Defense Support to Civil Authorities

War stories of a Company Grade Officer as told by her Field Grade self

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Disclaimers

- I will mostly speak specifically to the Army (Active Duty and Reserves)
- I am a more subject matter enthusiast than subject matter expert
- I will not cover Posse Comitatus Act or DSCLEA (Defense Support to Civil Law Enforcement Agencies)
- I feel the way most service members feel about presentations and power point

WHAT is a disaster?

- What is considered a disaster in one community may not be in another

- Based on
  - Values at Risk
  - Complexity
  - Organic Capability
  - Community Stability

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Major Disaster v. Emergency Declaration

➢ **What are the six major differences between a Major Disaster Declaration and an Emergency Declaration under the Stafford Act?**

✓ **Declaration of a MAJOR DISASTER:**
- For a natural catastrophe or as a result of a fire, flood, or explosion.
- Always issued in response to a request from a Governor.
- May not be issued unilaterally by the President.
- Issued after a large incident with severe damage.
- Includes long-term Federal relief programs to address the severe damage.
- Federal assistance has no monetary limit.

✓ **Declaration of an EMERGENCY:**
- For any occasion where Federal assistance is needed to save lives; protect property, public health and safety; lessen or avert the threat of a catastrophe.
- Usually issued in response to a request from a Governor.
- May be issued unilaterally by the President if primary responsibility for response rests with the United States (i.e. Federal mission/property).
- Issued before or after a smaller incident with less severe damage.
- Immediate and short-term assistance to save lives, protect property.
- Federal assistance has initial limit of $5,000,000.00 that can be exceeded when the President determines continued Federal assistance is required.

