



ADP 3-28

DEFENSE SUPPORT OF CIVIL AUTHORITIES

JULY 2012

DISTRIBUTION RESTRICTION:

Approved for public release; distribution is unlimited.

HEADQUARTERS, DEPARTMENT OF THE ARMY

This publication is available at Army Knowledge Online
(<https://armypubs.us.army.mil/doctrine/index.html>).

Army Doctrine Publication
No. 3-28

Headquarters
Department of the Army
Washington, DC, 26 July 2012

Defense Support of Civil Authorities

Contents

	Page
PREFACE	ii
National Preparedness Doctrine	1
Army Support of Civil Authorities.....	3
Primary Purposes for Army Support.....	5
Primary Characteristics of Army Support	5
Organization for Army Support	7
Primary Tasks for Army Support	10
Conclusion	13
GLOSSARY	Glossary-1
REFERENCES	References-1

Figures

Figure 1. Overview of defense support of civil authorities	iv
Figure 2. Example of duty status and command relationships	10

DISTRIBUTION RESTRICTION. Approved for public release; distribution is unlimited.

Preface

Army Doctrine Publication (ADP) 3-28 describes a doctrinal foundation for the Army's contribution to defense support of civil authorities (also called DSCA) (see figure 1, page iv, for a graphical overview). ADP 3-28 focuses on the operational Army battalions, brigades, division headquarters, and Army Service component headquarters conducting DSCA, with support from the generating force. A corresponding Army doctrine reference publication (ADRP) elaborating on the principles in ADP 3-28 is expected to replace Field Manual (FM) 3-28.

The principal audience for ADP 3-28 is all members of the profession of arms. Commanders and staffs of Army headquarters serving as joint task force or multinational headquarters should also refer to applicable joint or multinational doctrine concerning the range of military operations and joint or multinational forces. Trainers and educators throughout the Army will also use this publication.

Commanders, staffs, and subordinates ensure their decisions and actions comply with applicable United States, international, and, in some cases, host-nation laws and regulations. Commanders at all levels ensure their Soldiers operate in accordance with the law of war and the rules of engagement. (See Field Manual [FM] 27-10.)

ADP 3-28 applies to the Active Army, Army National Guard/Army National Guard of the United States, and United States Army Reserve unless otherwise stated.

ADP 3-28 does not apply to certain Army organizations and activities that support civil authorities or emergency response. First, state Army National Guard support in state active duty status falls outside the definition of DSCA. Second, ADP 3-28 does not address domestic counterterrorism operations. Third, it does not apply to any state defense force or equivalent that is not part of a state's National Guard. Fourth, ADP 3-28 does not apply to military activities conducted wholly within any military installation in the United States. Finally, it does not apply to the United States Army Corps of Engineers (USACE) although USACE plays a significant role in DSCA.

United States Pacific Command (USPACOM) and United States Northern Command (USNORTHCOM) conduct DSCA within their respective combatant commands. This ADP uses terminology and methods universal to DSCA. Users in USPACOM should refer to theater plans and procedures for DSCA.

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 for any Army terms.

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 e-mail to usarmy.leavenworth.mccoe.mbx.cadd-org-mailbox@mail.mil; or submit an electronic DA Form 2028.

