

UNITED STATES MARINE CORPS
MARINE CORPS CIVIL-MILITARY OPERATIONS SCHOOL
WEAPONS TRAINING BATTALION
TRAINING COMMAND
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STUDENT OUTLINE

DEFENSE SUPPORT OF CIVIL AUTHORITIES

0530-118

CIVIL AFFAIRS OFFICER COURSE

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LEARNING OBJECTIVES

a. **TERMINAL LEARNING OBJECTIVE**. Given a mission, Commander's intent, a declared emergency, and a CMOC as applicable, Defense Support of Civil Authorities (DSCA), to save lives, prevent human suffering, or mitigate great property damage in accordance with MCWP 3-36.2. Chapter 1.

b. **ENABLING LEARNING OBJECTIVES**

(1) Without the aid of references, define DSCA, in accordance with MCWP 3-36.2, Ch 1. (CACT-EXE-2011a)

(2) Without the aid of references, identify legal authorities, in accordance JP 3-28 Ch 1. (CACT-EXE-2011b)

(3) Without the aid of references, identify Key Billets in Defense Support of Civil Authorities (DSCA), in accordance with MCWP 3-36.2 Ch 4. (CACT-EXE-2011e)

1. **DSCA DEFINED**

a. DSCA is support provided by federal military forces, DoD civilians, DoD contract personnel, DoD component assets, and National Guard* (NG) forces in response to a request for assistance (RFA) from civil authorities for domestic emergencies, law enforcement support, and other domestic activities, or from qualifying entities for special events.

*When the Secretary of Defense [SecDef], in coordination with the governors of the affected states, elects and requests to use those forces in Title 32, USC, status or when federalized.

DSCA includes support to prepare, prevent, protect, respond, and recover from domestic incidents including terrorist attacks, major disasters, both natural and man-made, and planned domestic special events. DSCA is provided in response to requests from civil authorities and upon approval from appropriate authorities. By definition, DSCA operations are conducted only in the U.S. homeland. The U.S. homeland is the physical region that includes the continental United States (CONUS), Alaska, Hawaii, U.S. territories, and surrounding territorial waters and airspace.

b. DSCA is one type of a joint military operation. The domestic operating environment, in which DSCA is performed, relies on the ability of the military commander to work with other government and nongovernment agencies and organizations. A range of domestic responses is provided by the Active Component (AC) and Reserve Component (RC), including the NG.

c. The Armed Forces of the U.S. and DoD agencies may be called upon for DSCA to support a whole-of-government response in support of civil authorities, although not specifically organized, trained, or equipped for the support of civil authorities. The U.S. Armed Forces have a historic precedent and enduring role in supporting civil authorities during times of emergency, and this role is codified in national defense strategy as a primary mission of DoD.

2. **HOMELAND SECURITY AND HOMELAND DEFENSE**. The terms homeland security, homeland defense, and DSCA are not interchangeable. In addition to federal-level activities, there are related activities conducted by state, local, tribal, and territorial governments that may simultaneously occur in the joint operations area (JOA); the overall challenge is to effectively and efficiently achieve unity of effort.

a. **Homeland Security (HS)** is a "concerted national effort to prevent terrorist attacks within the U.S.; 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" (National Strategy for Homeland Security). HS is an integral element of a broader U.S. national security and domestic policy. Protecting the U.S. from terrorism is the cornerstone of HS. The Department of Homeland Security (DHS) is the lead federal agency (LFA) for homeland security.

b. **Homeland Defense (HD)** is the protection of U.S. sovereign territory, the domestic population, and critical infrastructures against external threats and aggression or other threats, as directed by POTUS. DoD is responsible for HD.

The military plays a vital role in HD and DSCA missions. A key difference between the two missions is that normally DoD is the lead agency for HD, and DoD conducts DSCA operations in support of another primary agency.