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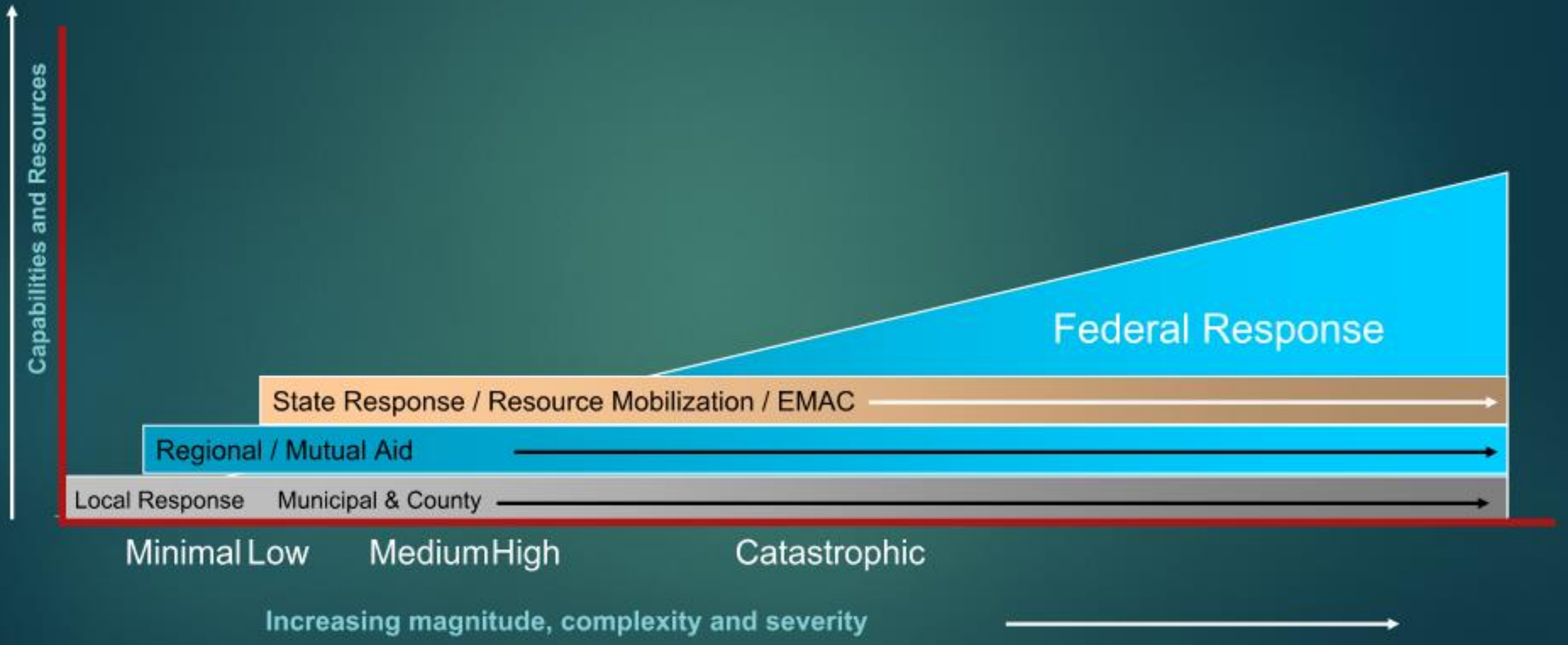
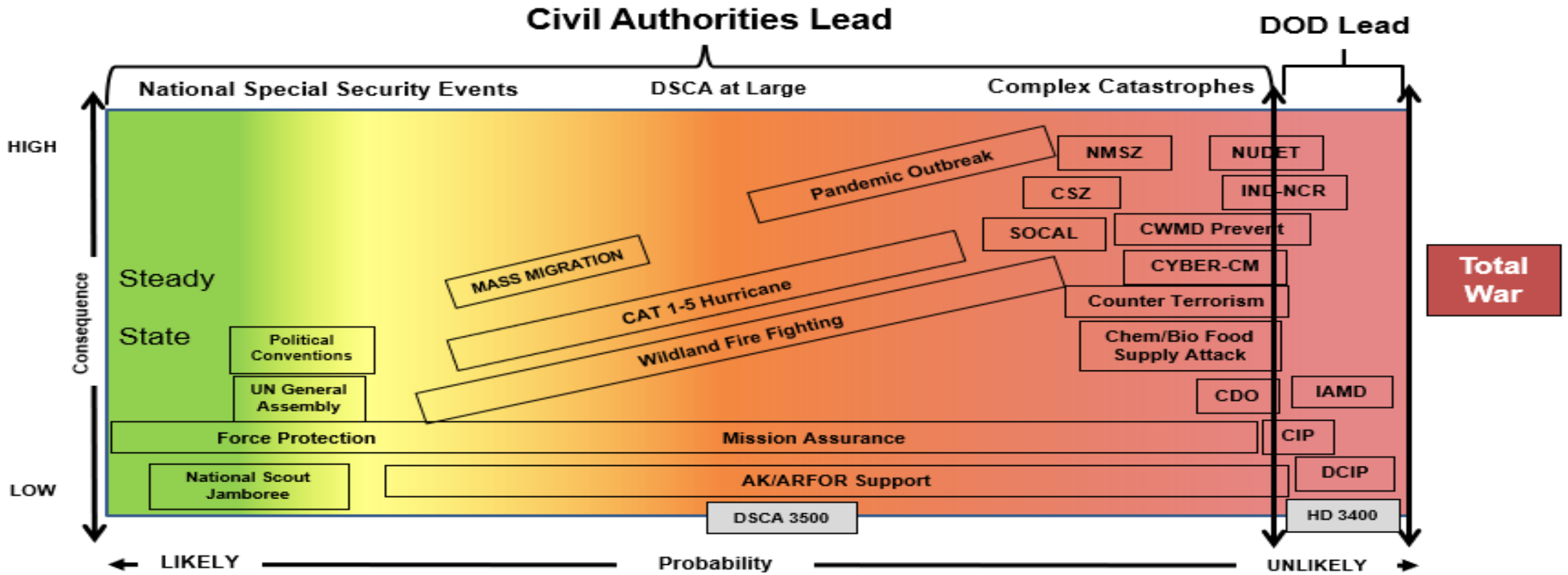
Evolution of an Incident

Slide Credit: CO Emergency Management Office



DSCA/HD Response Spectrum



NMSZ – New Madrid Seismic Zone
CSZ – Cascadian Subduction Zone
SOCAL – Southern California Earthquakes
CDO – Civil Disorder Operations
AK/ARFOR SPT – Alaska Army Forces Support

NUDET – Nuclear Detonation
IND-NCR – Improvised Nuclear Device National Capitol Region
D/CIP – Defense Critical Infrastructure Protection
CWMD – Countering Weapons of Mass Destruction
IAMD – Integrated Air and Missile Defense

WHEN can/do we respond?