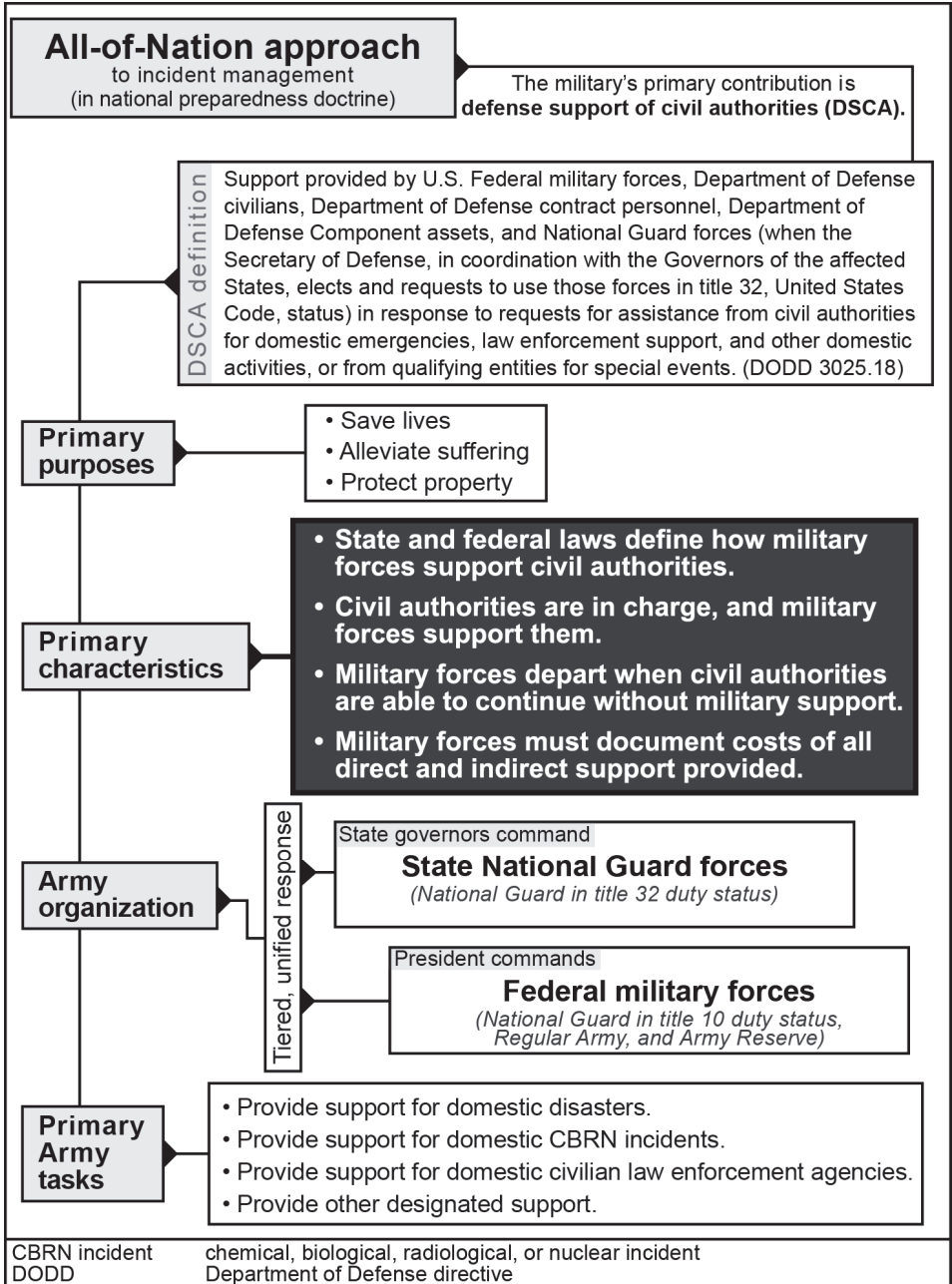


Figure 1. Overview of defense support of civil authorities

This publication begins by discussing national preparedness doctrine as the basis for incident management and defense support of civil authorities. It then discusses Army support of civil authorities as a part of defense support of civil authorities. Next, it presents the primary purposes and characteristics of Army support. Then it explains how Army forces organize for Army support. Finally, it gives the primary tasks for Army support.

NATIONAL PREPAREDNESS DOCTRINE

1. In March 2011, The President of the United States signed Presidential Policy Directive 8, to strengthen “the security and resilience of the United States through systematic preparation for the threats that pose the greatest risk to the security of the Nation, including acts of terrorism, cyber attacks, pandemics, and catastrophic natural disasters.” In support of this directive, the Department of Homeland Security, primarily through the Federal Emergency Management Agency (FEMA), maintains national doctrine for all aspects of *incident management*, defined as a national comprehensive approach to preventing, preparing for, responding to, and recovering from terrorist attacks, major disasters, and other emergencies. Incident management includes measures and activities performed at the local, state, and national levels and includes both crisis and consequence management activities (JP 3-28). ADP 3-0 states that Army forces operate as part of a larger national effort characterized as *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). Army leaders must integrate their actions and operations within this larger framework, collaborating with entities outside their direct control. Nowhere is this more true than in incident management, in which Army forces conduct unified land operations to integrate fully with national preparedness efforts:

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.