3. **LAWS, DIRECTIVES, AND DOCTRINE (LEGAL AUTHORITIES)**. There are several laws, directives, and publications that limit the use of military forces and set forth doctrine. It is important that you become familiar with these because of their implications on DSCA operations.

a. **The Posse Comitatus Act (PCA) (Title 18 USC)**. The PCA generally prohibits U.S. military personnel from direct participation in law enforcement activities but does allow the military to support law enforcement agencies. There are a few exceptions to the PCA, such as drug enforcement activities, military police (MP) arrest authorities, authority granted under the Insurrection Act, and authorities issued to National Guard forces operating under Title 32. Always have the Staff Judge Advocate review any activities to be conducted by DoD forces in support of DSCA.

b. **Insurrection Act (Title 10 USC)**. As an exception to the PCA, Congress enacted The Insurrection Act. The Insurrection Act allows the POTUS to use U.S. military personnel at the request of a state legislature or governor to suppress insurrections. The Insurrection Act also allows the POTUS to use federal troops to enforce federal laws when rebellion against the authority of the U.S. makes it impracticable to enforce the laws of the U.S..

The DoD's authorization to provide Title 10 forces is in the form of a Presidential executive order (EO) that directs the SECDEF to act in a specified civil jurisdiction under specific circumstances. It is important that the Insurrection Act may be invoked only in situations of civil disturbance.

c. **Robert T. Stafford Act**. The Governor can request Federal assistance, including assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), when local and state capabilities have been exceeded. The Stafford Act is triggered by a Presidential declaration of a major disaster or emergency.

d. **DODD 3025.18**. This directive establishes policy and assigns responsibilities for DSCA. It provides guidance for the execution and oversight of DSCA when requested by civil authorities or by qualifying entities and approved by the appropriate DoD official, or as directed by the POTUS, within the U.S. and its territories. DODD 3025.18 authorizes specific DoD components to provide immediate response authority and emergency authority for the use of military force under dire situations as specified in the directive.

e. **Presidential Policy Directive 8 (PPD-8)**. PPD-8 is aimed at strengthening the security and resilience of the U.S. 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. 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.

f. **Flood Control and Coastal Emergency Act**. Describes the authority to provide emergency response and disaster assistance. It authorizes disaster preparedness, advanced measures, emergency operations (disaster response and post flood response), rehabilitation of flood control works threatened or destroyed by flood, protection or repair of federally authorized shore protection works threatened or destroyed by coastal storm, provision of emergency water due to drought or contaminated sources, emergency dredging, and flood-related rescue operations.

4. INCIDENT MANAGEMENT

a. National Incident Management System (NIMS). NIMS provides the template for incident management regardless of size, scope, or cause of the incident. It includes a core set of concepts, principles, terminology, and technologies covering the incident command system (ICS); multiagency coordination systems, unified command, training, identification and management of resources (including systems for classifying types of resources), qualifications and certification; and the collection, tracking, and reporting of incident information and incident resources.

When both local and state resources and capabilities are overwhelmed, governors may request interstate and federal assistance; however, NIMS is designed so that local jurisdictional authorities retain command, control, and authority over the response. Adhering to NIMS allows local agencies to better use incoming resources.

Why is NIMS important?

- To reduce the loss of life, property damage, and harm to the environment
- Past emergencies highlight the need for:
 - Collaborative response
 - Common principles
 - Standardization of procedures and terminology
- The DoD has mandated NIMS and NRF training for potential DSCA participants

What NIMS is:

- A comprehensive, nationwide, systematic approach to incident management, including the ICS, Multiagency Coordination Systems, and Public Information.
- A set of preparedness concepts and principle for all hazards.
- Essential principles for a common operation picture and interoperability of communication and information management.
- Standardized resource management procedures that enable coordination among different jurisdictions or organizations.
- Scalable, so it may be used for all incidents (from day-to-day to large scale).
- A dynamic system that promotes ongoing management and maintenance.