- The 10th Amendment

➢ ***"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people."***

✓ **Reserved Powers** includes **Police Power**.

✓ Under its **Police Power**, each State has the **primary responsibility to prepare for, respond to, and pay for disasters/emergencies** within its borders.

✓ **As a general rule, the Federal government must wait for a State to request assistance**. When Federal assistance includes participation by **DOD** forces, they must go out the gate under **proper authority**. What are the primary proper authorities?

Immediate Response Authority

- **Immediate Response Authority (IRA):** A Federal military commander'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)

- **Commander:** For DSCA Immediate Response Authority purposes is limited to only those Commanders **formally appointed in writing** IAW AR 600-20 AND **serving in a Command Billet**.

- **What constitutes a "civil authority"?** "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 territories, and political subdivisions thereof" (Joint Publication 1-02)

IRA must be reassessed 72 hours after the request was received!!

Mission Assignment Process

Incident

Local government requests support

State government requests Federal Assistance

FEMA

FEMA validates the request

DCO validates the request (Mission Assignment)

ARNORTH/USARPAC and **NORTHCOM/INDOPACOM** validate

JCS validates and **OSD** approves

Sent to **FORSCOM*** for sourcing

WHO?

- Any one in the DOD
- Title 10 Service Members (Active and Reserve)
- Title 32 Service Members (National Guard)

% Capability by type assigned to Army Components			
Support & Sustainment Capabilities	USAR%	ARNG%	AC%
Legal	84%	10%	6%
Civil Affairs	82%	0%	18%
Chaplain	80%	20%	0%
Military History	75%	20%	5%
Psychological Operations	62%	0%	38%
Adjutant General	61%	9%	30%
Medical	55%	20%	25%
Quartermaster	55%	20%	25%
Chemical	46%	34%	20%
Transportation	43%	38%	19%
Ordnance	43%	12%	45%
Military Intelligence	42%	2%	56%
Public Affairs	41%	49%	10%
Information Operations	32%	53%	15%
DLD / RSG	32%	25%	43%
Finance	30%	36%	34%
Military Police	26%	45%	29%
Engineer	25%	49%	26%
Signal	22%	33%	45%
Military Intelligence (HQ)	20%	50%	30%
Maintenance	19%	61%	20%
Space	19%	32%	49%
Maneuver Enhancement	15%	79%	6%
Bands	14%	50%	36%
Corps HQ	11%	0%	89%
Sustainment	8%	43%	49%
Contracting	8%	18%	74%
Aviation	6%	44%	50%
Division HQ	1%	51%	48%
Infantry	1%	44%	55%

ARNORTH/NORTHCOM

REPLOs – Regional Emergency Preparedness Officers

SEPLOs- State Emergency Preparedness Officers

Installation Support Bases (ISBs)

BSIs & ISBs

- Base Support Installation (BSI):
  - Any federal installation tasked by DoD to support DCO/E & committed Title 10 forces in disaster relief or other emergency roles
  - Intended to facilitate transport of personnel, equipment and material, improve communications and provide infrastructure support of personnel involved in disaster recovery operations
- Incident Support Base (ISB):
  - Temporary federal site location for positioning resources to be assigned/transferred to state or local points of distribution (PODs), usually within a *12-24 hour period of* receipt at the staging area. Staffed and manned by regional logistics cadre.
  - ISBs can be directed on DoD sites as approved through the RFA process.

Where?

Each DCE corresponds to a FEMA Region

WHY?

- Save lives, protect property, and prevent human suffering

- When it comes to disaster response you have THREE OPTIONS
  --FAST—GOOD—CHEAP–

- What's the catch?

