSCA.

Sustainment for Domestic Law Enforcement Support

4-164. Civil disturbance support may require specialized equipment and munitions, as well as barrier material. The battalion or brigade logistics officer (S-4) or assistant chief of staff, logistics (G-4) and logistic staff should review the required equipment list and coordinate with the controlling joint task force concerning equipment and ammunition on hand. Additional items may include riot batons, concertina wire and pickets, flexible cuffs, face and body shields, protective mask filters, additional stretchers, portable firefighting equipment, and assorted batteries. Critical infrastructure security missions may require additional supplies, such as marking tape, to delineate the secure area.

4-165. Military departments and defense agencies may make equipment, base facilities, or research facilities available to federal, state, or local civilian law enforcement officials for law enforcement purposes, according to DOD directives. Additionally, DOD personnel can operate, maintain, or assist in operating or maintaining DOD equipment, when the training of persons not affiliated with DOD would be unfeasible or impractical from a cost or time perspective and would not otherwise compromise national security or military preparedness concerns. This must be approved by the Secretary of Defense or a designated representative.

Protection for Domestic Law Enforcement Support

4-166. Soldiers assigned to protect critical facilities must understand how to apply the SRUF, especially the use of deadly force, to protect that critical facility. Commanders should ensure units receive appropriate protective equipment for protection from a wide variety of hazards, including thrown objects such as rocks, bricks, sticks, and bottles.

4-167. Federal military forces supporting law enforcement often have severe restrictions on the use of force. Soldiers in Title 10, USC status may only use deadly force when all lesser means have failed or cannot reasonably be employed and it is reasonably necessary. For example, Soldiers may be directed to use deadly force—

- To protect federal military forces when the commander reasonably believes a person poses an imminent threat of death or serious bodily harm.
- To protect self and other federal military forces from imminent threat of death or serious bodily harm.
- To protect persons not affiliated with DOD in the vicinity from the imminent threat of death or serious bodily harm, if directly related to the assigned mission.
- To prevent the actual theft or sabotage of assets vital national security or inherently dangerous property.
- To prevent the sabotage of a national critical infrastructure.

- To prevent a serious offense that involves imminent death or serious bodily harm against any person, if directly related to the assigned mission.

4-168. All subordinate leaders control their Soldiers and ensure they only employ their weapons in self-defense, to save the life of an innocent person, or to protect designated critical infrastructure.

4-169. Commanders should plan for the use of exclusion warnings and barriers around any protected facility. Markings and barriers should be highly visible and as easily understandable as possible.

4-170. Nonlethal weapons provide an effective alternative means of employing force to reduce the probability of death or serious injury to civilians and Soldiers while still mitigating the threat. Commanders should evaluate the use of nonlethal weapons in domestic operation plans and RUF. Additionally, commanders should plan for and conduct rehearsals of RUF to prepare Soldiers for operations that may employ nonlethal weapons. For additional guidance and policy, leaders should refer to appropriate execute orders, training and doctrinal publications, and regulations.

4-171. Commanders must ensure that they and their subordinates understand when and how to employ nonlethal weapons. Nonlethal weapons continue to evolve, and Soldiers must be trained to use them properly. Before employing any new nonlethal weapon, the command staff judge advocate should review all pertinent orders and instructions for its use. Use of nonlethal weapons, like the use of all weapons, will require approval from higher headquarters. Use of riot control agents by Soldiers requires additional authorization from appropriate authorities (state or federal). All nonlethal weapons are not equal; different classes of weapons require different RUF.

CIVIL DISTURBANCE SUPPORT

4-172. A governor may call out the National Guard to quell a civil disturbance when it threatens lives or property. State forces support essential services, establish traffic control posts, cordon off areas, release smoke and obscurants, and serve as security or quick reaction forces. The state National Guard's joint task force commander provides liaison teams to each affected law enforcement agency and normally positions the joint task force headquarters near civilian law enforcement headquarters. In addition to support for civilian law enforcement agencies, National Guard forces provide security for emergency responders. After review by the state attorney general, the governor approves the RUF.

4-173. A request for direct federal military support to civil disturbance operations is unlikely except in an extreme emergency. (See chapter 2 for a discussion of legal considerations. See DODI 3025.21 regarding DOD responsibilities for civil disturbance.) Federal military support for civil disturbances does not fall under defense support of civilian law enforcement agencies when the Insurrection Act or other exemptions to the Posse Comitatus Act are used. The President may employ the Armed Forces of the United States, including the National Guard, within the United States to restore order or enforce federal law when requested by the state legislature, or when not in session, by the governor, and when the authorities of the state are incapable of controlling the situation. The Attorney General of the United States appoints a senior civilian representative as his or her action agent. Federal military personnel supporting civil disturbance operations remain under military command at all times. Forces deployed to help federal or local authorities in a civil disturbance adhere to the SRUF and RUF approved by the combatant commander.

4-174. USNORTHCOM develops and maintains plans for civil disturbance operations. These plans provide the foundation for federal military civil disturbance support. They standardize most military activities and command relationships. Tasks performed by federal military forces may include joint patrolling with law enforcement officers; securing key buildings, memorials, intersections and bridges; and acting as a quick reaction force.

4-175. Civil disturbance missions require unit training prior to employing crowd control tactics. This normally requires a mobile training team from the military police or trained law enforcement personnel. Even in an urgent situation, commanders need to drill their forces repeatedly until small unit leaders can execute maneuvers under extreme stress. Training should include all arms, emphasizing treatment and evacuation procedures, detention and movement of citizens, and use of authorized nonlethal systems.

Special Considerations for State National Guard Domestic Civilian Law Enforcement Support

4-176. The military force with primary responsibility for direct law enforcement support is the National Guard, under state authority. The legal authority for National Guard members to support law enforcement is derived from state law, which varies from state to state. A governor of a state may call up National Guard forces to help local and state law enforcement agencies. The National Guard's authority derives from the governor's responsibility to enforce the laws of that state. Even with that authority, the governor carefully regulates the amount and nature of the support, consistent with state law. The governor may employ the state National Guard for law enforcement support in state active duty status or in Title 32, USC status. Federal laws (principally the Posse Comitatus Act) restrict federalized National Guard forces (in federal service, under Title 10, USC) from providing law enforcement support unless a specific exemption is applicable.

4-177. State National Guard forces in either Title 32, USC status or state active duty status from another state operating under the EMAC or a memorandum of agreement between the states may only support civilian law enforcement as specified in a memorandum approved by both governors.

4-178. There are 54 state and territory National Guard counterdrug support programs, governed by National Guard regulations. The Secretary of Defense, in accordance with Section 112 of Title 32, USC, may provide resources though the Chief, National Guard Bureau, to states with approved National Guard counterdrug support plans. In addition to requiring approval by the Secretary of Defense, the state National Guard counterdrug support plan requires approval from the state's attorney general and adjutant general. The National Guard Bureau funds a full time Title 32, USC active Guard and Reserve counterdrug coordinator in each state for administration and management of the state counterdrug program. The counterdrug coordinator serves as the focal point for all counter drug mission validations, approval authority, and the prioritization for counterdrug mission tasking under appropriate policies, instructions, and directives.

4-179. State National Guard forces also provide support to DHS border security programs. Under Section 112 of Title 32, USC, National Guard Soldiers support border security by operating surveillance systems, analyzing intelligence, installing fences and vehicle barriers, building roads, and providing training. Although state National Guard units could participate in direct law enforcement activities related to border security, under DOD policy they normally provide indirect support, under the control of their governor.