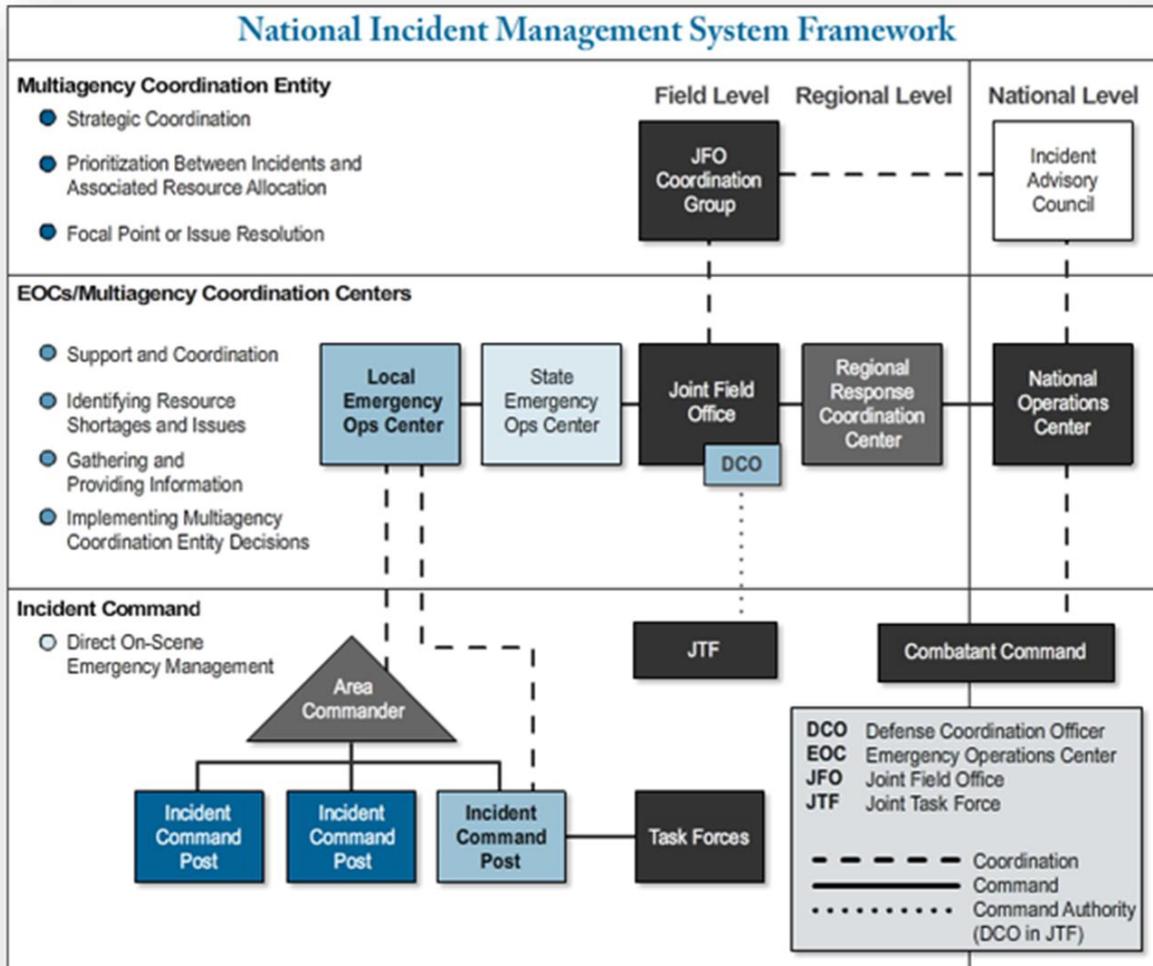
What NIMS is NOT:

- A response plan.
- Only used during large-scale incidents.
- A communication plan.
- Only applicable to certain emergency management/incident response personnel.
- Only the ICS or an organization chart.
- A static system.

b. Command and Management. Is component four of a five component composition of NIMS; command and management is based on three fundamental elements (or organizational constructs) of incident management. They are the Incident Command System, the Multiagency Coordination System and the Public Information System.