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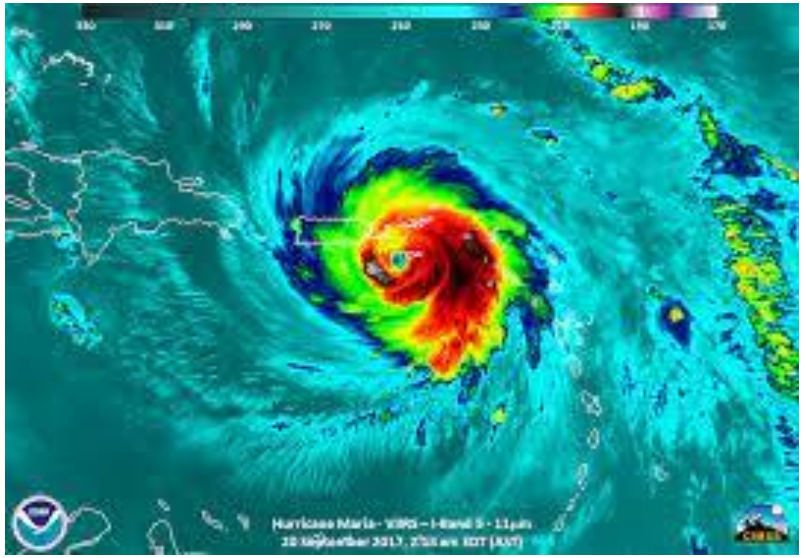
Stafford Act (42 USC S. 5121-5207)

- Official Name: Robert T. Stafford Disaster Relief and Emergency Assistance Act
- Passed: 1988 (replaced Federal Relief Act of 1950)
- How often invoked?: Since passage; average is 56 times a year.
- When is it invoked?: Upon request of a governor (when all other avenues are exhausted)—generally.

PAST

The Black Forest Fire, Hurricanes, Boulder Flood 2013

Present and Future
Covid-19 and Beyond



SAMSAM Ransomware Attack on CDOT

- February 2018
- Total Cost – 1.7 million

- “CDOT wanted to try out a new cloud-based business process so an employee from CO information security office, which manages technology for 17 state agencies in 1,300 locations, set up a temporary server for testing. Hackers found the insecure system on the same day the temporary server went live. They tapped in remotely and began guessing passwords. Some 40,000 attempts later, the account was unlocked thanks to its privileged features like unlimited failed logins.” (The Colorado Sun)

- All access was locked out, unable to get any information or make payroll.

- Ransom demand – bitcoin

- Assistance – CO Office of Emergency Management and a cyber team from the CO NG.

FIRSTS

- Cyber security state disaster declaration
- NG cyber deployment
- FEMA cybersecurity mission
- Mobile Emergency Response Support (MERS) vehicle
- EMAC for a cybersecurity mission
- DHS HIRT deployment (Hunt and Incident Response Team)

- Other victims of similar attacks include hospitals, college campuses, the Port of San Diego and the City of Atlanta.

Where do DSCA Veterans Go?

TEAM RUBICON
DISASTER RESPONSE

HOMELAND SECURITY
PREVENTION ★ PROTECTION
MITIGATION ★ RESPONSE ★ RECOVERY
EMERGENCY MANAGEMENT

U.S. DEPARTMENT OF HOMELAND SECURITY
FEMA

NCSL

We do this together

Emergency response systems are integrated. The DoD follows the same systems utilized at the local, state, and federal levels. Soldiers preparing for DSCA roles receive their training through ICS courses. This allows our integration into the fight to be seamless. We work for you!

This also allows for Service Members to be credentialed in Emergency Management and make their way to those roles after leaving the military!