4-180. State National Guard forces frequently support civilian law enforcement agencies during disaster response. The disruption and confusion associated with a disaster typically cause numerous problems with law enforcement tasks. Commanders should evaluate the potential for law enforcement support as part of their unit's initial assessment and provide their assessment to their state joint task force headquarters. Commanders must impress upon their subordinates that they must refrain from law enforcement activities except as authorized.

PROVIDE OTHER DESIGNATED DOMESTIC SUPPORT

4-181. Providing other designated domestic support encompasses preplanned, routine, and periodic support not related to disasters or emergencies. Often, this is support to major public events and consists of participatory support, special transportation, and additional security. Examples are NSSEs such as Olympics, inaugurations, or state funerals. Some missions may involve designated support requested by a federal or state agency to augment its capabilities due to labor shortages or a sudden increase in demands. Such support may extend to augmentation of critical government services by Soldiers, as authorized by the President and directed by the Secretary of Defense. For example, skilled Soldiers replaced striking air controllers in the Federal Aviation Administration until newly hired civilians completed training. Soldiers have moved coal during strikes or even operated key commercial enterprises when national security considerations justified such extreme action.

Wildfire Response

4-182. One of the missions that federal or state National Guard forces receive on a regular basis is firefighting on federal, state, and local undeveloped land (wildland firefighting). This is a hybrid mission, sharing aspects of disaster response and planned support to an agency or community. DOD historically

responds to requests to provide emergency assistance to Federal agencies for forest or grassland fires when requested due to exhaustion or lack of availability of local, State, and Federal capabilities or resources. This support comes in the form of personnel, equipment, supplies, and fire protection services

CRITICAL INFRASTRUCTURE PROTECTION

4-183. In accordance with Presidential Decision Directive 63 (PDD-63), the Army supports critical infrastructure protection of DoD assets/resources and critical civil infrastructure. The Army, in supports the protection of areas national interest that includes the assurance and protection of commercial assets and infrastructure services. The Army assesses the potential impact on military operations that would result from the loss or compromise of infrastructure service. There were also requirements for monitoring DoD operations, detecting and responding to infrastructure incidents, and providing department indications and warnings as part of the national process. Ultimately, the Army supports the DoD's responsibility of supporting national critical infrastructure protection.

CYBER

4-184. Cyberspace and its underlying infrastructure are vulnerable to a wide range of risk stemming from both physical and cyber threats and hazards. Sophisticated cyber actors and nation-states exploit vulnerabilities to steal information and money and are developing capabilities to disrupt, destroy, or threaten the delivery of essential services. The Army supports the defense of the U.S. homeland and U.S. national interests against cyberattacks of significant consequence.

SECTION III – TACTICAL CONSIDERATIONS

4-185. This discussion includes selected tactical considerations organized under the warfighting functions (see ADP 3-0). The emphasis is on topics that distinguish DSCA tasks from stability tasks. Only five of the warfighting functions are discussed, as the fires warfighting function is not applicable to DSCA. (See U.S. Northern Command for extensive reference material.)

4-186. When conducting DSCA tasks, Army leaders apply the mission command approach (explained in ADP 6-0). This means they are guided by the following principles:

- Competence.
- Mutual trust.
- Shared understanding.
- Commander's intent.
- Mission orders.
- Disciplined initiative.
- Risk acceptance.

4-187. Building cohesive teams and creating shared understanding together with all partners in unified action are key challenges for DSCA. Effective commanders use collaboration and dialogue to build relationships and achieve shared goals. They use their commander's intent to guide the disciplined initiative of Soldiers. *Commander's intent* is a clear and concise expression of the purpose of the operation and the desired military end state that supports mission command, provides focus to the staff, and helps subordinate and supporting commanders act to achieve the commander's desired results without further orders, even when the operation does not unfold as planned (JP 3-0). When establishing their commander's intent, commanders keep in mind the three overarching purposes as well as the end state of missions—that civilians can return to self-sufficiency and carry on without military support. However, this does not mean that team building is limited to the duration of a crisis. Effective interorganizational coordination depends on collaboration, relationships, and training before, during, and after incidents.

COMMAND AND CONTROL

4-188. Although the military provides support at the request of and alongside civil authorities, those authorities do not give orders directly to military forces. Tactical units accomplish the assigned tactical tasks

that they received through their chain of command. In a chaotic situation, civilian responders are likely to ask for help from units on the ground. Soldiers receiving spontaneous or unofficial requests direct the requesting individuals to the appropriate authority. Requests for support must follow established processes.

4-189. Army forces still apply the mission command principle of disciplined initiative, which encourages action at the tactical level within the boundaries of commander's intent, prudent risk, and the law. In DSCA, however, the law includes state and federal law governing domestic operations. Individual initiative is likely to involve recommending actions through the chain of command or helping individuals find the correct civil authority with which to place a request.

4-190. In principle, every Army chain of command is relatively straightforward. Army leaders and Soldiers understand and act within their chain of command. During DSCA, units operate side by side with units answering to other chains of command, while coordinating with those units and with civilian partners. DSCA involves unusual command arrangements designed to facilitate this coordination (see chapter 3 for examples). However, forces under federal authority operate under their federal chain of command, and forces under state authority operate under their state chain of command.

4-191. The idea of incident command, under the doctrine in the NIMS and NRF, does not involve command in a military sense. Civilian incident commanders manage incident response operations, and partners join an operation based on the principle of tiered response. This means that initial support comes from local civilian resources, and requests for additional support originate with local communities. As a response expands from the bottom up and higher level responders arrive, local and state responders not only retain their jurisdiction, but they are likely to remain on scene. In addition, higher level (federal government or federal military) responders do not come to take over command of the overall response. Numerous partners provide support at the same time, and since most responding entities are not military, most partners in a complex operation do not operate under a hierarchical military chain of command.

MOVEMENT AND MANEUVER

4-192. The movement and maneuver warfighting function, in reference to disaster response, as those actions taken to restore mobility and to concentrate supporting assets at the point of greatest need. In the aftermath of a disaster, the ability to provide relief to victims often depends on the ability of vehicles to move across debris and flooded areas. Using high mobility vehicles, Soldiers can deliver supplies, help evacuate stranded people, move Soldiers into an area to remove obstacles, and help first responders. Army engineering assets can improve freedom of movement through repair and heavy debris removal. Military aviation assets are also useful for rapidly moving supplies, personnel, equipment, and stranded civilians. Aviation assets are also particularly well equipped to conduct Search and Rescue type missions by providing both manned and unmanned searching abilities as well as unique personnel extrication capabilities.

4-193. Deployment of military forces to a disaster area requires flexible planning and effective joint reception, staging, onward movement, and integration. Responding forces will deploy using multiple deployment means into the disaster area. Larger groups of forces deploy in convoy from their post, camp, station, armory or training center, using movement credits coordinated through the state emergency operations center. Movement control and movement planning will be critical due to evacuee and other responder congestion using limited routes with limited fuel capabilities to and from the disaster area.

4-194. National Guard forces from within the affected state normally self-deploy using organic transportation, chartered commercial busses, and rental vehicles. Advance parties and liaison teams typically self-deploy from their armories using personal, state owned, and rental vehicles. National Guard aircraft follow pre-coordinated procedures with the Federal Aviation Administration to deploy to the incident site. Reception, staging, onward movement, and integration occur at a designated location.

