

# A DESCRIPTIVE STUDY OF TRAINING TO REQUEST DEFENSE SUPPORT TO CIVIL AUTHORITIES AID BY CITY

By

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Applied Research Project

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## **Abstract**

### **Research Purpose**

The purpose of this study is to describe the level of understanding of local emergency managers and officials in FEMA Region VI on the purpose, capabilities and effectiveness of requesting Defense Support to Civil Authorities (DSCA). The intent is to describe and expand the general knowledge of the emergency management officials and indicate where further research can occur to improve the emergency management field at the local level. This research incorporates a thorough review of existing literature and focuses on several main areas including legal authorities, the process for requesting DSCA, the training, coordination and integration of federal aid, and the specific federal capabilities available through DSCA.

### **Methods**

This research effort sent surveys to county and city emergency management officials throughout FEMA Region VI. The surveys were divided into questions focused on demographic data and the core research questions. The core research questions were structured with a 7 point Likert-type scale ranging from strongly agree to strongly disagree.

### **Results**

Results were aggregated onto tables and charts to demonstrate trends on the various categories and topics of interest. The research indicated that emergency management officials have a high confidence in their understanding of the legal authorities, the process for requesting DSCA and the coordination, training and integration of federal assets. They also indicated that they generally understood the capabilities that federal forces bring to a disaster and that they generally did not see how to improve the various categories.

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## Table of Contents

|   |    |
|---|----|
| List of Figures, Charts and Tables .....  | 7  |
| List of Acronyms .....  | 8  |
| Chapter 1 .....   | 10 |
| Chapter 2 .....   | 16 |
| Chapter Purpose .....   | 16 |
| Introduction.....   | 16 |
| Legal Authorities Associated with DSCA .....  | 17 |
| The Insurrection Act of 1807 (10 U.S.C. § 331-335) .....  | 18 |
| The Posse Comitatus Act of 1878 (18 C. F. R. § 1385).....   | 26 |
| The Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (42 U.S.C. § 5121-5207) ..... | 35 |
| Executive orders, directives and regulations.....   | 38 |
| The Process for Requesting Federal Support.....   | 40 |
| The National Response Framework and National Incident Management System.....                              | 40 |
| Table 2.1 Federal Emergency Support Functions .....   | 42 |
| The Response Structure .....  | 45 |
| Stage 1: The local level.....   | 45 |
| Stage 2: The state level. ....  | 46 |
| Stage 3: Request for assistance. ....   | 47 |
| Command structures .....  | 49 |
| Coordination, Training, and Planning at the Local, State, and Federal Level .....                         | 51 |
| The Coordination Process .....  | 51 |
| The Training Process .....  | 54 |
| The Planning Process .....  | 56 |
| Capabilities for Providing Aid .....  | 59 |
| The CBRNE Capability .....  | 59 |
| State level capabilities (CST).....   | 60 |
| State level capabilities (Defense CBRNE Reaction Force). ....   | 60 |
| State capabilities (Homeland Response Force).....   | 61 |
| Federal level capabilities (Joint Forces Land Component Command). ....                                    | 62 |
| The Aviation Capability.....  | 63 |
| The Military Police Capability.....   | 64 |