President Barack Obama, Presidential Policy Directive 8

NATIONAL PREPAREDNESS GOAL, NATIONAL INCIDENT MANAGEMENT SYSTEM, AND NATIONAL RESPONSE FRAMEWORK

2. The primary documents containing national preparedness doctrine are—
 - The National Preparedness Goal.
 - The National Incident Management System (known as the NIMS).
 - The National Response Framework (formerly known as the National Response Plan).

The National Preparedness Goal, established in 2011, implements Presidential Policy Directive 8. It describes core capabilities for five mission areas—prevention, protection, mitigation, response, and recovery—and outlines five national frameworks based on the mission areas. Joint doctrine defines the *National Incident Management System*, established in 2008, as a national crisis response system that provides a consistent, nationwide approach for federal, state, local, and tribal governments; the private sector; and nongovernmental organizations to work effectively and efficiently together to prepare for, respond to, and recover from domestic emergencies, regardless of cause, size, or complexity (JP 3-41). The National Response Framework, also established in 2008, defines principles, roles, and structures for effective national response. These principles, roles, and structures—together with the National Preparedness Goal and the National Incident Management System—enable all response partners (including community; tribal, state, and federal government; and private-sector and nongovernmental partners) to prepare for and provide a unified national response to disasters and emergencies, from the smallest incident to the largest catastrophe.

3. The National Preparedness Goal, the National Incident Management System, and the National Response Framework apply to military forces supporting *civil authorities*—those elected and appointed officers and employees who constitute the government of the United States, the governments of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, United States possessions and territories, and political subdivisions thereof (JP 3-28). These three living documents work hand-in-hand, continuously evolving to improve consistency and account for changing conditions. The National Preparedness Goal, as of 2011, sets the vision and overall policy for nationwide preparedness. The National Incident Management System provides the template for managing incidents at all levels, while the National Response Framework gives structure to national-level incident management and response policy.

4. Federal and state governments may activate the National Response Framework's emergency support functions (ESFs) for coordinating a response among numerous government, private sector, and military partners. The ESFs organize relationships and responsibilities based on the type of incident. The ESFs are—

- ESF #1: Transportation.
- ESF #2: Communications.
- ESF #3: Public Works and Engineering.
- ESF #4: Firefighting.
- ESF #5: Emergency Management.
- ESF #6: Mass Care, Emergency Assistance, Housing, and Human Services.

- ESF #7: Logistics Management and Resource Support.
- ESF #8: Public Health and Medical Services.
- ESF #9: Search and Rescue.
- ESF #10: Oil and Hazardous Materials Response.
- ESF #11: Agriculture and Natural Resources.
- ESF #12: Energy.
- ESF #13: Public Safety and Security.
- ESF #14: Long-Term Community Recovery.
- ESF #15: External Affairs.

The National Incident Management System's incident command system provides a flexible, overall approach for managing all the ESFs. (See FM 3-28 for more information about the incident command system and ESFs.)

TIERED RESPONSE

5. Incident management, including defense support of civil authorities (DSCA), is based on the principal of tiered response. Response and support begin at the lowest level of government and escalate based on requirements. Each level of government maintains enough capability to carry out its responsibilities specified by law. Each has some reserve capability to address out-of-the-ordinary situations that occur within its jurisdiction. When a situation exceeds the capacity of any level of government, it calls upon the next higher level of government for support. The key players in this tiered response are local, tribal, state, territorial, and federal governments. At all levels, nongovernmental organizations and the private sector work closely with government agencies in response to an incident. Although tiered in principle, actual incident response may be so compressed that all levels of government respond simultaneously.