4-195. Out-of-state National Guard units committed under the EMAC and appropriate memorandums of agreement normally move by military or commercial vehicle. If air movement is needed, the National Guard Bureau coordinates with the supported state, supporting state Air National Guard wings, and United States Transportation Command to initiate airlift using National Guard resources. Federal forces also move by a combination of surface, sea, and air movement. USNORTHCOM planners coordinate with United States Transportation Command for air and surface movement to the appropriate location. This is normally the nearest federal military installation capable of receiving airlift and of supporting joint reception, staging,

onward movement, and integration. Within United States Transportation Command, the Military Surface Deployment and Distribution Command coordinates movement by vehicle or rail with the deploying and receiving installations. The Military Surface Deployment and Distribution Command coordinates with federal and state authorities for movement control. Air Mobility Command coordinates for airlift, using both military and commercial leased aircraft to move the force. The deploying installation transportation office uses the same procedures required in movement outside the United States.

4-196. Upon arrival, National Guard unit commanders conduct interorganizational coordination with entities already operating in the area to determine how the JTF-State can best support the response. They pass this information back through the JTF-State to improve situational awareness across the state. National Guard leaders need to direct requests for support to the appropriate ESF for programmed assistance. In addition, state National Guard forces—

- Use an advance party to coordinate with the gaining headquarters (normally the JTF-State) for establishing an area to locate support. The advance party determines the area and layout before arrival of sustainment forces.
- Coordinate through higher headquarters to the JTF-State for logistic operations.
- Identify civil authorities needing support, and notify higher headquarters if there appears to be a need for assistance. Assist civil authorities with planning, if they request assistance.
- Coordinate with supporting military units and civilian organizations to pre-position supplies and construction material at or near the point of planned use or at a designated location. This reduces reaction time and ensures timely support during the initial phases of an operation.
- Comply with military and civilian regulations for the movement of hazardous cargo. They always coordinate with military and civilian authorities, especially if leaders are unsure what safeguards need to be enforced.
- Maintain an accurate accounting of personnel status, and establish centralized procedures for movement of personnel to and from their home stations.
- Coordinate with the DOD for use of federal military installations for temporary basing of forces and other support, if needed.

INCIDENT AWARENESS AND ASSESSMENT

4-197. A key enabler of DSCA is incident awareness and assessment (IAA). IAA leverages traditional DOD and other government information capabilities in support of homeland operations while assuring strict adherence to all applicable legal frameworks. IAA supports the purposes of DSCA to save lives, restore essential services, maintain or restore law and order, protect infrastructure and property, support maintenance or restoration of local government, and shape the environment for intergovernmental success. IAA addresses the limited information collection activities permitted in the homeland in support of these purposes. IAA processes consolidate information and provide analysis of the physical environment, weather impacts, terrorist threats, CBRN hazards, and other operational or mission variables. The staff uses the intelligence preparation of the battlefield process to support situation assessment. Situation assessment requires the entire staff to analyze information continuously by using METT-TC.

4-198. Information collection is a task of the intelligence warfighting function. In operations outside the United States, the intelligence warfighting function supports the exercise of command and control. As a function, intelligence facilitates situational understanding and supports decision making. The intelligence process supports the operations process through understanding the commander's information requirements, analyzing information from all sources, and conducting operations to develop the situation. The Army synchronizes its intelligence efforts with unified action partners to achieve unity of effort and to meet the commander's intent. In DSCA, the intelligence process normally used by Army staffs and units performing other decisive action operations (offensive, defensive, or stability) must be modified. There are four steps in this process (plan, collect, produce, and disseminate); and two continuing activities that occur across all four steps (analysis and assessment). Commanders drive this process. In DSCA, commanders determine their priorities for information collection, which the battalion or brigade intelligence officer (S-2) or assistant chief of staff, intelligence (G-2) satisfies.

4-199. IAA synchronizes and integrates the planning and execution of various information capabilities that provide situational awareness and assessment to military leaders and civil authorities. It includes the tasking, acquisition, processing, analysis, assessment, and dissemination that provide critical information to the appropriate local, state, territorial, tribal and federal authorities within the operational area. Although IAA is similar to information collection, the distinction is necessary to ensure Army units performing DSCA tasks do not fail to protect the constitutional rights and privacy of U.S. persons. Army organizations conducting IAA adhere strictly to all applicable legal frameworks.

4-200. The Chairman of the Joint Chiefs of staff standing execute order for DSCA (referred to as the CJCS DSCA EXORD) specifies the intelligence activities, capabilities, processes, and tasks authorized for information collection during DSCA. The EXORD details IAA force packages pre-approved by the Secretary of Defense. These packages (situational awareness, damage assessment, evacuation monitoring, search and rescue, CBRN assessment, hydrographic survey, and dynamic ground coordination) support common requests for assistance. In addition, USNORTHCOM and USPACOM planning documents and operating procedures provide specific guidance on the use of intelligence capabilities for conducting IAA. (See DODD 5240.01 for policy on the use of DOD intelligence functions.) No other intelligence activities, capabilities, processes, or tasks are authorized in the homeland, except defense related foreign intelligence and counterintelligence, unless authorized by the Secretary of Defense.

4-201. Army leaders directing DSCA tasks must understand how U.S. laws, federal government policies, and military policies and regulations limit the types of information that can be collected, processed, analyzed, and retained during domestic operations. Army intelligence staffs and units must understand the authorities for conducting IAA activities. Leaders and staffs must become familiar with the doctrine in this publication and with DOD directives and Army regulations that apply to operations in the homeland. They must be thoroughly familiar with the limits spelled out in AR 381-10. If alerted to prepare for a DSCA mission, unit staffs should obtain the governing operation plan and standard operating procedures from their gaining combatant command's joint task force. Before units begin deployment, S-2s and G-2s should clarify all contentious information collection areas with their higher headquarters. Intelligence staffs should analyze each fragmentary order carefully for support requirements. The S-2s and G-2s should consult with the command staff judge advocate for legal review or with the inspector general for guidance on intelligence oversight requirements.

4-202. Army intelligence personnel often support a joint task force. One of the most useful functions the joint intelligence staff can perform in support of DSCA is a modified joint intelligence preparation of an operational environment (see JP 2-01.3 for more information). Essential environmental information requirements, such as information about the physical environment, environmental hazards, and infrastructure, start immediately upon receipt of the mission. This process is refined throughout planning and continues during preparation and execution based on continuous assessment of operations. Not all aspects of joint intelligence preparation of an operational environment are useful during DSCA operations, but certain elements may be of particular value. Units evaluate military aspects of the terrain, weather, and civil considerations. This is critical in the development of an event template and matrix for NSSE.

4-203. The collection, analysis, storage, and distribution of sensitive information require special attention from commanders and intelligence officers at every level. To ensure the proper collection, analysis, distribution, and storage of sensitive domestic information, units must include a proper use memorandum that details the type of domestic collection, the location of the collection, how the information will be handled, who will receive the information, and how it will be stored.

SUSTAINMENT

4-204. In general, sustainment for federal military forces is coordinated through the theater sustainment command, which provides the principal sustainment (to include organic roles 1 and 2 medical support). The gaining command transmits sustainment instructions to the federal forces alerted for DSCA in an operation order or fragmentary order.

4-205. All other organic and area medical support (roles 1 through 3) is provided by medical assets deploying as part of the USARNORTH joint task force. When supporting DSCA tasks, the U.S. Army Medical Command is the designated theater lead agent for medical materiel to USNORTHCOM. The

commander USNORTHCOM may designate one of the Service components to be the single integrated medical logistics manager. The theater lead agent for medical materiel and single integrated medical logistics manager work together to develop the medical logistics support plan that synchronizes medical requirements or capabilities, and Class VIII distribution to joint task force supported medical units and DSCA tasks. (See FM 4-02 and ATP 4-02.42 for additional detail regarding medical support to DSCA tasks).