|  |    |
|--|----|
| Improving Delivery of Support.....   | 65 |
| Improving the Process.....   | 66 |
| Command and Control Issues .....   | 67 |
| Authorities and Training .....   | 69 |
| Funding .....  | 71 |
| Improving Integration of Coordination, Training, and Planning Between Local, State and Federal Authorities ..... | 72 |
| Coordination Issues Between Three Levels of Government.....  | 73 |
| Intra-Military Coordination.....   | 75 |
| Training Issues .....  | 76 |
| Planning Issues.....   | 79 |
| Speeding Up Delivery Support through Improved Capabilities .....   | 81 |
| Improving the CBRNE Capability .....   | 81 |
| Improving the Aviation Capability .....  | 82 |
| Improving the Military Police Capability .....   | 83 |
| Table 2.2: Conceptual Framework.....   | 84 |
| Conclusion .....   | 86 |
| Chapter 3.....   | 87 |
| Chapter Purpose .....  | 87 |
| Research Setting and Study Participants.....   | 87 |
| Human Subject Protection .....   | 88 |
| Operationalizing the conceptual framework .....  | 89 |
| Survey Research Strengths.....   | 90 |
| Survey Research Weaknesses .....   | 90 |
| Data Collection Procedure .....  | 91 |
| Table 3.1: Operationalization Table.....   | 92 |
| Chapter Summary .....  | 95 |
| Chapter 4: Results.....  | 96 |
| Chapter Purpose .....  | 96 |
| Survey Response Rate.....  | 96 |
| Demographic Information.....   | 97 |
| Chart 4.1: Geographic Distribution of Survey Participants .....  | 98 |
| Table 4.1: Geographic Distribution of Survey Participants .....  | 98 |

|   |     |
|---|-----|
| Chart 4.2: Population Sizes of Participant Communities.....   | 99  |
| Table 4.2: Population Sizes of Participant Communities.....   | 99  |
| Chart 4.3 Dominant Terrain Features of Responding Emergency Management Officials .....  | 100 |
| Chart 4.4: Natural and Man-made Disasters that Concerned Responding Emergency Management<br>Officials.....                        | 101 |
| Survey Results .....  | 102 |
| Legal Authorities Associated with DSCA .....  | 102 |
| Table 4.3: Legal Authorities Associated with DSCA .....   | 103 |
| The Process for Requesting Federal Support.....   | 103 |
| Table 4.4: The Process for Requesting Federal Support.....  | 104 |
| The Training, Planning and Coordination Process at the Local, State and Federal Levels .....                                      | 104 |
| Table 4.5: The Training, Planning and Coordination process at the Local, State and Federal Levels<br>.....                        | 105 |
| Current Capabilities for Providing Aid.....   | 106 |
| Table 4.6: Current Capabilities for Providing Aid.....  | 107 |
| Improving Delivery of Federal Support.....  | 108 |
| Table 4.7: Improving Delivery of Federal Support.....   | 108 |
| Aligning and Improving Integration of Multilateral Planning and Coordination in Emergency<br>Management Planning .....            | 109 |
| Table 4.8: Aligning and Improving Integration of Multilateral Planning and Coordination in<br>Emergency Management Planning ..... | 110 |
| Improving Delivery of Support Through Expanded Capabilities .....   | 111 |
| Table 4.9: Improving Delivery of Support Through Expanded Capabilities .....  | 111 |
| Summary .....   | 112 |
| Chapter 5 .....   | 113 |
| Chapter Purpose .....   | 113 |
| Research Summary .....  | 113 |
| Summary of Findings.....  | 114 |
| Recommendations.....  | 116 |
| Table 5.1: Recommendations Table.....   | 118 |
| Reference .....   | 120 |
| Appendix A: Questionnaire .....   | 124 |
| Appendix B: Texas State University Institutional Review Board .....   | 128 |

## **List of Figures, Charts and Tables**

|   |        |
|---|--------|
| Table 2.1 Federal Emergency Support Function  | p. 42  |
| Table 2.2 Conceptual Framework  | p. 84  |
| Table 3.1 Operationalization Table  | p. 92  |
| Chart 4.1 Geographic Distribution of Survey Participants  | p. 98  |
| Table 4.1 Geographic Distribution of Survey Participants  | p. 98  |
| Chart 4.2 Population Sizes of Participant Communities   | p. 99  |
| Table 4.2 Population Sizes of Participant Communities   | p. 99  |
| Chart 4.3 Dominant Terrain Features of Responding Emergency Management Officials  | p. 100 |
| Chart 4.4 Natural and Man-made Disasters that Concerned Responding Emergency Management Officials                       | p. 101 |
| Table 4.3 Legal Authorities Associated with DSCA  | p. 103 |
| Table 4.4 The Process for Requesting Federal Support  | p. 104 |
| Table 4.5 The Training, Planning and Coordination Process at the Local, State and Federal Levels                        | p. 105 |
| Table 4.6 Current capabilities for providing aid  | p. 107 |
| Table 4.7 Improving delivery of Federal Support   | p. 108 |
| Table 4.8 Aligning and Improving Integration of Multilateral Planning and Coordination in Emergency Management Planning | p. 110 |
| Table 4.9 Improving Delivery of Support Through Expanded Capabilities   | p. 111 |
| Table 5.1: Recommendations Table  | p. 118 |