ARMY SUPPORT OF CIVIL AUTHORITIES

6. Army forces support civil authorities by performing defense support of civil authorities tasks. *Defense support of civil authorities* is defined as support provided by United States Federal military forces, DoD [Department of Defense] civilians, DoD contract personnel, DoD 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. Also known as civil support (DODD 3025.18).

7. Military forces provide civil support at federal and state levels. Federal military forces are active Army, Marine Corps, Navy, and Air Force; mobilized Army, Marine Corps, Navy, and Air Force Reserve; and National Guard mobilized for federal service under title 10, United States Code (USC). State National Guard forces under state control perform DSCA tasks when serving under title 32, USC.

READINESS

8. Numerous features of DSCA are distinct from the other tasks of decisive action—offense, defense, and stability. DSCA tasks stress the employment of nondestructive means to save lives, alleviate suffering, and protect property. Domestic operations are operations in the *homeland*: The physical region that includes the continental United States, Alaska, Hawaii, United States possessions and territories, and surrounding territorial waters and airspace (JP 3-28). Domestic operations are constrained by various laws to a greater degree, in comparison to the Law of Land Warfare and The Hague and Geneva Conventions. It is accurate to say that most tasks performed in domestic support are common to overseas operations; however, Soldiers conduct them under very different conditions.

9. Commanders gauge unit readiness for DSCA missions by assessing proficiency in three warfighting functions: mission command, sustainment, and protection. The requirement to deploy into a domestic operational environment—often with little warning—and to operate with joint and interagency partners requires mission command that can adapt systems and procedures for a noncombat, civilian-led structure.

10. The majority of DSCA missions will stress the sustainment warfighting function. Mission success depends on units' ability 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 will serve as a base for federal military forces throughout the mission.

11. The protection warfighting function is the third area for readiness assessment. It is imperative that commanders understand their protection capabilities. They must understand which of those capabilities may be exercised legally in domestic environments so they can be properly integrated into the overall scheme of protection.

MILITARY CAPABILITY

12. Soldiers are trained to exercise initiative in combat and training. They must understand which military capabilities may be exercised during domestic operations, including consideration for duty status (title 10, title 32, 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 and efficiently.
- The ability to perform a task safely.
- The legal authority to perform a task.

PRIMARY PURPOSES FOR ARMY SUPPORT

13. While there are many potential missions for Soldiers as part of DSCA, the overarching purposes of all DSCA missions are, in the following order, to—

- Save lives.
- Alleviate suffering.
- Protect property.

Some DSCA missions may accomplish these purposes directly. An aircraft crew participating in a search and rescue operation is there to save lives. Soldiers fighting fires in a national forest are guarding public property, as are the National Guard Soldiers patrolling streets in the aftermath of a tornado. Some DSCA missions accomplish these purposes indirectly. Soldiers and civilians helping load 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. In the absence of orders, or in uncertain and chaotic situations, each Soldier governs his or her actions based on these three purposes.

PRIMARY CHARACTERISTICS OF ARMY SUPPORT

14. 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 relationship of military forces to federal, state, tribal, and local agencies are different. The differences are pronounced enough to define a different task set than offense, defense, or stability. The support provided by Army forces depends 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.

15. 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.

16. State and federal laws define almost every aspect of DSCA. They circumscribe what units may do 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 execute any task outside the mission received through the chain of command. Disregarding the laws affecting DSCA can lead to issues that will hinder mission accomplishment. Leaders at every level ensure their Soldiers comply with applicable United States laws, even when it seems to hamper rapid accomplishment of the mission. For example, unless waived by legal authority, laws restrict Army chaplains from conducting religious support for civilians outside the Department of Defense. Unless there is an imminent risk to life or limb, commanders in doubt about the legal consequences of an action should seek guidance from their higher headquarters.

17. Rules for use of force (RUF) are the equivalent of rules of engagement, except that they apply in domestic situations. RUF are established according to state laws. They are restrictive vice permissive and vary from state to state. Leaders must review them with their subordinates before every mission. All personnel—including military, civilian, and contractor—must understand the RUF and any additional mission-specific RUF. Commanders stress the same emphasis to RUF 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.

