

Department of Defense Support to Domestic Incidents

The primary mission of the Department of Defense (DOD) and its components is national defense. In some instances, national defense assets may be available to support civil authorities for routine and catastrophic incidents. Defense Support of Civil Authorities (DSCA) refers to support provided by U.S. military forces (Federal military, Reserve, and National Guard), DOD civilians, DOD contract personnel, DOD agency and DOD component assets.

DOD normally provides DSCA in response to requests for assistance (RFAs) from other Federal departments or agencies, or in some cases, local, tribal or State governments. Support provided in response to such RFAs may help civil authorities prepare for, prevent, protect against, respond to, and recover from domestic incidents including terrorist attacks, and major disasters. Such assistance may also be used to support domestic special events of national importance, such as the national political conventions. DOD assets are usually requested if local, tribal, State, and other Federal assets are not available. However, DOD resources are not typically required to mitigate every domestic incident. For example, of the 65 disasters Presidentially declared as major disasters or emergencies in 2005, DOD responded to only three.

Defense resources are committed after approval by the Secretary of Defense or at the direction of the President. Many types of DOD support can be provided by individual DOD Components under separate established authorities. When deciding to commit DOD resources, consideration is given to military readiness, cost, lethality, risk, appropriateness, and whether the response is in accordance with applicable laws and regulations. Continuous coordination with Federal, State, tribal, and local authorities before, during, and after an event is essential for efficient and effective DSCA.

With the exception of immediate response authorities and support provided under mutual aid agreements, which are described below, DOD does not provide first responder support to civil authorities. When planning or conducting exercises, civilian responders must understand that DOD resources may not be immediately available due to the Department's primary mission and should be prepared to conduct the initial response with limited DOD assistance. DOD assets may require some time to mobilize, train, and deploy to respond to a RFA.

DOD is a full partner in the Federal response to domestic incidents and the DOD response is fully coordinated through the mechanisms outlined in the *National Response Framework* (NRF). In providing DSCA, the Secretary of Defense will always retain command of DOD personnel, with the exception of National Guard forces under the command and control of the Governors. Nothing in the NRF impedes the Secretary of Defense's statutory authority pertaining to DOD personnel and resources.

Concepts of "command" and "unity of command" have distinct legal and cultural meanings for military forces and military operations. For deployed Federal military forces, command runs from the President through the Secretary of Defense to the combatant commander to the DOD on-scene commander. The civilian community's Incident Command System (ICS) definition of "unified command" is distinctly different from the military definition of this term. DOD resources will support the Incident Action Plan.

CATEGORIES OF CAPABILITIES

If requested, DOD could provide the following categories of capabilities:

- a) Transportation – air, ground, and maritime
- b) Damage assessment – Rotary and fixed wing aircraft equipped with imagery and full motion video capabilities
- c) Evacuation planning and support, including transportation assets for patient movement
- d) Communications
- e) Debris removal along emergency evacuation routes
- f) Liaison and Coordination (Defense Coordinating Officer / Defense Coordinating Element and Emergency Preparedness Liaison Officers)
- g) Support to temporary shelters
- h) Military installations for Mobilization Centers and Operational Staging Areas
- i) Fuel distribution points
- j) Temporary medical treatment facilities

REQUEST FOR ASSISTANCE

In most instances, DOD provides DSCA in response to RFAs from another Federal agency. DSCA normally is provided when local, tribal, State, and Federal resources are fully committed or when a capability unique to DOD is required. DOD typically provides DSCA on a reimbursable basis, as required by the appropriate statutory authorities.

CRITERIA

Upon receipt of an RFA, DOD uses the following criteria to evaluate the RFA for supportability:

- Legality (compliance with laws)
- Lethality (potential use of lethal force by or against DOD forces)
- Risk (safety of DOD forces)
- Cost (who is funding the request; impact on DOD budget)
- Appropriateness (whether the requested mission is in the interest of DOD to conduct)
- Readiness (effect on the DOD's ability to perform its primary national defense mission)

Once approved, DOD will provide the assets to fulfill the request. How quickly DOD support can be applied depends on several factors:

- (1) assessment of the requirement and the appropriate military asset to meet the requirement
- (2) identification, availability, and mobilization of assets
- (3) training
- (4) safety and security in the impacted area

- (5) travel distance to the disaster site
- (6) condition of transportation infrastructure, and
- (7) capacity for reception, staging, onward movement and integration capability in the affected area.

REQUEST FOR ASSISTANCE SITUATIONS

Prior to a Presidential Declaration of a Major Disaster and/or Emergency: During the immediate aftermath of an incident that may ultimately qualify for assistance under the Stafford Act, the Governor of the State in which an incident occurred may request the President to direct the Secretary of Defense to utilize DOD resources to perform emergency work that is essential for the preservation of life and property. The President may direct this emergency work for a period not to exceed ten days.

After a Presidential Declaration of a Major Disaster and/or Emergency: Once the President issues a major disaster and/or emergency declaration, DOD is normally in direct support of a primary Federal agency.