## List of Acronyms

|          |  |
|----------|--|
| ARNG     | Army National Guard  |
| ARNORTH  | Army North (5 <sup>th</sup> Army)                                      |
| C2CRE    | Command and Control Biological, Radiological, Nuclear Response Element |
| CBRNE    | Chemical, Biological, Radiological, Nuclear and Mass Explosive         |
| CCMRF    | CBRNE Consequence Management Response Force                            |
| CERFP    | CBRNE Enhanced Response Force Package                                  |
| C.F.R    | Code of Federal Regulations  |
| CONPLANs | Contingency Plans  |
| CST      | CBRNE Support Team   |
| DCRF     | Defense CBRNE Reaction Force   |
| DCO      | Defense Coordinating Officer   |
| DHHS     | Department of Health and Human Services                                |
| DOD      | Department of Defense  |
| DSC      | Dual-Status Commander  |
| DSCA     | Defense Support to Civil Authorities                                   |
| EAC      | Emergency Action Center  |
| E.O      | Executive Orders   |
| EOC      | Emergency Operations Center  |
| EM       | Emergency Manager(s)   |
| EMAC     | Emergency Management Assistance Compact                                |
| EMP      | Emergency Management Plan  |
| EOP      | Emergency Operations Plans   |
| ESF      | Essential Support Functions  |
| FCO      | Federal Coordinating Officer   |
| FEMA     | Federal Emergency Management Agency                                    |
| FORSCOM  | Forces Command   |
| FTX      | Field Training Exercises   |



|          |  |
|----------|--|
| GAO      | Government Accountability Office           |
| HRF      | Homeland Response Force                    |
| HSPD-5   | Homeland Security Presidential Directive 5 |
| JFLCC    | Joint Forces Land Component Command        |
| JTF      | Joint Task Force                           |
| JTF-CS   | Joint Task Force- Civil Support            |
| JFO      | Joint Field Office                         |
| MACA     | Military Assistance to Civil Authorities   |
| MP       | Military Police                            |
| MSCA     | Military Support to Civil Authorities      |
| NDAA     | National Defense Authorization Act         |
| NIC      | National Integration Center                |
| NIMS     | National Incident Management System        |
| NORTHCOM | Northern Command                           |
| NRF      | National Response Framework                |
| NRP      | National Response Plan                     |
| PACOM    | Pacific Command                            |
| PCA      | Posse Comitatus Act                        |
| PFO      | Principal Field Officer                    |
| QHSR     | Quadrennial Homeland Security Review       |
| SAD      | State Active Duty                          |
| SAMS     | School for Advanced Military Studies       |
| SCO      | State Coordinating Officer                 |
| TAB      | Theater Aviation Brigade                   |
| TAC      | Theater Aviation Command                   |
| USAR     | United States Army Reserve                 |
| U.S.C.   | United States Code                         |

## **Chapter 1**

### **Introduction**

Defense Support to Civil Authorities (DSCA) is federal aid to communities in times of natural or man-made disasters, such as hurricanes, fires, earthquakes, and terrorist attacks. This support is generally characterized as a resource of last resort that attempts to help a community recover in the aftermath of a disaster. Military support to civil authorities is generally just that, support offered to overwhelmed local emergency responders and communities. Local authorities retain control of the disaster relief efforts and thus must understand how to direct resources they are gaining from the military. The military works in concert with the Federal Emergency Management Agency (FEMA) and emergency managers<sup>1</sup> to direct resources and efforts where they are needed.

