



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D. C. 20350-2000

IN REPLY REFER TO
OPNAVINST 3440.16D
N31

JUN 29 2009

OPNAV INSTRUCTION 3440.16D

From: Chief of Naval Operations

Subj: NAVY DEFENSE SUPPORT OF CIVIL AUTHORITIES PROGRAM

- Ref:
- (a) National Response Framework of January 2008
 - (b) DoD Directive 3025.1, Military Support to Civil Authorities (MSCA), of 15 Jan 93
 - (c) DoD Directive 3025.16, Military Emergency Preparedness Liaison Officer (EPLO) Program, of 18 Dec 00
 - (d) DoD Directive 3025.15, Military Assistance to Civil Authorities" (MACA), of 18 Feb 97
 - (e) DoD Directive 5100.46, Foreign Disaster Relief, of 4 Dec 75
 - (f) OPNAVINST N3040.5D, Procedures and Reporting Requirements for Nuclear Reactor and Radiological Accidents (NOTAL)
 - (g) OPNAVINST 3440.15A, DON Nuclear Weapon Accident Response Management
 - (h) DoD Directive 3025.12, Military Assistance for Civil Disturbances (MACDIS), 4 Feb 94
 - (i) DoD Directive 5525.5, DoD Cooperation with Civilian Law Enforcement Officials, of 15 Jan 86
 - (j) SECNAVINST 5820.7C, Cooperation with Civilian Law Enforcement Officials
 - (k) OPNAVINST F3100.6H, Special Incident Reporting (NOTAL)
 - (l) CNO WASHINGTON DC 261950Z Sep 03, Commander, Navy Installations (CNI) Implementation Guidance
 - (m) SECNAV M-5210.1 of Nov 07
 - (n) SECNAV M-5214.1 of Dec 05

1. Purpose. To promulgate policy, planning guidance, operational structure, and assign responsibilities to implement Navy Defense Support of Civil Authorities (DSCA) as directed in references (a) through (d). This instruction is a complete revision and should be reviewed in its entirety.

2. Cancellation. OPNAVINST 3440.16C.

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3. Background. As discussed in reference (a), the Nation's domestic incident management landscape encompasses a broad spectrum of threats and hazards, both manmade and natural. Efforts to anticipate, respond to, and recover from these varied threats and hazards evolved over the last half of the 20th century; plans were developed for different jurisdictions, disciplines, contingencies, and phases of incident management. To respond to the emerging threats of the 21st century, the Nation must embrace a unified and coordinated approach to incident management. The Homeland Security Act of 2002 and the Homeland Security Presidential Directive-5 (HSPD-5), Management of Domestic Incidents, issued in February 2003, set forth the mission for this new national approach to domestic incident management. Accordingly, the Secretary of Defense has directed the Services to develop plans for conducting DSCA for domestic incidents.

4. Applicability

a. This instruction applies to all Navy activities and commands in both the United States and U.S. territories or possessions.

b. Foreign disaster assistance is not covered by this directive. The Department of State determines whether Department of Defense (DoD) assistance will be required in support of foreign disaster relief operations. Reference (e) provides further guidance.

c. Nuclear accidents are also excluded from coverage under this directive. References (f) and (g) provide further guidance.

d. Military support for civil disturbances, counter-drug, counter-terrorism, and sensitive support operations are outside the scope of this instruction. Further guidance can be found in references (h) through (j).

5. Policy

a. Our Nation faces a broad spectrum of threats and hazards, both manmade and natural. Therefore, we must prepare our shore and operational commands to respond to, and recover from, these varied threats. An all-hazards approach to DSCA

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response, to include chemical, biological, radiological, nuclear (excluded in paragraph 4c), and high yield explosives, is required.

b. It is Federal Government policy to assist civil authorities in coping with incidents that exceed their response capability.

c. Conforming to the intent of section 1385 of title 18, U.S. Code (Posse Comitatus Act), Navy personnel assisting civil authorities in coping with civil emergencies shall not enforce civil law, except as otherwise provided in references (h) through (j) or otherwise permitted by law or regulation.

d. The Navy's primary objective is to protect and restore Navy mission capabilities. However, with consideration of Navy mission priorities, Navy commanders (at all levels) should be prepared to employ Navy resources, under their cognizance, to support civil authorities, as outlined in references (a) through (d). The term "Navy resources" in this context includes personnel, forces, equipment, supplies, and facilities owned or controlled by, or under the jurisdiction of, the Department of the Navy (DON).

e. Navy commanders are authorized to provide immediate response to requests from the civil sector pursuant to reference (b) in order to save lives, prevent human suffering, and to mitigate great property damage. Immediate response by commanders will not supersede their mission-related duties, or the survival of their personnel or facilities. Navy commanders acting under immediate response authority shall report in per reference (k) via Operations Report, OPREP-3, reporting channels, the request, the nature of the response, and any other pertinent information to their chain of command and the National Military Command Center (NMCC). Notification should reach the NMCC within two hours of the decision to provide immediate response. While immediate response should be provided to civil agencies on a cost-reimbursable basis, per paragraph 4.5.2 of reference (b), it should not be delayed or denied because of the inability or unwillingness of the requester to commit to reimbursing the Navy.