CIVIL AUTHORITIES ARE IN CHARGE, AND MILITARY FORCES SUPPORT THEM.

18. In DSCA, 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. Commanders begin by viewing their operational environments as an assortment of civil authorities, each with primacy in its jurisdiction. While the mission may constitute 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 the further assistance from military forces. One of the biggest mistakes that tactical commanders can make is to assume they need to take charge upon arrival at the scene of an incident. Military forces operating freely within civilian jurisdictions risk upsetting the constitutional balance between civil authority, the military, and the private sector.

19. A primary (or lead) civilian agency establishes the priority of effort for any domestic support mission. At the federal level, this is typically the Federal Emergency Management Agency. At the state level, it is the state emergency management agency (the formal names of these agencies vary by state) or its equivalent. However, civilian agencies do not issue orders to military units. Defense coordinating element planners locate within a multiagency command structure and integrate federal military capabilities within priorities established by the primary agency. Typically, a defense coordinating officer co-locates at a federal joint field office and works in conjunction with the state director of military support and the state emergency manager. These individuals and their staffs ensure that military forces receive the correct priority of effort. They translate the civilian guidance into mission assignments.

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

20. Army forces complete their missions 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 assistance. 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.

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

21. All military forces engaged in DSCA maintain a detailed record of operations, not just direct expenditures, because supported civilian agencies must reimburse Department of Defense 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, USC (commonly called the Economy Act), which mandates cost reimbursement by the federal agency requesting military support. The Robert T. Stafford Disaster Relief and Emergency Assistance Act (commonly known as the Stafford Act) sets the guidelines for reimbursements from federal funds to federal agencies and states. Federal law also mandates that the states reimburse the Federal Emergency Management Agency 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.

ORGANIZATION FOR ARMY SUPPORT

22. Army leaders must understand how DSCA differs from overseas operations, based on domestic laws and Department of Defense policies. In addition to the limits on types of tasks permissible in domestic operations, the differences are particularly apparent in how forces organize for unified action.

23. 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 domestic support capabilities, requirements, and restrictions. Each component could be supporting different agencies simultaneously, under different chains of command, and performing different tasks.

24. Army forces provide the majority of military support for incident management, mainly through the National Guard. State National Guard forces include Army and Air

National Guard serving under state active duty status or title 32, USC. The governor of each state has overall command responsibility for the state's National Guard and is its commander in chief. State National Guard forces do not include state defense forces (such as the California State Military Reserve) organized outside the National Guard.

25. A senior federal civilian official from an agency of the federal government coordinates all federal support. The President of the United States is the Commander in Chief of federal military forces, including National Guard units mobilized for federal service under title 10, USC.

THE ARMY NATIONAL GUARD

26. All fifty states, the District of Columbia, territories of Guam and the Virgin Islands, and the Commonwealth of Puerto Rico have National Guard forces, making fifty-four state and territorial National Guard elements. The Army National Guard has a dual role: as a state military force under the governor, and as a reserve component of the Army that the President may mobilize for federal service.

27. Army National Guard units have advantages and disadvantages for employment in a domestic support role. Significant advantages are proximity, responsiveness, knowledge of local conditions, tactical flexibility in domestic environments, 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.

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

29. Each day the 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. A third limitation is task organization of subordinate units. Although the Army tries to align unit organizations as closely as possible within a state's National Guard, units may be distributed across more than one state.

THE REGULAR ARMY

30. The Regular Army's key capabilities for domestic support missions are its ability to generate large forces rapidly and sustain them for long periods in an emergency. The Regular Army can provide large forces in the interim between when a governor calls up the state's National Guard and the arrival of substantial numbers of civilian responders from outside the state. When directed and with the support of United States Transportation Command, the Regular Army deploys forces ranging from small

detachments to corps-sized formations or larger, supported by the full resources of the Department of Defense.