4-206. Units should arrive in the operational area with 72 hours of consumables. One of the most important issues will be capability and requirements for the home installation support to the deployed force, particularly in the initial stages of response. USARNORTH will support joint reception, staging, onward movement, and integration and bulk resupply. In the short term, immediate requests for additional equipment and specialized maintenance may go back to the parent headquarters. Planners determine the transition criteria for support requirements from the home installation to the BSI.

4-207. Military forces comply with military and civilian regulations for the movement of hazardous cargo. If the parent installation requires additional information, the gaining combatant command will assist.

4-208. Military forces maintain an accurate accounting of personnel status. The deployed joint task force coordinates through the JFLCC (which is USARNORTH for DSCA operations conducted in the USNORTHCOM AOR) for any additional support.

4-209. Disaster response operations, in particular, depend on flexible and effective sustainment. Success depends on unity of effort with federal, state, and commercial partners; continuous coordination is critical. Disaster response places stress on the logistic system because it needs to respond very rapidly and sometimes in an austere environment. Sustainment will often require resources from outside the disaster area, since local supply and transportation within the operational area may be dysfunctional. Within the homeland, sustainment benefits from excellent infrastructure (outside the disaster area), which allows for a greatly reduced logistics footprint. However, it also means that the challenges of sustaining the force are very different from stability tasks.

PROTECTION

4-210. Safety and security is as important in DSCA as it is in overseas operations. Risk management is one of the processes commanders use to integrate protection considerations. Other important considerations include RUF, restrictions on weapons, and force health protection.

RULES FOR THE USE OF FORCE

4-211. The standing rules for the use of force prescribe graduated levels of force used against citizens in the homeland, based on the citizen's behavior and threat posture. Soldiers may use lethal force if they or another person are in imminent risk of death or serious injury. Rules for the use of force in DSCA restrict lethal and nonlethal force according to the level of risk and the legal principle of proportionality (ADP 1). SRUF are restrictive and intended to restrict lethal and nonlethal force according to the risk. The decisions and actions of commanders and Soldiers must be ethically legal and morally right, in adherence to the established RUF and the Army Ethic. Soldiers and leaders must use their best professional judgment. Commanders are responsible for the actions of their Soldiers.

4-212. The underlying principle of RUF is a continuum of force—a carefully graduated level of response determined by civilians' behavior. The application of RUF also differs somewhat between state National Guard forces and federal forces. (Figure 4-7 on page 4-35, illustrates the continuum of force and the graduated response required of Soldiers. As civilian behavior, described on the left, rises from cooperative-behaves as ordered by the Soldier-to potentially lethal, the corresponding military response is on the right.)

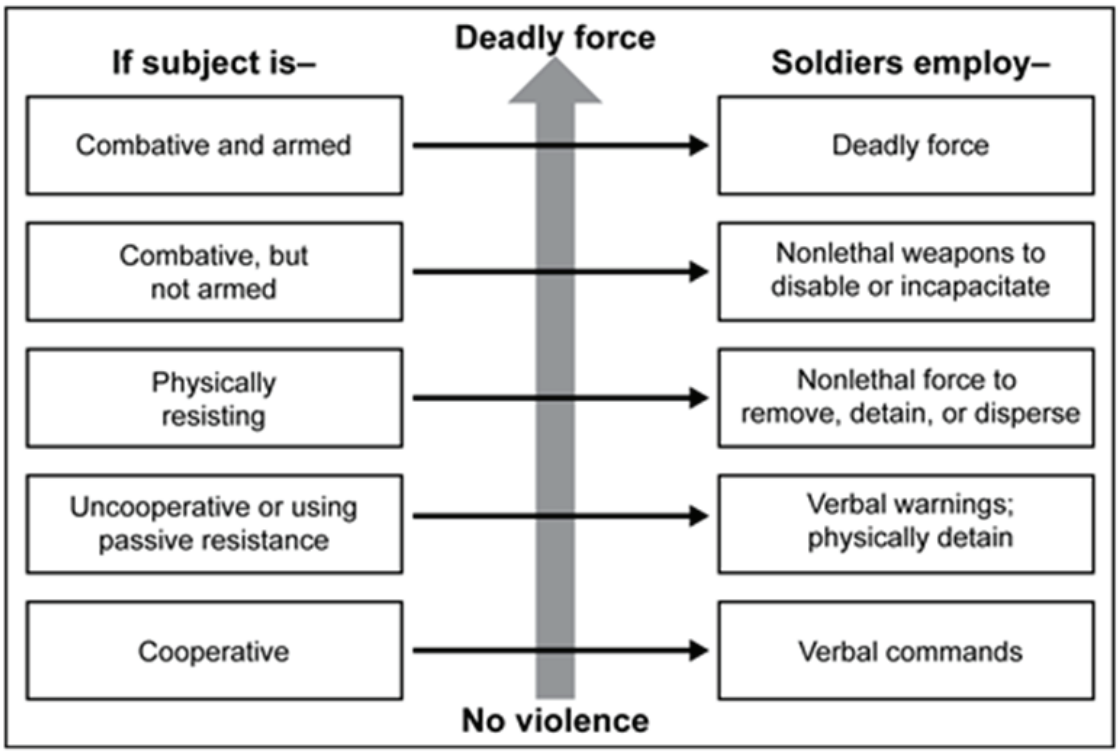


Figure 4-7. Illustration of continuum of force

4-213. Both state National Guard and federal Army forces will encounter situations where Soldiers and small unit leaders will have to know and adhere to the RUF. Therefore, leaders at every level review the RUF with their subordinates as part of their pre-mission inspections and confirm that the Soldiers know the rules. Commanders should obtain and issue a rules for the use of force summary card to each Soldier before deploying from home station, and small unit leaders should inspect to ensure that the Soldiers have it. The potentially confusing situations associated with infrastructure and property protection require particular attention from commanders. The Soldiers securing a facility or an area must understand the RUF as they apply to the specific location. Above all, unit leaders must understand if, when, and how they may use lethal force to protect a facility or to save lives.

Federal Military Forces and Standing Rules for the Use of Force

4-214. CJCSI 3121.01B establishes policies and procedures for SRUF for all federal military forces conducting DSCA. Several portions of this document are classified. The SRUF and RUF are similar to ROE applied to operations in foreign territories, but SRUF and RUF are the only rules used within U.S. territories. (Chapter 5, Operational Law Handbook and Appendix B of JP 3-28 provides more information). See also the current Chairman of the Joint Chiefs of Staff standing execute order for DSCA, referred to as the CJCS DSCA EXORD.)

4-215. The Secretary of Defense approves SRUF, and the supported combatant commander incorporates them into plans and orders for various DSCA missions. The SRUF also apply to federal military forces performing a homeland defense mission on land within U.S. territory. They apply to federal military forces, civilians, and contractors performing law enforcement and security duties at all federal military installations (and while conducting official DOD security functions away from federal military installations), unless otherwise modified by the Secretary of Defense. This includes protection of critical U.S. infrastructure both on and off federal military installations, federal military support during a civil disturbance, and federal military cooperation with federal, state, and local civilian law enforcement agencies.