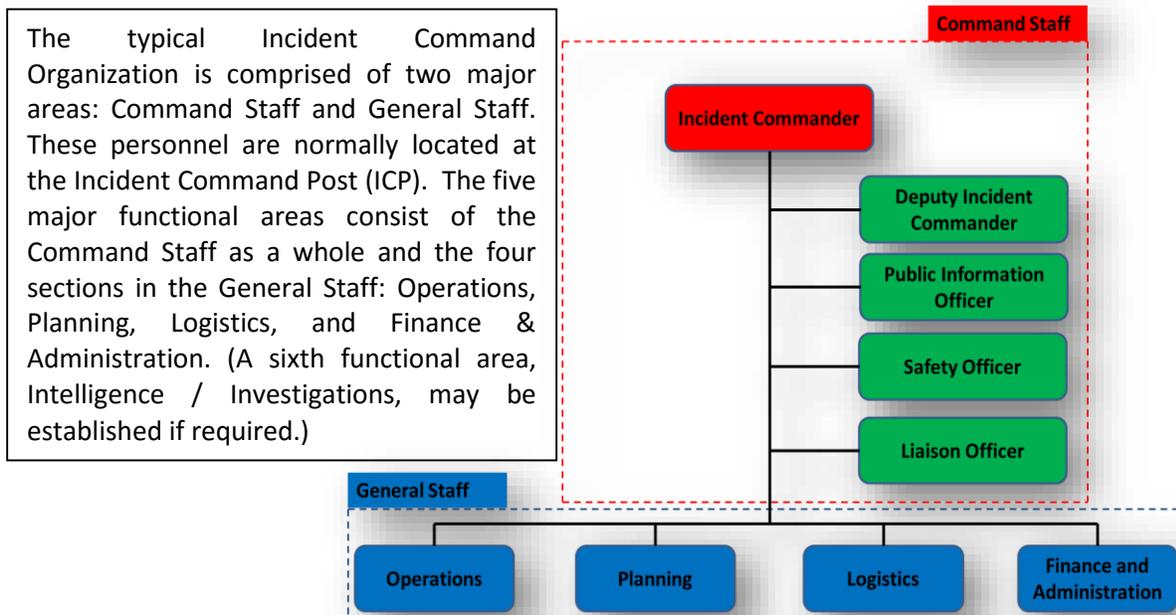
(1) Incident Command System (ICS) provides a flexible core mechanism for coordinated and collaborative incident

management, whether for incidents where additional resources are required or are provided from different organizations within a single jurisdiction or outside the jurisdiction, or for complex incidents with national implications (such as emerging infectious disease or a bioterrorism attack).



ICS Conceptual Framework

- **Unified Command Principle:** The ICS integrates a combination of facilities, equipment, personnel, procedures, and communications within a common organization structure. The principle of UC ensures that efforts are efficiently coordinated through multiple jurisdictions and agencies when necessary, and enables joint decisions on objectives, strategies, plans, priorities and communications.
- **Incident Commander (IC):**
 - One person “in charge” directing on-site operations.
 - Responsible for all incident activities, including strategies and tactics and ordering and releasing resources, particularly when an incident occurs within a single jurisdiction.
- **Unified Command Structure:**
 - ICS may expand into a UC.
 - Allows agencies with different legal, geographic, and functional authorities and responsibilities to work together effectively without affecting individual agency authority, responsibility, or accountability.



(a) The Command Staff typically includes the IC and his staff. The staff may include a Deputy IC, a Public Information Officer, a Safety Officer, and a Liaison Officer, who report directly to the IC or UC and may have assistants as necessary. Additional positions may be required, depending on the nature, scope, complexity, and location(s) of the

incident(s), or according to specific requirements established by the IC/UC. The responding IC will normally appoint one or more section chiefs to manage the major ICS functions as necessary. The section chiefs can further delegate management authority for their areas as needed, including setting up branches and other units for individual tasks.

1. Incident Commander. The Incident Commander is the civilian counterpart to the tactical level military Commander. In DSCA operations, unless the DoD is the primary agency for the incident, the military is not in charge of the incident. Typically, DoD is in a direct support role. With the variety of organizations involved in DSCA, Commanders should expect some level of chaos. For this reason, the military must understand their responsibilities during all six phases of the United States Northern Command's (USNORTHCOM) CONPLAN 3501 plan for DSCA operations.

2. Deputy Incident Commander. The Deputy Incident Commander is the civilian counterpart to the tactical level military Executive Officer. The primary responsibility of the XO is to synchronize and coordinate DSCA efforts across all staff sections. This is especially critical during the deployment and DSCA operations phases when synchronization and integration of resources are crucial and unit assets may be widely dispersed. Frequently in a DSCA environment, units must conduct split-base operations. When this occurs, the XO needs to be prepared to perform duties as the Commander in addition to supervising staff activities. In the absence of assigned special staff, this individual must ensure special staff duties are performed, either through assigning additional duties or by requesting support from a higher authority.

(b) The ICS operations section manages tactical operations at the incident site. Tactical operations can include reducing the immediate hazard; saving lives and property; establishing situation control; overseeing staging, ground, and air resources; and restoring normal conditions. Private individuals or companies and non-governmental organizations (NGO) may also partner in the operations section depending on the level of training and qualifications. The methods by which an incident operation is executed depend on the type of incident, agencies involved, and objectives and strategies of the effort itself. The operations section can be organized by function, by jurisdiction, or both.