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f. Navy commanders may also respond to civil emergencies based upon lawful memorandums of understanding/agreement, mutual aid agreements, inter-Service support agreements, Executive orders or other plans; though this instruction does not constitute authority to enter into such agreements. Emergency response and recovery operations involve the principle of mutual assistance. Navy commanders should be prepared to both aid civil authorities and request assistance, if needed, from other services, federal agencies, and state and local civil authorities within their area.

g. Except as provided for under immediate response circumstances, or paragraph 5f above, Navy resources will be provided in support of civil authorities only upon approval of the Secretary of Defense or his delegated representative.

h. Navy services and resources shall be provided on a cost reimbursable basis per paragraph 4.4.8 of reference (b). Authority to waive reimbursement rests with the Secretary of Defense or his delegated representative.

6. Organizational Structure

a. Navy Principal Planning Agents (PPAs) are Commander, U.S. Fleet Forces Command (COMUSFLTFORCOM) and Commander, U.S. Pacific Fleet (COMPACFLT). As such, they are the supporting Navy component commander to U.S. Northern Command and U.S. Pacific Command, respectively, and are responsible for planning, coordinating, and executing Navy DSCA operations within their assigned geographic areas.

b. Navy Region Planning Agents (RPAs) are the designated Navy region commanders of their respective PPA for planning, coordinating, and executing Navy DSCA operations within a specific geographical area, and for ensuring that subordinate organizations have an effective standing program to support civil authorities.

c. Navy Emergency Preparedness Liaison Officers (NEPLO) are senior Navy reserve officers assigned to represent and support Navy PPA/RPAs in coordinating and executing Navy DSCA plans and responsibilities.

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7. Responsibilities

a. Director, Operations and Plans (OPNAV (N31)) shall per references (b) and (c):

(1) Act as the principal point of contact within the DON with the Office of the Assistant Secretary of Defense, Homeland Defense and Americas' Security Affairs (HD/ASA) and the Joint Directorate of Military Support regarding Navy policies pertaining to the management of the Navy DSCA program.

(2) Serve as the principal point of contact to the Assistant Secretary of Defense (HD/ASA) on matters relating to the NEPLO program.

(3) Provide oversight of the NEPLO billets, with regard to both number and distribution, to ensure Navy meets the requirements of reference (c).

b. Director, Shore Installation Readiness Division, (OPNAV (N46)) shall:

(1) Program for NEPLO equipment (computers, telephone cards, wireless connection cards, etc.)

(2) Program temporary additional duty travel funding for those Navy region headquarters staffs responsible for DSCA.

c. COMUSFLTFORCOM shall:

(1) Serve as the lead PPA for the Continental United States (CONUS), Alaska, Puerto Rico, and U.S. Virgin Islands for all Navy DSCA operations and have operational control of region commanders in support of DSCA operations, per reference (1).

(2) Designate Navy region commanders as RPA's to support Navy DSCA planning and execution in CONUS, Alaska, Puerto Rico and the U.S. Virgin Islands consistent with the region commander's area of operations outlined in figure 1.

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(3) Designate Commander, U.S. Second Fleet as maritime planning agent in support of DSCA operations in the U.S. Northern Command's Area Of Responsibility (AOR).

(4) Serve as lead PPA and establish operational and training requirements, equipment, and readiness standards to meet the specific service requirements contained in references (b) and (c) in coordination with COMPACFLT and Commander, Navy Installations Command (CNIC).

(5) Issue implementing directives, planning guidance and execution orders as necessary to ensure readiness to provide command and control of Navy DSCA support.

(6) Coordinate Navy role and participation in local, state, national, and U.S. Northern Command DSCA related exercises.

(7) Provide support to COMPACFLT for DSCA events within the COMPACFLT area of operations as directed.

d. COMPACFLT shall:

(1) Serve as PPA for Hawaii, Guam, and all U.S. Pacific Territories for all Navy DSCA operations. Maintain operational control of region commanders in support of DSCA operations, per reference (1).