4-216. Before employment in DSCA, all Soldiers require training on the appropriate RUF. Training focuses upon the particular RUF in the operation plan issued by the gaining joint force commander, but in the absence of the plan commanders should train according to the SRUF. Commanders should include a staff judge advocate to assist with leader training. SRUF cards should be issued to each person during training and personnel should not deploy until they are trained in SRUF. Supported combatant commanders submit a request for mission specific RUF to the Chairman of the Joint Chiefs of Staff, for approval by the Secretary of Defense. Unit commanders may further restrict mission specific RUF approved by the Secretary of Defense, but they may not make them more permissive. Unit commanders notify their chain of command up through the Secretary of Defense of any additional restrictions (at all levels) they place on approved RUF. In time critical situations, notification to the Secretary of Defense occurs concurrently with notification to the Chairman of the Joint Chiefs of Staff.

National Guard Forces and State Rules for the Use of Force

4-217. State RUF, as used in this ADP, are used generically to refer to fifty-four sets of rules of the fifty-four National Guards, based on the laws of the individual states or territories. Terminology varies by state. For example, states may refer to rules of engagement, RUF, rules on the use of force, or rules of interaction. Each state prepares and issues a reference card for its RUF.

4-218. State law governs state RUF for National Guard forces in state active duty status and Title 32, USC status. As such, each state takes into account its own criminal laws when drafting RUF.

4-219. All state and federal military forces involved in DSCA must understand and apply important distinctions regarding state RUF and federal SRUF. First, states that provide National Guard forces in state active duty or Title 32, USC duty status to another state normally adopt the RUF of the supported state for those operations. The states involved normally specify in their memorandum of agreement the RUF the forces will follow. Second, a state's RUF do not apply to federal forces operating in that state. Third, when state and federal forces are operating in overlapping operational areas, the SRUF for federal forces do not apply to the state forces, even when the state forces are operating in Title 32, USC status on missions assigned by DOD.

4-220. Each state has RUF, which vary from state to state. National Guard commanders ensure that all Guardsmen train on them. While there are many similarities between the joint SRUF and state RUF, there are key differences between the two. Commanders should always consult their servicing staff judge advocate to determine the current RUF and their potential effect on operations. Each National Guardsman carries a RUF instruction card (see example in Figure 4-8, page 4-37), and small unit leaders review the rules before each mission.

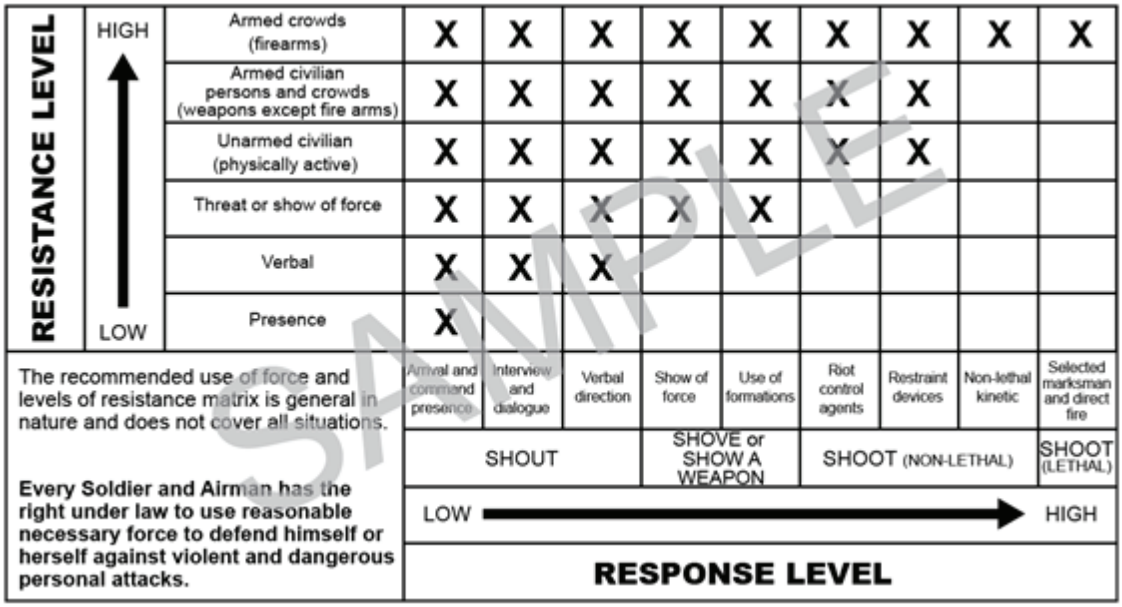


Figure 4-8. Sample rules for the use of force card carried by state National Guard

4-221. The decision to deploy National Guard troops with weapons in state active duty or Title 32, USC status remains with the governor. The governor's decision will depend upon requirements for law enforcement and protection of critical infrastructure. Arming posture or arming order conventions may vary from state to state and should be communicated to any National Guard forces deploying from other states (contained in the agreement based on the EMAC).

Weapons

4-222. Each chain of command makes the decision to deploy federal forces with weapons. The Secretary of Defense makes the decision whether federal forces carry weapons and ammunition. Should the situation require arming of federal forces, the joint task force commander submits a request to arm them through the chain of command to the Secretary of Defense. If approved by the Secretary of Defense, the joint task force commander issues necessary orders to subordinate units that require weapons to accomplish their mission. Soldiers authorized to carry weapons also carry ammunition; Soldiers should not carry weapons to create an appearance of capability they do not actually possess. In general, the decision to arm some or all federal troops is based on the threat posed by criminal elements to Soldiers.

Force Health Protection

4-223. All Army forces involved in incident response should monitor the exposure of their Soldiers to environmental contaminants. In a disaster, safety and health hazards are everywhere. Commanders stress safety and force health protection to their subordinates. (For additional force health protection information, see the Army Public Health Center.)

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Glossary

SECTION I – ACRONYMS AND ABBREVIATIONS

ADP	Army doctrine publication
ANG	Air National Guard
AOR	area of responsibility
AR	Army regulation
ARNG	Army National Guard
ASCC	Army Service component command
ATP	Army techniques publication
BSI	base support installation
CBIRF	Chemical-Biological Incident Response Force
CBRN	chemical, biological, radiological, and nuclear
CERFP	Chemical, biological, radiological, nuclear, and high-yield explosives enhances response force package
CNGBI	Chief National Guard Bureau Instruction
CJCSI	Chairman of the Joint Chiefs of Staff instruction
CJCS DSCA EXORD	Chairman of the Joint Chiefs of Staff standing execute order for defense support of civil authorities
DA	Department of the Army
DCO	defense coordinating officer
DHS	Department of Homeland Security
DOD	Department of Defense
DODD	Department of Defense directive
DODI	Department of Defense instruction
DSCA	defense support of civil authorities
EMAC	emergency management assistance compact
EOD	explosive ordnance disposal
EPLO	emergency preparedness liaison officer
ESC	expeditionary sustainment command
ESF	emergency support function
FBI	Federal Bureau of Investigation
FEMA	Federal Emergency Management Agency
G-2	assistant chief of staff, intelligence
G-4	assistant chief of staff, logistics
IAA	incident awareness and assessment
ICS	incident command system
JDOMS	Joint Director of Military Support

JFHQ–State	joint force headquarters–state
JFLCC	joint force land component commander
JP	joint publication
JRSOI	joint reception, staging, onward movement, and integration
JSLIST	Joint Service Lightweight Integrated Suit Technology
JTF-N	Joint Task Force-North
JTF-State	joint task force–state
METT-TC	mission, enemy, terrain and weather, troops and support available, time available, and civil considerations
NCO	noncommisioned officer
NG	National Guard
NIMS	National Incident Management System
NRF	National Response Framework
NSSE	national special security event
PDD	Presidential Decision Directive
RUF	rules for the use of force
SRUF	standing rules for the use of force
S-2	battalion or brigade intelligence staff officer
S-4	battalion or brigade logistics staff officer
TF	task force
U.S.	United States
USACE	United States Army Corps of Engineers
USARNORTH	United States Army, North
USARPAC	United States Army, Pacific Command
USC	United States Code
USNORTHCOM	United States Northern Command
USPACOM	United States Pacific Command

