



Department of Defense

DIRECTIVE

NUMBER 5030.46

March 26, 1971

Incorporating Change 1, July 15, 1974
ASD(C)

SUBJECT: Assistance to the District Of Columbia Government in Combating Crime

- References: (a) Title 18, U.S. Code, section 1385 (Posse Comitatus Act)
(b) Secretary of Defense memorandum for the Secretary of the Army, "Assistance to the District of Columbia Government in Combating Crime," April 7, 1970 (hereby canceled)
(c) Secretary of Defense Multi-addressee Memo, "Assistance to the District of Columbia Government in Combating Crime," April 7, 1970 (hereby canceled)

1. PURPOSE AND CANCELLATION

This Directive establishes uniform DoD policies, assigns responsibilities, and furnishes general guidance on the use of DoD military and civilian personnel, facilities, equipment, and supplies to assist the District of Columbia government in combating crime.

References (b) and (c) are hereby superseded and canceled.

2. APPLICABILITY

The provisions of this Directive apply to the Military Departments and all Defense Agencies, except the Defense *Nuclear* Agency, (hereinafter referred to collectively as "DoD Components") having cognizance over military resources that may be used under the provisions of this Directive (see section 4., below).

3. DEFINITION

As used in this Directive, military resources and/or military assistance include military and civilian personnel, facilities, equipment, and supplies under the control of the DoD Components (see 4.2., below).

4. POLICY AND SCOPE

4.1. General

4.1.1. The President has directed that U.S. Departments and Agencies provide assistance to the District of Columbia government in combating crime. The Office of Management and Budget has been assigned responsibility for overall coordination of this assistance effort.

4.1.2. The Posse Comitatus Act (18 U.S. Code 1385) prohibits the use of any part of the Army or the Air Force to execute local, State, or Federal laws except as the Constitution or the Congress may expressly authorize.

4.2. Limitations. Pursuant to 4.1.2., above, the employment of Department of Defense military resources for assistance to District of Columbia civil authorities in combating crime in the District of Columbia will be limited to:

4.2.1. Military and civilian technicians to perform non-law enforcement functions.

4.2.2. Training facilities, such as classrooms, rifle ranges, and pistol ranges.

4.2.3. Military equipment and supplies.

4.2.4. Such other assistance as is required by personal direction of the President.

4.3. Funding. Military resources provided to the District of Columbia under the provisions of this Directive will be provided on a reimbursable basis. The DoD Components will forward requests for reimbursement to the DoD Executive Agent, who in turn, will forward requests to the District of Columbia.

5. RESPONSIBILITIES

5.1. The Secretary of the Army is designated as the Executive Agent for the Department of Defense in all matters pertaining to the planning for, and the employment of military resources to assist the District of Columbia in combating crime. As the DoD Executive Agent, the Secretary of the Army, or his designee is responsible for:

5.1.1. Providing policy and direction governing plans, procedures, and requirements to all DoD Components having cognizance over military resources that may be employed under the provisions of this Directive;

5.1.2. Providing guidance on a case-by-case basis to the DoD Components where assistance is requested by the District of Columbia;

5.1.3. Providing military resources of the U.S. Army, consistent with defense priorities, to carry out the purpose of this Directive;

5.1.4. Forwarding to the District of Columbia DoD Component requests for reimbursement for assistance provided under the provisions of this Directive;

5.1.5. Maintaining documentation of assistance provided to the District of Columbia and forwarding to the Secretary of Defense, as required, a summary of assistance provided under the provisions of this program;

5.1.6. Providing a project code, as required, to identify, obligate, issue, and fund for military resources furnished to support this program.

5.2. Consistent with defense priorities, the Secretaries of the Air Force and the Navy (Navy responsibilities include resources of the U.S. Marine Corps) and the Director of Defense Agencies (except the *DNA*) are responsible for providing the military resources required by the DoD Executive Agent to carry out the purpose of this Directive.

5.3. In addition, the Defense Agencies are responsible for providing advice and assistance on matters within their sphere of responsibility to the DoD Executive Agent and the Secretaries of the Military Departments.

5.4. The Assistant Secretary of Defense (Public Affairs) is responsible for all DoD public affairs matters related to military assistance to the District of Columbia government in combating crime. To ensure efficiency and responsiveness in keeping the public fully informed, he will provide direction and guidance to the DoD Executive Agent on all aspects of public release of information relating to assistance given.

5.5. The *Assistant* Secretary of Defense (Legislative Affairs) is responsible for all DoD legislative liaison matters related to military assistance to the District of Columbia government in combating crime. To ensure efficiency and responsiveness in keeping the Congress fully informed, he will, in coordination with the Assistant Secretary of Defense (Public Affairs), provide direction and guidance to the DoD Executive Agent in all aspects of the release of information to the Congress relating to assistance given.

6. PROCEDURES

Requests for DoD facilities, personnel, equipment, or supplies received from the District of Columbia government for use in assisting in combating crime will be handled as follows:

6.1. Requests received by the Office of Management and Budget *will be forwarded to the Under Secretary of the Army.*

6.2. Requests addressed directly to Department of Defense will be *forwarded to the Under Secretary of the Army.*

7. REPORTING

7.1. Significant developments affecting the implementation of assigned assistance responsibilities will be reported as they *occur to the Department of the Army, Attn: Director of Military Support, Office of the Deputy Chief of Staff for Operations and Plans.*

7.2. *Annual progress summaries of assistance rendered in connection with this program and associated costs will be forwarded to reach the Department of the Army, Attn: Director of Military Support, Office of the Deputy Chief of Staff for Operations and Plans, by the twentieth of July each year, covering the previous fiscal year. The Department of the Army will prescribe the format for this summary.*

7.3. The reporting requirements prescribed herein are assigned Report Control Symbol DD-A(AR)1071.

8. EFFECTIVE DATE

The provisions of this Directive are effective immediately.



Deputy Secretary of Defense