DSCA is not a new concept for the United States (US). As George Connor (1992, p. 261) observes, the first known case of its use occurred in 1794 when Federal Troops were sent to quell the Whiskey Rebellion. Andrew Buttaro (2015, p. 146) notes that federal troops were used throughout the intervening years in this model and the first significant change to the pattern occurred with the implementation of the Insurrection Act of 1807, which directly granted the President the right to deploy troops to put down “lawlessness, insurrections and rebellions.” Later, the Posse Comitatus Act, which was implemented following the Reconstruction era, placed limits on the use of Federal troops. The subsequent passage of the Disaster Relief Act of 1974 and the Stafford Act in 1988, in conjunction with the previous legislation, provide the legal

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<sup>1</sup> The term emergency manager is used as catch-all phrase to describe personnel in management positions (i.e. emergency management director, emergency management coordinator, etc.) associated with emergency management.

basis for the Department of Defense to provide civil aid and to define what can be provided (Apte & Heath, 2011, p. 2-3).

Military aid to the civilian population has remained virtually the same over the past 66 years, although the official name for the mission, Military Support to Civil Authorities (MSCA), was not formally adopted until 1993 (Buchalter, 2007, p. 1); in 1997, the name was changed to Military Assistance to Civil Authorities (MACA) (Milliman, Grosskopf, & Paez., 2006, p. 1). The term DSCA was formally adopted in 2005, following the military mission to help Louisiana and Mississippi in the aftermath of Hurricane Katrina. Following Hurricane Katrina, greater emphasis has been put on making sure that military forces understand what DSCA is and how it can be implemented. The military has established a training regime that incorporates online courses from both the Army and Federal Emergency Management Agency (FEMA), and a four-day residence course, taught at Fort Sam Houston in San Antonio, Texas, that seeks to provide a knowledge base to the service member enrolled in the course. Consequently, military units involved in DSCA operations tend to have an understanding of the process.

Emergency response can best be described as a multi-layer process. Local communities are principally responsible for disasters that occur in the community. For instance, in the case of a large-scale event, like a hurricane, local communities are responsible as first responders to start emergency actions to prepare their community and contain the disaster, if possible. If the scope of the disaster exceeds the capabilities of a community, then other communities will be asked to lend assistance. Generally, authorization for action results from community compacts or agreements. If the larger community is unable to effectively respond to the scope of the disaster, assistance is requested from the state through the EOCs.

The state typically uses the Army National Guard (ARNG) forces, which can act as either a State Active Guard force (paid and controlled by the state) or as a Title 32 force (under the authority of the state governor but paid for by the Federal government), to help contain the disaster. The state also has the option to request assistance from neighboring states through a compact that allows them to pool capabilities. If the scope of the problem exceeds the ability of these resources, then the state's request federal aid from FEMA. FEMA in turn, requests support from other federal entities including the Department of Defense (DOD), which can send troops who act in a Title 10 capacity, which means that they are controlled, directed and paid by the Federal government.

Previously published research on this topic comes in two forms: 1) descriptions of the general process for requesting DSCA and 2) recommendations for improving the delivery of DSCA. Generally, scholarship on DSCA has stemmed from military sources and research commissioned by sources, such as the military's Northern Command (NORTHCOM) and U.S. Army North (ARNORTH) (U.S. 5<sup>th</sup> Army). The first form research literature focuses on detailing the process of requesting DSCA from the Federal government. This scholarship effectively spells out the levels and steps in requesting federal assistance.

John Milliman, John Grosskopf and Ozzie Paez (2006) conducted some of the initial scholarship on DSCA. Their exploratory research consisted of two research papers published in 2006 on the views of how well local emergency managers in the states of California, Colorado, Kansas, Pennsylvania, and Virginia understood the requesting and delivery of DSCA. The first paper, "An Exploratory Study of Local Emergency Managers' Views of Military Assistance/Defense Support to Civil Authorities (MACA/DSCA)," examined the views of local emergency managers on DSCA. The second paper, "Emergency Managers' Views on Improving

Defense Support/Military Assistance to Civil Authorities (DSCA/MACA) Education Programs,” examined how local emergency managers believed that DSCA education could be improved.