SECTION II – TERMS

catastrophic event

Any natural or man made incident, including terrorism, which results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, national morale, and/or government functions. (JP 3-28)

chemical, biological, radiological, or nuclear incident

Any occurrence, resulting from the use of chemical, biological, radiological and nuclear weapons and devices; the emergence of secondary hazards arising from counterforce targeting; or the release of toxic industrial materials into the environment, involving the emergence of chemical, biological, radiological and nuclear hazards. (JP 3-11)

commander's intent

A clear and concise expression of the purpose of the operation and the desired military end state that supports mission command, provides focus to the staff, and helps subordinate and supporting commanders act to achieve the commander's desired results without further orders, even when the operation does not unfold as planned. (JP 3-0)

complex catastrophe

Any natural or man-made incident, including cyberspace attack, power grid failure, and terrorism, which results in cascading failures of multiple, interdependent, critical, life-sustaining infrastructure sectors and caused extraordinary levels of mass casualties, damage, or disruption severely affecting the population, environment, economy, public health, national morale, response efforts, and/or government functions. (JP 3-28)

decisive action

The continuous, simultaneous execution of offensive, defensive, and stability operations or defense support of civil authorities tasks. (ADP 3-0)

defense support of civil authorities

Support provided by U.S. Federal military forces, Department of Defense civilians, Department of Defense contract personnel, Department of Defense component assets, and National Guard forces (when the Secretary of Defense, in coordination with the governors of the affected states, elects and requests to use those forces in Title 32, United States Code, status) in response to requests for assistance from civil authorities for domestic emergencies, law enforcement support, and other domestic activities, or from qualifying entities for special events. Also called DCSA. Also known as civil support. (DODD 3025.18)

emergency operations center

A temporary or permanent facility where the coordination of information and resources to support domestic incident management activities normally takes place. Also called EOC. (JP 3-41)

federal service

A term applied to National Guard members and units when called to active duty to serve the United States Government under Article I, Section 8 and Article II, Section 2 of the Constitution and the Title 10, United States Code, Sections 12401 to 12408. (JP 4-05)

homeland defense

The protection of United States sovereignty, territory, domestic population, and critical infrastructure against external threats and aggression or other threats as directed by the President. (JP 3-27)

homeland security

A concerted national effort to prevent terrorist attacks within the United States; reduce America's vulnerability to terrorism, major disasters, and other emergencies; and minimize the damage and recover from attacks, major disasters, and other emergencies that occur. Also called HS. (JP 3-27)

immediate response authority

A Federal military commander’s, Department of Defense component head’s, and/or responsible Department of Defense civilian official’s authority temporarily to employ resources under their control, subject to any supplemental direction provided by higher headquarters, and provide those resources to save lives, prevent human suffering, or mitigate great property damage in response to a request for assistance from a civil authority, under imminently serious conditions when time does not permit approval from a higher authority within the United States. Immediate response authority does not permit actions that would subject civilians to the use of military power that is regulatory, prescriptive, proscriptive, or compulsory. (DODD 3025.18)

incident

An occurrence, caused by either human action or natural phenomena, that requires action to prevent or minimize loss of life, or damage, loss of, or other risks to property, information, and/or natural resources. (JP 3-28)

national security strategy

A document approved by the President of the United States for developing, applying, and coordinating the instruments of national power to achieve objectives that contribute to national security. Also called NSS. (JP 1)

unified action

The synchronization, coordination, and/or integration of the activities of governmental and nongovernmental entities with military operations to achieve unity of effort. (JP 1)

unity of effort

Coordination and cooperation toward common objectives, even if the participants are not necessarily part of the same command or organization, which is the product of successful unified action. (JP 1)

References

All URLs accessed on 27 June 2019.

REQUIRED PUBLICATIONS

These documents must be available to intended users of this publication.

DOD Dictionary of Military and Associated Terms. June 2019.

ADP 1-02. *Terms and Military Symbols*. 14 August 2018.

ADP 3-0. *Operations*, 31 July 2019.

National Incident Management System at https://www.fema.gov/national-incident-management-system.

National Response Framework at https://www.fema.gov/media-library/assets/documents/117791.

RELATED PUBLICATIONS

These documents contain relevant supplemental information.

DEPARTMENT OF DEFENSE

Most Department of Defense issuances are available online at https://www.esd.whs.mil/DD/.

DOD 5240.1-R. *Procedures Governing the Activities of DOD Intelligence Components That Affect United States Persons*. 7 December 1982.

DOD 7000.14-R. *Department of Defense Financial Management Regulations*, volumes 1-15. Date varies per volume.

DODD 1200.17. *Managing the Reserve Components as an Operational Force*. 29 October 2008.

DODD 3025.18. *Defense Support of Civil Authorities. (DSCA)* 29 December 2010.

DODD 5111.13. *Assistant Secretary of Defense for Homeland Defense and Global Security* (ASD (HD&GS)). 23 March 2018.

DODD 5200.27. *Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense*. 7 January 1980.

DODD 5240.01. *DOD Intelligence Activities*. 27 August 2007.

DODI 3025.16. *Defense Emergency Preparedness Liaison Officer (EPLO) Programs*. 8 September 2011.

DODI 3025.21. *Defense Support of Civilian Law Enforcement Agencies*. 27 February 2013.

DODI 6055.06. *DOD Fire and Emergency Services (F&ES) Program.* 21 December 2006.

DODM 5240.01. *Procedures Governing the Conduct of DOD Intelligence Activities*, 8 August 2016. https://www.hsdl.org/?abstract&did=794860.

JOINT PUBLICATIONS

Most joint publications are available online at: https://www.jcs.mil/Doctrine/.

JG 1-05. *Religious Affairs in Joint Operations*. 1 February 2018.

JP 1. *Doctrine for the Armed Forces of the United States*. 25 March 2013.

JP 2-01.3. *Joint Intelligence Preparation of the Operational Environment*. 21 May 2014.

JP 3-0. *Joint Operations*. 17 January 2017.

JP 3-08. *Interorganizational Cooperation*. 12 October 2016.

JP 3-11. *Operations in Chemical, Biological, Radiological, and Nuclear Environments*. 29 October 2018.

JP 3-12. *Cyberspace Operations*. 8 June 2018.

JP 3-27. *Homeland Defense*. 10 April 2018.

JP 3-28. *Defense Support of Civil Authorities*. 29 October 2018.

JP 3-41. *Chemical, Biological. Radiological, and Nuclear Response*. 9 September 2016.

JP 4-0. *Joint Logistics*. 4 February 2019.

JP 4-05. *Joint Mobilization Planning*. 23 October 2018.

ARMY PUBLICATIONS

Most Army doctrinal publications are available online: https://armypubs.army.mil.

ADP 1. *The Army*. 31 July 2019.

ADP 6-0. *Mission Command: Command and Control of Army Forces*. 31 July 2019.

AR 25-400-2. *The Army Records Information Management System (ARIMS)*. 2 October 2007.

AR 380-13. *Acquisition and Storage of Information Concerning Non-affiliated Persons and Organizations*. 30 September 1974.

AR 381-10. *U.S. Army Intelligence Activities*. 3 May 2007.

ATP 2-91.7. *Intelligence Support to Defense Support of Civil Authorities*. 29 June 2015.