(c) The ICS planning section collects, evaluates, and disseminates incident situation information and intelligence to the IC. The planning section prepares status reports, displays situation information, tracks resources assigned to the incident, and develops and documents the Incident Action Plan (IAP). The planning section typically consists of the resources unit, the situation unit, the demobilization unit, and the documentation unit. Technical specialists may also assist in evaluating the situation and forecasting the need for additional personnel and equipment.

(d) The logistics section meets all support needs of the incident. This includes ordering resources from off-incident locations, providing facilities, transportation, supplies, equipment maintenance and fuel, food services, communications and information technology support, and medical services for first responders. In large incidents, the logistics section can be further subdivided into a service branch and a support branch.

(e) The finance and administration section is established when incident management activities require on-scene or incident-specific finance and other administrative support services. In large, complex emergencies involving significant funding from multiple sources, the finance & administration section is an essential part of ICS, but not all agencies will require such assistance. When necessary, this section monitors incident costs, maintains financial records, administers procurement contracts, and performs time accounting.

(2) The Multiagency Coordination System (MACS) is a process that allows all levels of government and all disciplines to work together more efficiently and effectively. Multiagency coordination occurs across the different disciplines involved in incident management, across jurisdictional lines, or across levels of government. The primary function of MACS is to coordinate activities above the field level and to prioritize the incident demands for critical or competing resources, thereby assisting the coordination of the operations in the field.

(3) The Public Information System consists of the processes, procedures, and systems to communicate timely, accurate, and accessible information on the incident's cause, size, and current situation to the public, responders, and additional stakeholders (both directly affected and indirectly affected). The Joint Information System (JIS) provides the

public with timely and accurate incident information and unified public messages. This system employs Joint Information Centers (JIC) to develop, coordinate, and deliver a unified message to ensure federal, state, and local levels of government are releasing the same information during an incident.

c. **National Response Framework.** The framework identifies key principles, roles and responsibilities (who), response actions (what), and response organization (how). The purpose is to ensure all partners understand domestic incident response roles, responsibilities, and relationships in order to respond more effectively to any type of incident. In sum the NRF is a guide to how the nation conducts all-hazards response.

(1) The NRF establishes a response vision through the following five key principles:

(a) Engaged partnership. Leaders at all levels must communicate and actively support engaged partnerships by developing shared goals and aligning capabilities so that no one is overwhelmed in times of crisis.

(b) Tiered response. Incidents must be managed at the lowest possible jurisdictional level and supported by additional capabilities when needed. It is not necessary that each level be overwhelmed prior to requesting resources from another level.

(c) Scalable, flexible, and adaptable operational capabilities. As incidents change in size, scope, and complexity, the response must adapt to meet requirements. The number, type, and sources of resources must be able to expand rapidly to meet the needs associated with a given incident. The NRF's disciplined and coordinated process can provide for a rapid surge of resources from all levels of government, appropriately scaled to need.

(d) Unity of effort through unified command (UC). Effective UC is indispensable to response activities and requires a clear understanding of the roles and responsibilities of each participating organization. Success requires unity of effort, which respects the chain of command of each participating organization while harnessing seamless coordination across jurisdictions in support of common objectives.

(e) Readiness to act. Effective response requires readiness to act balanced with an understanding of risk. From individuals, households, and communities to local, tribal, state, and the Federal Government, national response depends on the instinct and ability to act. A forward-leaning posture is imperative for incidents that have the potential to expand rapidly in size, scope, or complexity, and for no notice incidents.

(2) The composition of the NRF is comprised of the following:

(a) Core Document: Doctrine, organization, roles and responsibilities, response actions, response organizations, and planning requirements to achieve an effective national response.