31. Limiting factors include proximity, legal considerations, and operational commitments. Regular Army units are concentrated at several large installations spread across the country and 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 legal considerations affect all Soldiers, there are additional legal limitations on the use of Regular Army Soldiers. Perhaps the most important limitation on the use of Regular 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.

THE ARMY RESERVE

32. In 2012, changes to title 10, USC, allowed the President to alert and mobilize Army Reserve forces for DSCA. The units of the Army Reserve contain some of the capabilities most needed by civil authorities in an incident, such as logistics, medical, construction, and bridging capabilities, and many others. Like the National Guard, the Army Reserve is distributed across the states and territories. Traditionally, the Army Reserve has not been organized for domestic operations, but it has been available for sourcing of contingencies for war and national emergencies. Availability may depend on Army force generation (ARFORGEN) force pools of units and assignment to various force packages. Additionally, unit personnel may not be located near their assigned unit, and their ability to report may be delayed due to transportation issues.

DUTY STATUS

33. In domestic operations, duty status refers to the broad legal authority under which Army forces provide support to 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.

34. Three categories of duty status apply to domestic operations. These are federal military forces (also referred to as forces in title 10 status), National Guard forces serving in title 32 status (conducting DSCA), and National Guard forces serving in state active duty status (conducting National Guard civil support). Tactically, there is no distinction between National Guard forces serving in title 32 status or state active duty status. Forces in either status may be intermixed in a National Guard task force.

35. State National Guard units in either state active duty or title 32 status remain under command of their governor. However, command authority can change for National Guard units if they become federalized. All forces under the command of the President, including federalized National Guard, are federal military (title 10) forces. (See figure 2, page 10, for an illustration of duty status and command relationships.)

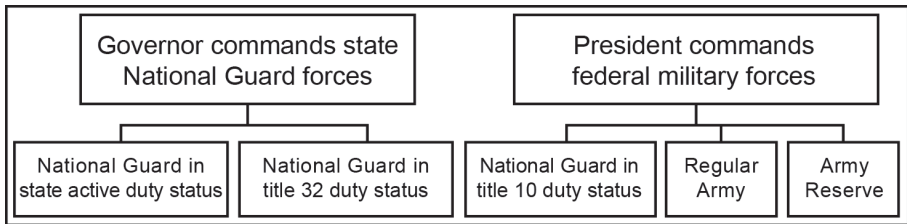


Figure 2. Example of duty status and command relationships

PARALLEL AND DUAL-STATUS COMMAND

36. Federal military forces and state National Guard forces conducting DSCA tasks may operate under military command and support relationships different from those encountered outside the United States. The two basic models used in domestic support are “parallel command” and “dual-status command.” Under parallel command, federal military forces take orders from the Department of Defense chain of command, and state National Guard forces take orders from the state’s chain of command. If dual-status command is used, one officer is appointed to command both federal military and state National Guard forces through an agreement signed by the President and the governor of that state. That officer is serving simultaneously in title 10 and title 32 status. Although it contributes to unified land operations, this is not true unity of command. Missions for federal military and state National Guard forces originate separately and must be conducted by their respective forces.

UNITED STATES ARMY CORPS OF ENGINEERS

37. While the doctrine in ADP 3-28 does not apply to the United States Army Corps of Engineers (USACE), its capabilities are employed for DSCA through traditional Army command structure, USC, public law, or Department of Defense directives. USACE is the lead agency for the National Response Framework's Emergency Support Function #3, Public Works and Engineering.

PRIMARY TASKS FOR ARMY SUPPORT

38. For Army forces, four primary tasks are associated with DSCA:

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

In national preparedness doctrine, any type of domestic disaster, emergency, or event requiring support may be called an *incident*—an occurrence, caused by either human

action or natural phenomena, that requires action to prevent or minimize loss of life or damage to property and/or natural resources (JP 3-28).