ATP 4-02.42. *Army Health System Support to Stability and Defense Support of Civil Authorities Tasks*. 9 June 2014.

ATP 5-19. *Risk Management.* 14 April 2014.

FM 4-02. *Army Health System*. 26 August 2013.

MULTI-SERVICE PUBLICATIONS

ATP 3-11.41/MCRP 3-37.2C/NTTP 3-11.24/AFTTP 3-2.37. *Multi-Service Tactics, Techniques, and Procedures for Chemical, Biological, Radiological, and Nuclear Consequence Management Operations*. 30 July 2015

NATIONAL GUARD PUBLICATIONS

See https://www.ngbpdc.ngb.army.mil.

CNGBI 3000.04. National Guard Bureau Domestic Operations. 24 January 2018.

UNITED STATES LAW

Entries are grouped according to where they are found in United States law.

Code of Federal Regulations

Hazardous waste operations and emergency response standard. Title 29, Part 1910. Occupational Safety and Health Standard Number 1910.120. View at https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.120.

United States Code

These publications are available at http://uscode.house.gov/.

Foundational Document

Constitution of the United States of America. 1787.

Available at http://www.archives.gov/exhibits/charters/constitution.html.

Titles and Laws in the United States Code

Title 6. *Domestic Security*.

National Emergency Management Sections 701 to 811.

Title 10. *Armed Forces*.

Emergency Situations Involving Chemical or Biological Weapons of Mass Destruction. Section 282.

Insurrection Act. Sections 251 to 255.

Uniform Code of Military Justice. Sections 801 to 946a.

Title 14. *Coast Guard*.

Title 18. Crimes and Criminal Procedure.

Posse Comitatus Act, Section 1385.

Title 28. Judiciary and Judicial Procedure.

Federal Tort Claims Act. Sections 2761 through 2680.

Title 14. Coast Guard.

Title 31. Money and Finance.

Economy Act. Sections 1535 and 9701.

Title 32. National Guard.

Title 42. The Public Health and Welfare.

Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Sections 9601 to 9675.

Robert T. Stafford Disaster Relief and Emergency Assistance Act. Sections 5121 to 5208.

Emergency Federal Law Enforcement Assistance Act. Sections 10501 to 10513.

Title 50. War and National Defense.

National Security Act of 1947. Section 3001 et seq.

National Emergencies Act. Sections 1601 to 1651.

Foreign Intelligence Surveillance Act, 1978. Section 1801 to 1813.

Other Documents And Publications

Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 3121.01B, Standing Rules of Engagement/Standing Rules for the Use of Force for U.S. Forces. Available at https://www.loc.gov/rr/frd/Military_Law/pdf/OLH_2015_Ch5.pdf.

CJCS (SC) "Defense Support of Civil Authorities (DSCA)" other organizational message. Standing execute order for DSCA operations, addressed to Commander of United States Pacific Command, Commander of United States Special Operations Command, Commander of United States Transportation Command, Commander of United States Northern Command, National Guard Bureau, Secretary of the Army, Commandant of the Marine Corps, Chief of Naval Operations, Secretary of the Air Force, Secretary of the Navy. 7 June 2013.

Executive Order 12333. United States Intelligence Activities. 4 December 1981. Available at https://www.archives.gov/federal-register/codification/executive-order/12333.html.

FEMA Glossary. https://www.fema.gov/glossary-terms.

Foreign Intelligence Surveillance Act of 1978 (Public Law 95-511). https://it.ojp.gov/PrivacyLiberty/authorities/statutes/1286.

National Military Strategy of the United States of America. Chairman of the Joint Chiefs of Staff. June 2015. https://www.jcs.mil/Portals/36/Documents/Publications/2015_National_Military_Strategy.pdf

National Security Strategy. Office of the President of the United States. December 2017 https://www.whitehouse.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf.

Operational Law Handbook. International and Operational Law Department of the Judge Advocate General's Legal Center and School. Charlottesville, Virginia. 2015. https://www.loc.gov/rr/frd/Military_Law/pdf/operational-law-handbook_2015.pdf.

Presidential Decision Directive 63. Protecting America's Critical Infrastructures. November 1998. https://www.hsdl.org/?abstract&did=3544.

Presidential Policy Directive 8. National Preparedness. March 2011. https://www.hsdl.org/?view&did=7423.

Public Law 84-99. Rehabilitation Assistance for Non-Federal Flood Control Projects. October 2009. https://www.gpo.gov/fdsys/pkg/FR-2003-04-21/html/03-9008.htm.

WEB SITES

Web sites were accessed 27 June 2019.

Department of Defense Travel Regulations. https://www.defensetravel.dod.mil/site/travelreg.cfm.

Department of Homeland Security. https://www.dhs.gov.

Department of Justice. https://www.justice.gov.

Emergency management assistance compact. https://www.EMACweb.org.

Federal Emergency Management Agency (FEMA). https://www.fema.gov.

National Exercise Program. https://www.fema.gov/national-exercise-program.

National Fire Protection Association Standard 472: Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents. https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=472.

National Incident Management System (NIMS). https://www.fema.gov/national-incident-management-system.

National Planning Frameworks. https://www.fema.gov/national-planning-frameworks.

National Preparedness Goal. https://www.fema.gov/national-preparedness-goal.

National Preparedness Report. https://www.fema.gov/national-preparedness-report.

National Preparedness System. https://www.fema.gov/national-preparedness-system.

National Response Framework. https://www.fema.gov/media-library/assets/documents/117791.

Quadrennial Homeland Security Review. https://www.dhs.gov/quadrennial-homeland-security-review#.

Summary of the 2018 National Defense Strategy of the United States of America. https://dod.defense.gov/Portals/1/Documents/pubs/2018-National-Defense-Strategy-Summary.pdf.

United States Army Corps of Engineers. https://www.usace.army.mil.

United States Army Public Health Center. https://phc.amedd.army.mil/.

United States Coast Guard. https://www.uscg.mil.

United States Northern Command. http://www.northcom.mil.

RECOMMENDED READINGS

ADP 1. *The Army Profession*. 31 July 2019.

ADP 5-0. *The Operations Process.* 31 July 2019.

ADP 7-0. *Training.* 31 July 2019.

DODD 3020.40. *Mission Assurance (MA).* 29 November 2016.

DODD 3025.13. *Employment of DOD Capabilities in Support of the U.S. Secret Service (USSS), Department of Homeland Security (DHS).* 08 October 2010.

DODD 5105.83. *National Guard Joint Force Headquarters - State (NG JFHQs-State).* 5 January 2011.

DODI 2000.12. *DOD Antiterrorism (AT) Program.* 1 March 2012.

DODI 3003.01. *DOD Support to Civil Search and Rescue (SAR).* 26 September 2011.

DODI 3020.52. *DOD Installation Chemical, Biological, Radiological, Nuclear, and High-Yield Explosives (CBRNE) Preparedness Standards.* 18 May 2012.

DODI 3025.20. *Defense Support of Special Events.* 06 April 2012.

DODI 6000.11. *Patient Movement (PM).* 22 June 2018.

DODI 6200.03. *Public Health Emergency Management within the Department of Defense.* 28 March 2019.

FM 6-0. *Commander and Staff Organization and Operations*. 5 May 2014.

PRESCRIBED FORMS

This section contains no entries.

REFERENCED FORMS

Unless otherwise indicated, DA forms are available on the Army Publishing Directorate Web site: https://armypubs.army.mil.

DA Form 2028. *Recommended Changes to Publications and Blank Forms*.

This page intentionally left blank.

Index

Entries are by paragraph number.