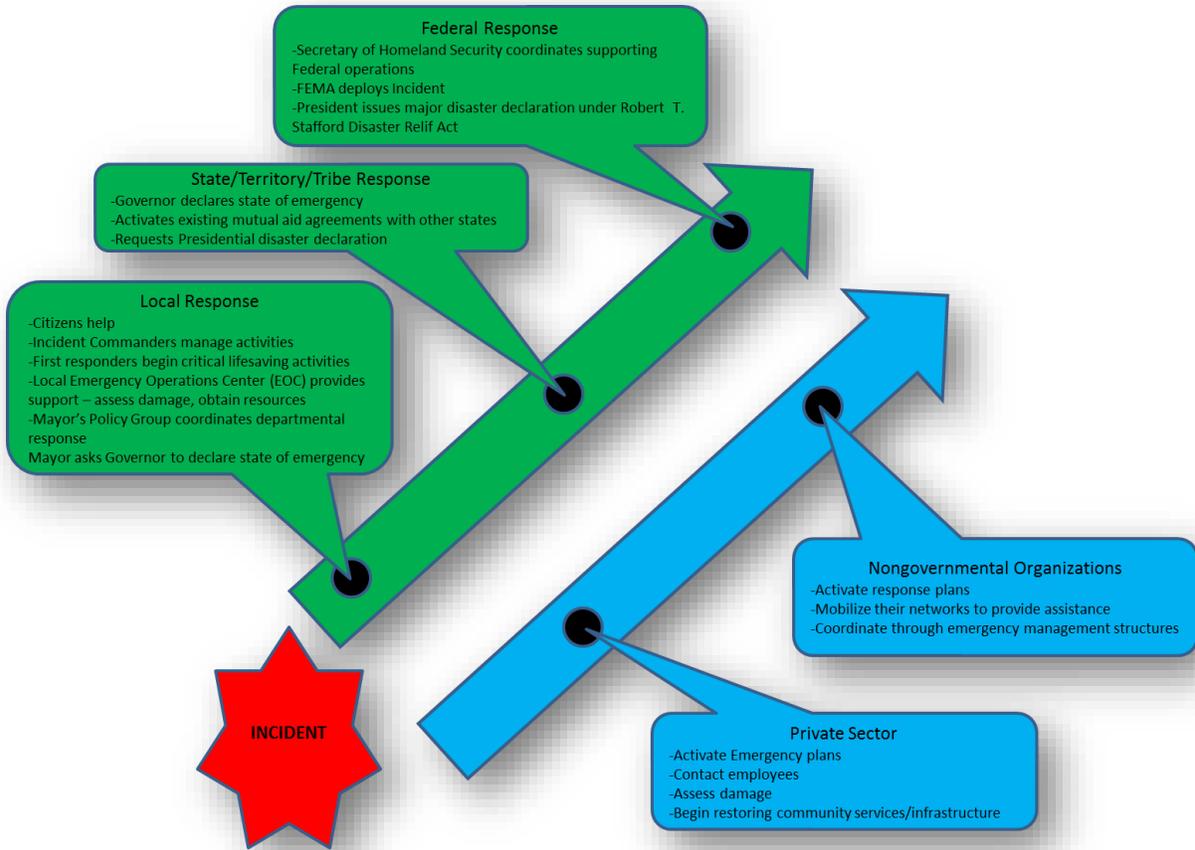
(b) Emergency Support Function Annexes: Group federal resources and capabilities into functional areas that are most frequently needed in a national response (e.g., transportation, firefighting, mass-care).

(c) Support Annexes: Describe essential supporting aspects that are common to all incidents (e.g., financial management, volunteer and donations management, and private sector coordination).

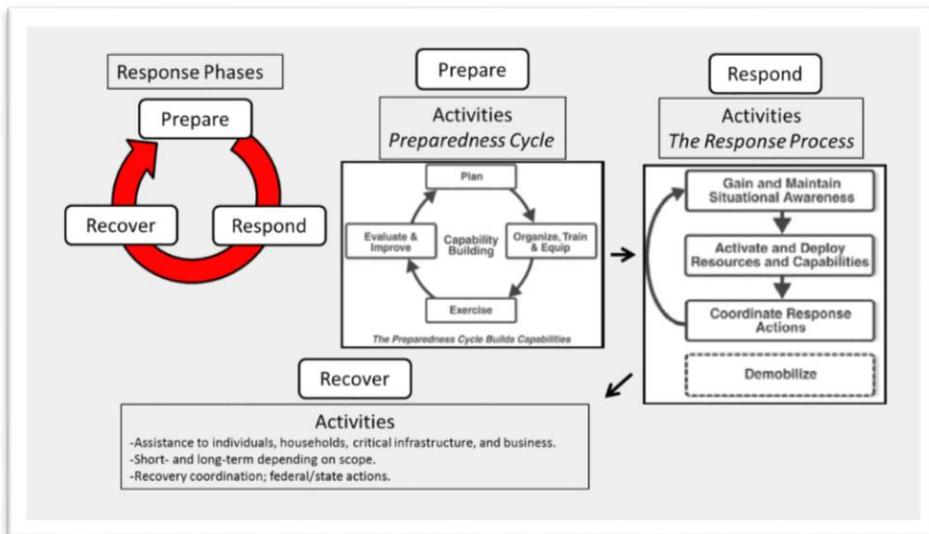
(d) Incident Annexes: Address unique aspects of how we respond to seven broad incident categories (e.g., biological, nuclear/radiological, cyber, and mass-evacuation).