PROVIDE SUPPORT FOR DOMESTIC DISASTERS

39. Natural and manmade disasters occur throughout the United States and its territories. Some disasters afford advance warning (such as hurricanes, ice storms, or volcanic eruptions). The Department of Homeland Security, through the Federal Emergency Management Agency, marshals available support before domestic disasters and assists local, tribal, and state officials with evacuation plans and recovery. Other disasters, such as an earthquake or a chemical accident, usually provide no warning. Emergency services and law enforcement at every level respond according to prior planning and the availability of resources. 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, Navy, or Air Force for capabilities not assigned to combatant commanders (such as bases and installations).
- Through *immediate response authority*, which specifies certain conditions allowing military support in urgent situations (see the glossary for the full definition).

40. Most domestic disasters require no federal military assistance. State and federal emergency management agencies receive the military assistance needed from the National Guard in state active duty or title 32 status. In a major catastrophe, the demand for resources may exceed National Guard capacity, even with assistance from other states. In such situations, Regular Army forces provide support as required by either United States Pacific Command or United States Northern Command.

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

41. Much of the National Response Framework focuses on responding to accidental or deliberate chemical, biological, radiological, or nuclear incidents (see the glossary for the full definition). While not every chemical, biological, radiological, or nuclear threat is from terrorists, or even manmade, preparation for terrorist attacks predominates because of the increasing threat from terrorist groups armed with weapons of mass destruction. Should the worst happen, such as an attack with a weapon of mass destruction or a chemical, biological, radiological, or nuclear incident, federal military and state National Guard forces would provide specialized capabilities and general-purpose forces.

42. Pandemic disease outbreaks (known as pandemics) fall under this DSCA task. A pandemic is a global disease outbreak. A pandemic occurs when a new disease emerges for which people have little or no immunity, and no vaccine is immediately available. Other outbreaks of infectious disease may prove more serious than a contagious influenza. Examples of outbreaks include animal diseases and crops affected by fungus,

bacteria, or viruses. In these incidents, the Army may provide support when requested by state or federal agencies, such as the Department of Agriculture.

PROVIDE SUPPORT FOR DOMESTIC CIVILIAN LAW ENFORCEMENT

43. 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.

44. Except as expressly authorized by the Constitution of the United States or by another act of Congress, the Posse Comitatus Act prohibits the use of the Active Army, Air Force, and—through DODD 5525.5—the Marine Corps and Navy as enforcement officials to execute state or federal law and perform direct law enforcement functions. However, the Posse Comitatus Act does not apply to state National Guard forces in state active duty status and title 32 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. 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 operations.

45. Law enforcement support falls into two broad categories: direct and indirect support. Direct support involves enforcing the law and engaging in physical contact with offenders. Indirect support consists of aid to law enforcement agencies but not enforcement of the law or direct contact with offenders. Federal laws, presidential directives, and Department of Defense policy restrict the use of federal military forces from enforcing laws and providing security except on military installations. These laws, policies, and directives carefully specify exceptions to the restrictions. When authorized by the Secretary of Defense, federal military forces may provide indirect support to law enforcement agencies, but support is limited to logistical, transportation, and training assistance except when emergency authority applies. State and territorial governors can use state National Guard forces for direct support of civilian law enforcement; however, such use is a temporary expedient and must be in accordance with state laws.

PROVIDE OTHER DESIGNATED SUPPORT

46. Providing other designated 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 national special security events, 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, on one occasion, 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.

47. 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.

CONCLUSION

48. Army forces operating within the homeland do so in a very different environment than they will confront outside the Nation's boundaries. The components of the Army (Regular Army, Army National Guard, and Army Reserve) have legally mandated roles and constraints that affect what each can and cannot do. Regardless, each Soldier needs to remember that domestic support is centered on three purposes: to save lives, to alleviate suffering, and to protect property.

49. The Army provides forces to support incident management from all of its components for DSCA, and from National Guard forces under state active duty. DSCA and state active duty support differ most in chain of command and legal constraints. Regardless of duty status, Soldiers assist local, tribal, state, and federal officials with carrying out their responsibilities to citizens.

This page intentionally left blank.

Glossary

The glossary lists acronyms and terms with Army or joint definitions. The proponent publication for terms is listed in parentheses after the definition. This publication is not the proponent for any terms.