One interesting observation from their research is that most emergency managers cannot differentiate between the general levels of aid, meaning what is originating from the state and what is originating from the Federal government. Their research also identified another common factor – in many cases, the emergency manager role is an additional responsibility that is added to an existing position. Thus, commonly, the emergency manager is untrained and the organization lacks money to conduct training; thus, the emergency manager is forced to learn on the job, and may have little knowledge of the process to request help.

Aruna Apte and Susan Heath (2011, p. 12), from the Naval Post Graduate School explored this topic further in their paper, “Request and Response Processes for Department of Defense Support during Domestic Disasters.” One of their discoveries was that the lack of understanding by disaster relief professionals of the roles and limitations of the military could lead to confusion on the general role and the capabilities of federal troops. This lack of understanding can lead to additional problems. An example of this might be understandable anger over the US forces’ lack of authority to act, as the federal government and the states work through the process of request federal assistance. Assistance to the states beyond self-protection would be a violation of federal law, and any confusion over the role of the federal government and military forces needs to be addressed quickly.

The second focus of DSCA research is concentrated on improving delivery of military aid to local emergency managers and state government. It runs the gamut of practical theory, including theories on how to better integrate the ARNG and USAR into a single component, and ways to expedite response time for federal resources in anticipation of requested use by affected

states. Military professionals have conducted the majority of this research during the course of their continuing professional education, and this literature principally focuses on improving the delivery of DSCA as swiftly as possible.

Other documents on this subject are principally government directives designed to provide guidance for state or local governments. Chief among these are the National Incident Management System (NIMS), National Response Framework (NRF) and FEMA's online training courses designed to help train local emergency managers, state officials and other parties interested in understanding FEMA's processes and standards. These documents and information sources were created in the aftermath of Hurricane Katrina and FEMA's poor federal response. These documents are designed to create a standardized process to react to the consequences of natural or manmade disasters to improve the integration of the state and federal response. FEMA offers classes online as a way for participants to expand their knowledge base on all matters regarding emergency response, including on DSCA. The topics that are covered in the classes range from Introduction to ICS to the National Response Framework and the NIMS. There has not been comprehensive research conducted on FEMA Region VI, the federal region that includes, Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

The purpose of this study is to describe the level of understanding of local Emergency Managers and officials in FEMA Region VI on the purpose, capabilities and effectiveness of requesting Defense Support to Civil Authorities. My intent is to study the processes of each state within Region 6, focusing on their published literature and sending surveys to local officials associated with training and local outreach. I particularly want to develop an understanding of how each state trains the community emergency management center personnel in requesting federal support.

I will focus my efforts on FEMA Region VI, which is comprised of the states of New Mexico, Texas, Oklahoma, Louisiana, and Arkansas. I also plan to use the survey questions formulated by Milliman et al. (2006) and modified by John Haynes (2015) and incorporate some additional questions to help differentiate specifics for each state. Successful research of this topic can potentially help FEMA and local communities improve how DSCA training is delivered and taught, and help to prevent problems when emergency occur in which Title 10 forces must be used to help relieve a disaster.

## **Chapter 2**

### **Literature Review**

#### **Chapter Purpose**

The purpose of this literature review is to analyze published literature on Defense Support to Civil Authorities (DSCA) and identify the areas that have already been heavily researched. Published literature in this context consists of a mix of peer-reviewed articles, addresses delivered to peers, and Master's thesis monographs. The first section looks at the legal authorities associated with the use of the military and disaster relief. The second section looks at the existing process, including a review of mechanisms for coordination, training and planning, and capabilities for delivering DSCA support. The last section looks at shortfalls and ways to improve the process, coordination, training and planning mechanisms and capabilities.