(e) Partner Guides: Partner guides provide ready references describing key roles and actions for local, tribal, state, federal, and private sector response partners.

(3) Roles and Responsibilities.



(4) Response Actions.



(5) Response Organization.



FEMA has ten regional offices, each headed by a Regional Administrator. The regional field structures are FEMA's permanent presence for communities and states across the nation. The Regional Response Coordination Center (RRCC) are 24/7 coordination centers that expand to become an interagency facility staffed by essential support functions in anticipation of a serious incident in the region or immediately following an incident.

5. **EMERGENCY SUPPORT FUNCTIONS**

a. Following a catastrophic event, segments of state, tribal, and local governments as well as NGOs and the private sector may be severely compromised. The federal government should be prepared to fill potential gaps to ensure continuity of government and public and private-sector operations. The incident may cause significant disruption of the impacted area's

critical infrastructure/key resources, such as: transportation; communications; public works & engineering; firefighting; emergency management; mass care; emergency assistance; housing and human services; logistics management and resource support; public health & medical services; search & rescue; oil & hazardous materials response; agriculture & natural resources; energy; public safety & security; long-term community recovery; external affairs.

15 Emergency Support Functions (ESF)

	1. Transportation Department of Transportation		8. Public Health and Medical Services Department of Health and Human Services
	2. Communications National Communications System		9. Urban Search and Rescue Federal Emergency Management Agency
	3. Public Works and Engineering U.S. Army Corps of Engineers		10. Oil and Hazardous Materials Response Environmental Protection Agency
	4. Firefighting Department of Agriculture/Forest Service		11. Agriculture and Natural Resource US Department of Agriculture/Department of the Interior
	5. Emergency Management Federal Emergency Management Agency		12. Energy Department of Energy
	6. Mass Care, Housing, Human Services Department of Homeland Security American Red Cross		13. Public Safety and Security Department of Homeland Security/Justice
	7. Resource Support General Services Administration		14. Community Recovery, Mitigation, and Economic Stabilization U.S. Small Business Administration
			15. External Communications Federal Emergency Management Agency

b. The USG and many state governments organize much of their resources and capabilities as well as those of certain private-sector and NGOs under 15 emergency support functions (ESFs). ESFs align categories of resources and provide strategic objectives for their use. ESFs utilize standardized resource management concepts such as typing, inventorying, and tracking to facilitate the dispatch, deployment, and recovery of resources before, during, and after an incident. ESF coordinators and primary agencies are identified on the basis of authorities and resources. Support agencies are assigned based on the availability of resources in a given functional area. ESFs provide the greatest possible access to USG department and

agency resources regardless of which organization has those resources.

6. **DOD IMMEDIATE RESPONSE AND EMERGENCY AUTHORITY**

a. **Immediate Response**. Under DODD 3025.18, Defense Support of Civil Authorities (DSCA), federal military commanders, heads of DoD components, and responsible DoD civilian officials have immediate response authority. In response to a request for assistance from a civil authority, under imminently serious conditions and if time does not permit approval from higher authority, DoD officials may provide an immediate response by temporarily employing the resources under their control, subject to any supplemental direction provided by higher headquarters; to save lives, prevent human suffering, or mitigate great property damage within the United States. Immediate response authority is not an exception to the PCA, nor does it permit actions that would subject civilians to the use of military power that is regulatory, prescriptive, proscriptive, or compulsory.