ADP	Army doctrine publication
ADRP	Army doctrine reference publication
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)
civil authorities	Those elected and appointed officers and employees who constitute the government of the United States, the governments of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, United States possessions and territories, and political subdivisions thereof. (JP 3-28)
DODD	Department of Defense directive
defense support of civil authorities	Support provided by U.S. Federal military forces, DoD civilians, DoD contract personnel, DoD 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 known as civil support. (DODD 3025.18)
DSCA	defense support of civil authorities
ESF	emergency support function
FM	field manual
homeland	The physical region that includes the continental United States, Alaska, Hawaii, United States possessions and territories, and surrounding waters and air space. (JP 3-28)

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 to property and/or natural resources. (JP 3-28)
incident management	A national comprehensive approach to preventing, preparing for, responding to, and recovering from terrorist attacks, major disasters, and other emergencies. Incident management includes measures and activities performed at the local, state, and national levels and includes both crisis and consequence management activities. (JP 3-28)
JP	joint publication
National Incident Management System	A national crisis response system that provides a consistent, nationwide approach for Federal, state, local, and tribal governments; the private sector; and nongovernmental organizations to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. (JP 3-41)
RUF	rules for the use of force
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)
USC	United States Code

References

Field manuals and selected joint publications are listed by new number followed by old number.

REQUIRED PUBLICATIONS

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

FM 1-02. *Operational Terms and Graphics*. 21 September 2004.

JP 1-02. *Department of Defense Dictionary of Military and Associated Terms*. 8 November 2010 (As Amended Through 15 March 2012).

National Incident Management System. Available at
<<http://www.fema.gov/emergency/nims/>>

National Preparedness Goal. Available at
<<http://www.fema.gov/emergency/NPG/>>

National Response Framework. Available at
<<http://www.fema.gov/emergency/nrf/>>

RELATED PUBLICATIONS

These documents contain relevant supplemental information.

JOINT AND DEPARTMENT OF DEFENSE PUBLICATIONS

Most joint publications are available online:

<http://www.dtic.mil/doctrine/new_pubs/jointpub.htm>

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

DODD 5525.5. *DoD Cooperation with Civilian Law Enforcement Officials*. 15 January 1986.

JP 1. *Doctrine for the Armed Forces of the United States*. 2 May 2007.

JP 3-28. *Civil Support*. 14 September 2007.

JP 3-41. *Chemical, Biological, Radiological, Nuclear, and High-Yield Explosives Consequence Management*. 2 October 2006

DEPARTMENT OF THE ARMY PUBLICATIONS

Most Department of the Army publications are available online:

<<http://www.apd.army.mil/>>

ADP 3-0. *Unified Land Operations*. 10 October 2011.

FM 3-28. *Civil Support Operations*. 20 August 2010.

FM 27-10. *The Law of Land Warfare*. 18 July 1956.

UNITED STATES LAW

The United States Code (USC) is available online:

<<http://uscode.house.gov/lawrevisioncounsel.shtml>>

The Economy Act. 31 USC. Section 1535.

Posse Comitatus Act. 18 USC. Section 1385.

Robert T. Stafford Disaster Relief and Emergency Assistance Act. 42 USC.
Sections 300hh-11 and 5121 et seq, and chapter 15A.

Title 10, USC. Armed Forces.

Title 14, USC. Coast Guard.

Title 32, USC. National Guard.

PRESIDENTIAL POLICY DIRECTIVE

Presidential Policy Directive 8. *National Preparedness*. 30 March 2011. Available
at < http://www.dhs.gov/xabout/laws/gc_1215444247124.shtml>

REFERENCED FORMS

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

ADP 3-28
26 July 2012

By Order of the Secretary of the Army:

RAYMOND T. ODIERNO
General, United States Army
Chief of Staff

Official:



JOYCE E. MORROW

Administrative Assistant to the
Secretary of the Army

1218001

DISTRIBUTION:

Active Army, Army National Guard, and U.S. Army Reserve: To be distributed in accordance with the initial distribution number (IDN) 115882, requirements for ADP 3-28.

PIN: 102964-000