(2) Support COMUSFLTFORCOM in DSCA planning and execution within the U.S. Northern Command's AOR as directed.

(3) Designate Navy region commanders as RPA's to support Navy DSCA planning and execution in the COMPACFLT area of operations with the region commander area of operations outlined in figure 1.

(4) Designate Commander, U.S. Third Fleet (COMTHIRDFLT) as maritime planning agent in support of DSCA operations in applicable portions of the U.S. Pacific Command and U.S. Northern Command's AORs. Provide direct liaison authority between COMUSFLTFORCOM, COMPACFLT, and COMTHIRDFLT for DSCA operations in the U.S. Northern Command's AOR.

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(5) Designate Commander, U.S. Seventh Fleet as maritime planning agent in support of DSCA operations in applicable portions of the U.S. Pacific Command's AOR.

(6) Issue an implementing directive, planning guidance and execution orders as necessary to carry out the Navy DCSA Program.

(7) Coordinate National and U.S. Pacific Command DCSA related exercises.

e. CNIC shall:

(1) Fund RPAs for DSCA requirements to include training and equipping of NEPLOs.

(2) Designate an individual to coordinate the NEPLO program to include managing: reserve personnel Navy funding, active duty for training funding, Inactive Duty for Training with Travel (IDTT) funding, active duty other than for training funding, and planning and coordinating Navy participation in the annual National Emergency Preparedness Liaison Officer (EPLO) Conference/Workshop. This individual will be a non-voting advisor to the annual NEPLO Apply Administrative Selection Board.

(3) In the event a NEPLO is unable to continue in the assignment, in coordination with appropriate RPA and Commander, Naval Reserve Forces Command (COMNAVRESFORCOM), select a qualified individual to serve until the next NEPLO Apply Administrative Selection Board is convened.

(4) Ensure Navy RPA staffs are appropriately trained in DSCA operations.

(5) Act as a supporting commander to COMUSFLTFORCOM and COMPACFLT for support of the Navy's overall DSCA program as directed.

(6) Train NEPLOs to standards established by COMUSFLTFORCOM and COMPACFLT.

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(7) Coordinate training, equipment, and readiness standards with COMUSFLTFORCOM to ensure that NEPLO requirements are adequately resourced.

(8) Provide OPNAV (N31) with an annual program assessment of Navy DSCA/NEPLO operations by 15 December, with information copies to COMUSFLTFORCOM and COMPACFLT.

f. RPAs shall:

(1) Develop a region plan for providing DSCA consistent with the guidance provided by the PPAs.

(2) Designate an individual to coordinate planning and execution of the Navy DSCA Program. This individual, or an appropriate military (O-6) or civilian selected from the RPA's staff (non-NEPLO), will represent the RPA and be a voting member of the annual COMNAVRESFORCOM Apply Administrative Selection Board for NEPLOs and will attend the annual National EPLO conference.

(3) Coordinate the Navy response, within their assigned regions as outlined in figure 1, to assist in emergency response as directed by COMUSFLTFORCOM or COMPACFLT. Be prepared to coordinate Navy DSCA in adjacent regions as necessary.

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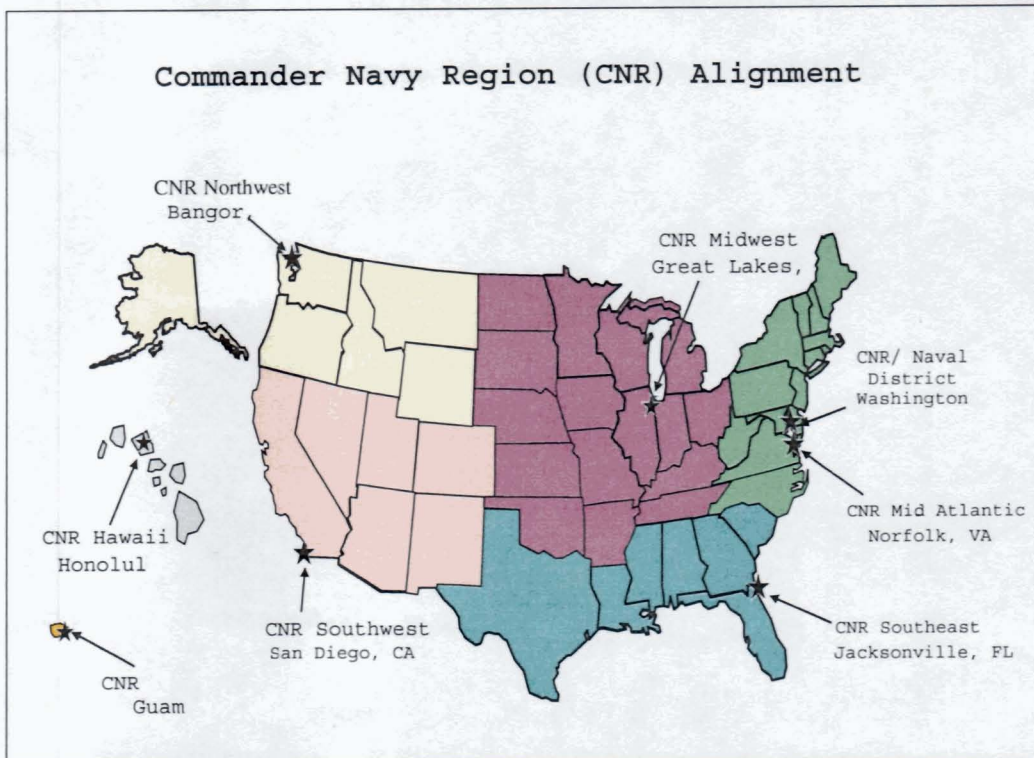