(1) IAW DODD 3025.18, Defense Support of Civil Authorities (DSCA), a DoD official directing immediate response authority shall notify, through the chain of command, the National Joint Operations and Intelligence Center (NJOIC) as soon as practical. The NJOIC will inform United States Northern Command (USNORTHCOM) and/or United States Pacific Command (USPACOM) and the appropriate DoD components.

(2) Immediate response ends when DoD assistance is no longer required (e.g., when there are sufficient resources and capabilities available from state, local, and other federal agencies to respond adequately) or when a DoD authority directs an end to the response. The DoD official directing a response under immediate response authority makes an assessment, no later than 72 hours after receipt of request for DoD assistance, as to whether there remains a need for the continued DoD support.

(3) Support provided under immediate response authority should be provided on an incremental, cost-reimbursable basis, where appropriate or legally required, but will not be delayed or denied based on the inability or unwillingness of the requester to make a commitment to reimburse DoD.

(4) State officials have the authority to direct state-level or local-level immediate response authority using NG personnel serving in state active duty or Title 32, USC status

if this is IAW the laws of that state. As not all state officials have immediate response authority, there may be delays in obtaining approval from the governor.

(5) The distance from the incident to the DoD office or installation is not a limiting factor for the provision of support under immediate response authority. However, DoD officials should use the distance and the travel time to provide support as a factor in determining DoD's ability to support the request for immediate response.

(6) The scale of the event should also be a determining factor for whether or not to provide support to incidents that are several miles or hundreds of miles away from the installation under immediate response authority. In some cases of a catastrophic incident, the demands for life-saving and life-sustaining capabilities may exceed both the state's and USG's ability to mobilize sufficient resources to meet the demand. In these circumstances, installations and facilities that are not directly impacted should be prepared to provide immediate response support if they are able to save lives, prevent human suffering, or prevent great property damage.

b. **Emergency Authority.** In extraordinary emergency circumstances, where authorization by the President is impossible and duly constituted local authorities are unable to control the situation, involved federal military commanders are granted "emergency authority." Emergency authority enables the involved military commander to engage in temporary actions to quell large-scale, unexpected civil disturbances to prevent significant loss of life or wanton destruction of property and to restore governmental function and public order. When duly constituted federal, state, territorial, or local authorities are unable or decline to provide adequate protection for federal property or federal governmental functions; federal action, including the use of federal military forces, is authorized when necessary to protect the federal property or functions. Responsible DoD officials and commanders will use all available means to seek presidential authorization through the chain of command while applying their emergency authority.

7. **TRANSITION EVALUATION CRITERIA.** Military support operations are intended to be short duration and focused on minimizing human suffering and stabilizing the situation. Once the situation has stabilized, the state and local governments should assume those functions the federal interagency (including Title 10, USC) and NG initially performed. Transition / transfer

points are identified through early planning. Commanders must determine and communicate the military's role, termination / transfer criteria, and a transition plan at the outset and continue to address expectations as the operation progresses. Transition Planning (terminated, transferred to follow-on forces, and/or transitioned to a civilian counterpart) should follow some basic principles. Below are examples of some criteria to consider:

- a. Who will determine when the transition begins or is complete?
- b. Has the end state been accomplished?
- c. What equipment, supplies or other resources will remain behind?
- d. What will be the command relationship to forces left behind be?
- e. How will the turnover be accomplished?
- f. Has redeployment transportation been approved and passed to USNORTHCOM and U.S. Transportation Command (USTRANSCOM)?
- g. Are task force commanders aware of requirements and expectations?

REFERENCES:

MCRP 3-33.1A Civil Affairs Tactics, Techniques, and Procedures
MCWP 3-36.2 Multi-Service TTPS for DSCA and Integrating With National/Guard Civil Support
FM 3-05.40 Civil Affairs Operations
Title 10 U.S.C. Armed Forces
Title 32 U.S.C. National Guard
DoD Directive 3025.18
DoD Directive 5525.5
PPD-8 Presidential Policy Directive - 8
JP 1 Doctrine for the Armed Forces of the United States
JP 3-28 Defense Support of Civil Authorities
NIMS Resource Center: <http://www.fema.gov/emergency/nims/>
NIMS Compliance Assistance Support Tool (NIMSCAST):
<https://www.fema.gov/nimscast/>
FEMA website: <http://www.fema.gov/plan/index.shtm>