A

area of responsibility, 4-147
See AOR

AOR, 3-26, 3-28—3-29, 3-31, 3-37—3-38, 3-48—3-49, 4-26, 4-38, 4-40, 4-42, 4-83, 4-88, 4-145, 4-208

Army Service component command, 3-29—3-36, 3-40—3-41

Army Service Component Commander, 4-22

attacks
1-12, 1-45, 1-87, 2-7, 2-9—2-10, 2-26
cyberspace, 1-45
terrorist, 1-12, 1-87, 2-9

B

base support installation, 2-15, 4-26—4-27

C

catastrophic event
2-21, 2-23, 2-57, 3-50, 3-64, 4-51, 4-62, 4-85
defined, 2-21

chemical, biological, radiological, and nuclear
1-74, 2-1, 2-23, 2-33, 4-55
defined, 4-55
incidents, 2-1, 3-31, 4-49, 4-55—4-61, 4-73, 4-83, 4-85, 4-87, 4-89—4-92, 4-96, 4-98—4-99, 4-102—4-105, 4-109—4-111, 4-140, 4-160
See CBRN

commander's intent
4-50, 4-98, 4-186—4-187, 4-189, 4-198
defined, 4-187

complex catastrophe
2-10, 4-52—4-53
defined, 4-52

coordination
1-1, 1-25, 1-32—1-34, 1-38, 1-41, 1-48, 1-75, 1-84, 1-95—1-97, 2-5, 2-55, 2-57, 3-1, 3-6, 3-10, 3-16, 3-12—3-26, 3-43, 3-51, 3-55—3-56, 3-65, 3-69, 4-8, 4-15, 4-22, 4-25, 4-35, 4-40—4-41
of state National Guard forces, of federal military forces, interorganizational, multiagency, 1-32—1-34
cyberspace, 1-45, 2-10, 4-39

D

decisive action
1-2, 2-6—2-8, 2-10, 2-54, 3-2, 3-5, 4-31, 4-49, 4-198
defined, 2-6
defense support of civil authorities, 2-6,
defined, 1-1

domestic disasters, 2-1, 2-17, 4-4, 4-49, 4-51—4-54

E

emergency management, 1-9, 1-29, 1-40, 1-70—1-74, 2-20, 3-8, 3-16, 3-24, 3-47, 4-7, 4-11, 4-48, 4-51, 4-76, 4-80

emergency operations center
1-32—1-34, 1-70, 1-99, 3-45—3-46, 3-51, 4-7, 4-9, 4-45, 4-84, 4-95, 4-191
defined, 1-34

emergency preparedness liaison officer, 2-33, 3-25, 4-33

emergency support function, 1-43, 3-15, 3-18—3-19

expeditionary sustainment command, 4-42

explosive ordnance disposal, 4-29, 4-59, 4-89

F, G

federal service
2-35, 2-51, 2-54, 3-3, 3-9, 4-2—4-3, 4-13, 4-24, 4-132, 4-174
defined, 3-3

H

homeland defense, 1-3, 2-7—2-8, 3-28—3-29, 3-34, 3-36—3-37, 3-59, 3-80, 4-2, 4-5, 4-26, 4-49, 4-215
defined, 1-3

homeland security, 1-12, 1-22—1-23, 1-71—1-73, 1-75, 1-85, 2-6, 2-9—2-10, 3-8, 3-80, 4-2, 4-49, 4-112, 4-146
defined , 1-12

I, J, K, L, M

immediate response authority, 1-66—1-67, 1-75, 4-2, 4-28, 4-47, 4-54
defined, 1-66

incident, 1-8—1-9, 1-15, 1-23—1-38, 1-40—1-44, 1-47, 1-50—1-51, 1-54, 1-57—1-59, 1-63—1-64, 1-69, 1-74, 1-76—1-77, 1-81, 1-86, 1-91, 1-93, 1-95—1-98, 2-1, 2-10, 2-17—2-18, 2-21, 2-23, 2-26, 2-30—2-31, 2-33, 2-47, 2-52, 2-56, 3-7, 3-22—3-23, 3-26, 3-29, 3-31, 3-46—3-47, 3-51, 3-55, 3-67, 4-4, 4-8, 4-12, 4-26—4-27, 4-29, 4-33, 4-41, 4-44—4-45, 4-47, 4-49, 4-52, 4-55—4-62, 4-65, 4-67—4-69, 4-72—4-74, 4-76—4-79, 4-83, 4-85—4-87, 4-89—4-93, 4-95—4-96, 4-98—4-99, 4-102—4-107, 4-109—4-112, 4-117, 4-140, 4-160, 4-181, 4-185, 4-189, 4-192, 4-195—4-201, 4-221

incident, defined, 1-8

incident awareness and assessment, 4-197—4-203

incident command system, 1-25, 1-26—1-31

N, O, P, Q

national defense strategy, 1-46

National Guard, 1-1, 1-11, 1-41, 1-49—1-50, 1-57, 1-68—1-69, 1-73—1-74, 1-77, 2-3, 2-17—2-20, 2-32, 2-35—2-38, 2-41, 2-45, 2-52, 2-54—2-56, 3-1, 3-

Entries are by paragraph number.

3—3-7, 3-9—3-12, 3-15, 3-20—3-23, 3-26, 3-41, 3-44—3-47, 3-55, 3-57—3-59, 3-61, 3-63, 3-65—3-67, 3-69, 4-2—4-7, 4-9—4-15, 4-18, 4-24, 4-37, 4-42, 4-46—4-48, 4-50—4-51, 4-59, 4-61—4-62, 4-73, 4-75, 4-78, 4-80, 4-82, 4-85, 4-87, 4-90, 4-95, 4-107, 4-113, 4-120, 4-122—4-123, 4-125, 4-129, 4-1-32—4-136, 4-140, 4-147, 4-155, 4-157—4-158, 4-170—4-171, 4-174—4-178, 4-180, 4-192—4-1-94, 4-210—4-211, 4-215—4-219

National Incident Management System, 1-15, 1-23—1-25, 1-35

National Response Framework, 1-15, 1-37—1-39

National Response Framework, Five principles of, 1-40—1-42

National Response Framework, supporting documents of, 1-43—1-44

national security strategy, 1-45

NIMS, *See* National Incident Management System, 1-15, 1-18, 1-23—1-25, 1-32, 1-35, 1-37—1-38, 1-40, 1-70, 1-95, 2-56, 3-55, 4-8, 4-57, 4-189

NRF, *See* National Response Framework,

nuclear incidents, 1-63, 2-1, 2-33, 3-31, 4-4, 4-55—4-57, 4-67

R

RUF, 1-7, 2-50, 4-156—4-157, 4-168—4-171, 4-208—4-212, 4-214—4-218

rules for the use of force, 1-7, 3-62, 4-14, 4-209—4-211
See RUF

rules for the use of force, Federal military forces and , 4-212—4-214

rules for the use of force, National guard forces and, 4-215—4-219

S, T

SRUF, *See* standing rules for the use of force, 1-7, 2-50, 4-164, 4-171, 4-209, 4-212—4-214, 4-217—4-218

standing rules for the use of force, 1-7, 4-211 *See* SRUF

state level agencies, 1-70—1-71

U, V, W, X, Y, Z

unified action, 1-39, 1-48, 2-5, 2-10, 2-50, 3-1, 3-6, 3-69, 4-44, 4-185, 4-196
defined, 1-48

unity of effort, 1-13, 1-48—1-49, 2-5, 2-8, 2-50, 3-1—3-2, 3-21, 3-43, 3-55, 3-57, 3-67, 4-198, 4-209
defined, 3-1

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