Figure 1: Navy Region Alignment

(4) Provide guidance and assign responsibilities to NEPLOs supporting military/civil authorities.

(5) Coordinate with respective PPA, and other agencies as required, regarding NEPLO support of region exercises.

(6) Provide CNIC, by 15 October, an annual DSCA/NEPLO program assessment covering, at a minimum, an overview of the prior Fiscal Year (FY) DSCA operations, training, and NEPLO support. Additionally, provide current FY mission essential equipment requirements, training, funding, and readiness status of assigned NEPLOs.

(7) Assume custody as well as ownership, maintenance, and management, of mission essential equipment provided to NEPLOs.

(8) Exercise DSCA program coordination through/with COMUSFLTFORCOM and COMPACFLT, as appropriate.

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g. Commander, Navy Reserve Forces Command shall conduct the NEPLO Selection Panel within the guidelines of the COMNAVRESFORCOM Apply Board and this instruction. In coordination and participation with Navy PPAs and RPAs, select O-5/O-6 officers to serve as NEPLOs by formal selection board proceedings with the following minimum requirements:

(1) Have demonstrated superior performance throughout their careers and an ability to work effectively in a senior operational or staff environment.

(2) Have a mandatory retirement date sufficient to serve an initial 3-year NEPLO tour. Selection may be made for a 2-year tour subsequent to the initial NEPLO tour.

(3) Individuals selected for state NEPLO billets must be a resident of and reside within the state and have at least a final secret clearance. NEPLOs selected for Federal Emergency Management Agency, Joint Staff, or Office of the Secretary of Defense billets must maintain primary residency within 300 miles of the assignment and maintain a top secret clearance. Other specific requirements may be determined by the PPA/RPA or by individual billet requirements.

(4) Selected individuals must be able to assume the duties of the assigned billet on 1 December of the year selected.

h. NEPLOs shall:

(1) Perform duties as assigned by the RPA/PPA and those specified in references (b) and (c).

(2) Serve as the primary interface between the Navy RPA/PPA and the assigned command or agency.

(3) Be prepared to utilize rescheduled IDTT drills to respond proactively to potential local DSCA incidents and report back with situation reports to the RPA (and PPA) as appropriate. If the situation warrants, request formal activation with the RPA. Be prepared to be activated, on short notice, by the Navy

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RPA. Once activated, serve as the Navy PPA/RPA's representative in the DoD response to a civil emergency.

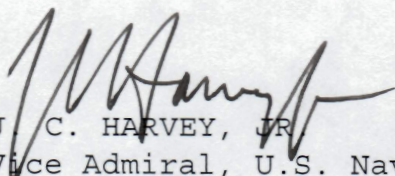
(4) Meet the requirements of paragraphs 7g(1)(a)2 and 7g(1)(a)3 before applying for NEPLO billets.

8. Waiver. Authority to waive the requirements levied by this instruction is held by Chief of Naval Operations (CNO), Deputy Chief of Naval Operations (Operations, Plans, and Strategy) (CNO (N3/N5)).

9. Changes. Submit change requests for this instruction to CNO, Deputy Chief of Naval Operations for Operations and Plans (N31), Attention: DSCA Coordinator (N31), Room 1D721, 2000 Navy Pentagon, Washington, DC 20350-2000

10. Records Management. Records created as a result of this instruction, regardless of media and format, shall be managed per reference (m).

11. Reports. The reporting requirements contained within this instruction are exempt from information collection control per reference (n).


J. C. HARVEY, JR.
Vice Admiral, U.S. Navy
Director, Navy Staff

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