PROCESS

Initial Request for Assistance	Initiated by Primary Federal Agency
DOD Approval Authority	Secretary of Defense or designated representative
Request Process	Requests for assistance are made from the Primary Federal Agency Executive Secretary to the DOD Executive Secretary.
Assets that may be provided	All assets are subject to the evaluation criteria for RFAs

Request for Assistance originating from the disaster site	Initiated by the Federal Coordinating Officer or senior civilian representative of the Primary Federal Agency at the disaster site
DOD Approval Authority	Secretary of Defense or designated representative
Request Process	Requests are routed through the Defense Coordinating Officer: <ul style="list-style-type: none"> - Office of the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs - Joint Director of Military Support
Assets that may be provided	All assets are subject to the evaluation criteria for RFAs

Follow-on Request for Assistance from the Primary Federal Agency Headquarters	Initiated by Primary Federal Agency
DOD Approval Authority	Secretary of Defense or designated representative
Request Process	Requests are routed through the Defense Coordinating Officer: <ul style="list-style-type: none"> - Office of the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs - Joint Director of Military Support
Assets that may be provided	All assets are subject to the evaluation criteria for RFAs

Non-Federally Declared Disaster: Within DOD, local military commanders and responsible officials from DOD components and agencies are authorized by the Secretary of Defense to provide support to save lives, prevent human suffering, and mitigate great property damage. The following are examples of such support:

Mutual Aid Agreements for Fire Protection: In accordance with Title 42, § 1856a, each agency head charged with the duty of providing fire protection for any property of the United States may enter into agreements with local fire-fighting organizations to provide mutual aid in providing "fire protection."

Requesting Agency	Local Civilian Authorities
DOD Approval Authority	Local military commanders and responsible officials from DOD components and agencies
Request Process	RFA processes are pre-coordinated between the local installation and local emergency response officials and are detailed in the agreements
Assets that may be provided	Personal services and equipment required for fire prevention, the protection of life and property from fire, fire fighting, and emergency services, including basic medical support, basic and advanced life support, hazardous material containment and confinement, and special rescue events involving vehicular and water mishaps, and trench, building, and confined space extractions

Immediate Response: Imminently serious conditions resulting from any civil emergency may require immediate action to save lives, prevent human suffering, or mitigate property damage. When such conditions exist and time does not permit approval from higher headquarters, local military commanders and responsible officials from DOD components and agencies are authorized to take necessary action to respond to requests from civil authorities. This response must be consistent with the Posse Comitatus Act (18 U.S.C. § 1385), which generally prohibits Federal military personnel and Federalized National Guard personnel from acting in a law enforcement capacity (e.g., search, seizures, arrests) within the United States, except where expressly authorized by the Constitution or Congress.

Requesting Agency	Local Civilian Authorities
DOD Approval Authority	Local military commanders and responsible officials from DOD components and agencies
Request Process	Requests for assistance are made directly to local military commanders and responsible officials from DOD components and agencies.
Assets that may be provided	All assets with the exception of those that have a potential for lethality under the control of local military commanders and responsible officials from DOD components and agencies. Assets with the potential for lethality must be approved by the Secretary of Defense.

ADDITIONAL DOD SUPPORT

Requests for direct law enforcement support, including interdicting vehicles, conducting searches and seizures, making arrests or apprehensions, surveillance, investigation, or undercover work may not be approved at the local level.

Support to Law Enforcement: Federal military support to law enforcement is provided in accordance with appropriate statutes, when directed by the President. The Attorney General and the Secretary of Defense are key advisors to the President during the decision process for certain types of assistance, e.g., assistance provided under Chapter 15 of Title 10, U.S. Code, "Enforcement of the Laws to Restore Public Order." Provision of law enforcement support does not have to be initiated by a request for assistance.

KEY DSCA POSITIONS/STRUCTURES

Defense Coordinating Officer

DOD has assigned ten Defense Coordinating Officers (DCOs), one to each Department of Homeland Security/Federal Emergency Management Agency (DHS/FEMA) Region. If requested and approved, the DCO serves as DOD's single point of contact at the Joint Field Office (JFO) for requesting assistance from DOD. With few exceptions, requests for DSCA originating at the JFO are coordinated with and processed through the DCO. The DCO may have a Defense Coordinating Element (DCE) consisting of a staff and military liaison officers to facilitate coordination and support to activated Emergency Support Functions (ESFs). Specific responsibilities of the DCO (subject to modification based on the situation) include processing requirements for military support, forwarding mission assignments to the appropriate military organizations through DOD-designated channels, and assigning military liaisons, as appropriate, to activated ESFs.

Joint Task Force

Based on the magnitude, type of incident and anticipated level of resource involvement, the combatant commander may utilize a Joint Task Force (JTF) to command Federal military forces (excluding U.S. Army Corps of Engineers resources) in support of the incident response. If a JTF is established, consistent with operational requirements, its command and control element will be co-located with the senior on-scene leadership at the JFO to ensure coordination and unity of effort. The co-location of the JTF command and control element does not replace the requirement for a Defense Coordinating Officer (DCO)/Defense Coordinating Element as part of the JFO Unified Coordination Staff. The DCO remains the DOD single point of contact in the JFO for requesting assistance from DOD.

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