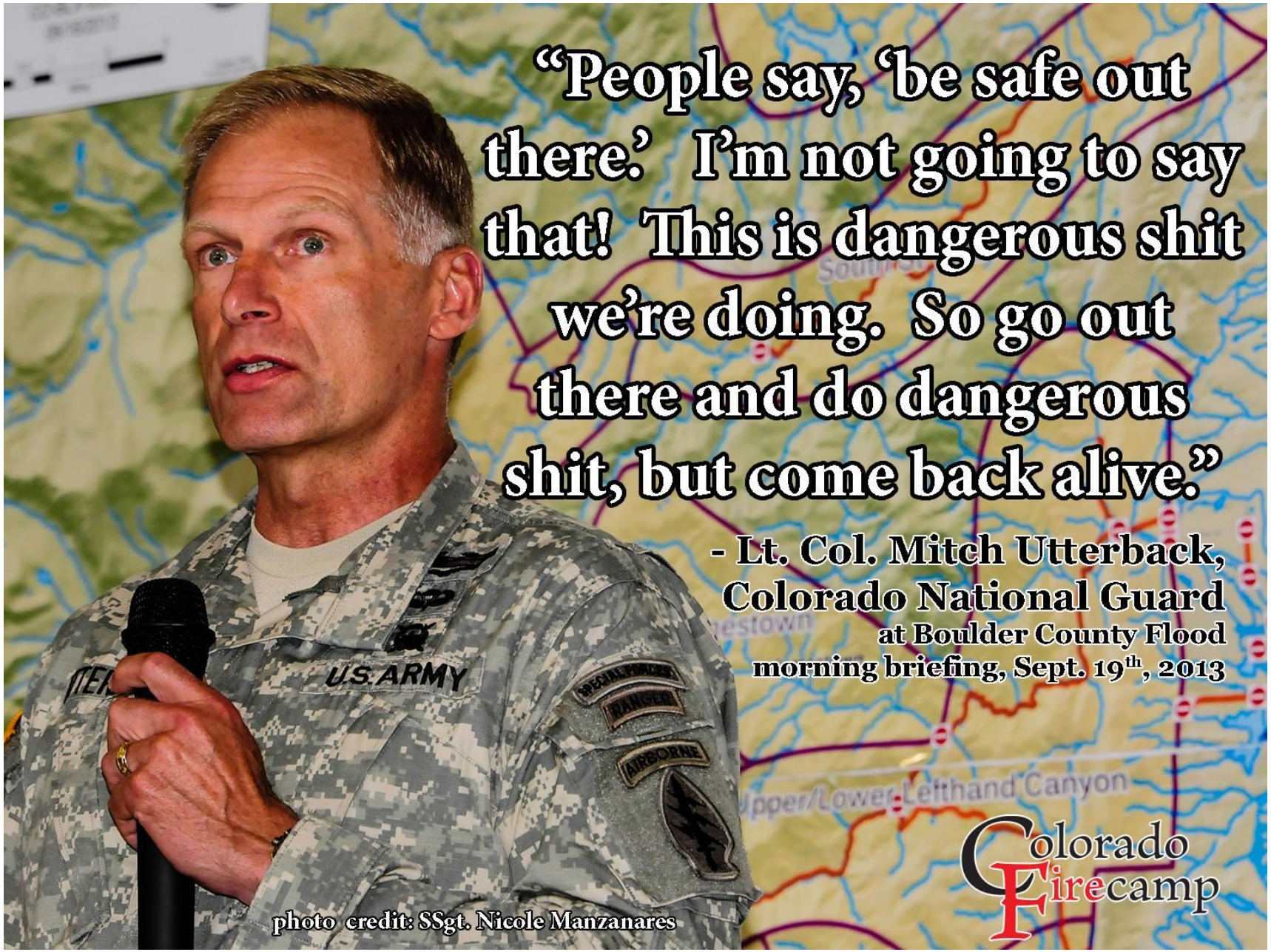
NIMS – National Incident Management System

NRF – National Response Framework

ICS – Incident Command System

Contributors

- COL Sean Williams - DCO Region VIII
- Mr. Mike Willis – Director, Colorado Office of Emergency Management
- Mr. Bryce Jones – FEMA Region VI Emergency Management Specialist


"People say, 'be safe out there.' I'm not going to say that! This is dangerous shit we're doing. So go out there and do dangerous shit, but come back alive."
- Lt. Col. Mitch Utterback, Colorado National Guard
at Boulder County Flood morning briefing, Sept. 19th, 2013
photo credit: SSgt. Nicole Manzanares
Colorado Firecamp