#### **Introduction**

DSCA is a concept with which most people have at least a passing familiarity. For example, citizens see a disaster unfold on TV, such as a hurricane or flooding or terrorist attack, and they assume that some sort of military assistance will take place. What most citizens do not understand is the process for requesting aid. Since most citizens do not understand the process, they tend to blame the federal government when it is slow to react.

Scholars and professionals from various disciplines have attempted to help expand the knowledge of both the general public and professionals. Existing scholarship focuses on three general categories: the legal authorities associated with DSCA; the process of requesting DSCA; and DSCA improved delivery at the Federal level. Research, exists in the form of papers and articles. This research is typically written by political scientists, scholars, and historians interested in the various legal processes and laws; military service members writing scholarship



in support of graduation requirements for service schools, such as the elite School for Advanced Military Studies (SAMS) and the Naval War College; military professionals and academics writing in professional journals; and emergency managers and personnel, interested in the DSCA process as it relates to their work.

The bulk of the research and professional scholarship on DSCA falls on the military professionals, who tend to have deeper vested interest in the process and improving the delivery of support to states and local communities. This literature review will analyze existing articles and papers that have been written on the various facets of DSCA and point out some gaps in the literature. It will start by a review of the laws that underpin the Federal government's authority and ability to act.

### **Legal Authorities Associated with DSCA**

This first section will review the enabling legislation that gives the Federal government the authority to operate in support of disaster relief. The content of this section includes the laws governing the deployment of U.S. forces within the US, the disaster relief legislation that has been passed over the past 65 years, and the Executive orders and directives that govern DSCA.

Most articles on DSCA provide a healthy overview of the laws and authorities associated with DSCA. There are several foundational laws that provide the authorities for Federal assistance. They range include the Insurrection Act, that provides the legal framework for Federal military intervention at the state level in certain circumstances, the Posse Comitatus Act (PCA) of 1878, which places restrictions on the use of the military, and the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Robert T. Stafford Act) of 1988, which provides the framework for provisions of Federal aid and assistance at the state and local level.

These laws provide the enabling legislation detailing the restrictions and constraints that govern how Federal aid and resources can be used. Specifically, the authorities governing DSCA are further developed through the Executive Orders and Department of Defense (DOD) Directives that attempt to provide additional structure to the Response of Federal Agencies, particularly the DOD. This literature review organizes and explains the authorities and framework that govern DSCA. There are also several executive orders and directive that provide further guidance on DSCA to DOD and are encapsulated within doctrine. These guidance documents help to refine the internal process for requesting aid and explaining how aid is systematically given.

Often when authors mention the legal authorities, it is in connection to an article or paper about DSCA, and the notation is a brief definition and summary of what it allows, without going to deeply into the minutia of the legislation or directive. Many times, discussions of the legislation are focused strictly on the legislation and do not explore the implications for DSCA.

### **The Insurrection Act of 1807 (10 U.S.C. § 331-335)**

The Insurrection Act of 1807 is a law in the federal code that states the criteria and circumstances for federal forces to be called up to deal with lawlessness within the borders of the US. The enabling legislation originally added four sections to Title 10 of the U.S., code which constitutes chapter 15<sup>2</sup>. The Insurrection Act draws its legitimacy from two clauses of the Constitution, the Calling Forth Clause and the Protection Clause, which the Congress interpreted as allowing them to call up a military force for domestic purposes to safeguard the sovereignty and well-being of the nation. Karst Brandsma (2014) noted that the Calling Forth Act of 1807

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<sup>2</sup> § 336 was added in 1966 and subsequently deleted in an amendment and is excluded from this tally or legislation passage detailed on pages 18-19.

“allowed the call up and detailed the terms of the employment of federal military forces as either a temporary supplement to, or a replacement of, local civilian authority” (p. 9).

A review of the legislation and the Constitution is helpful. The Calling Forth Clause is Article I, Section 8, Clause 15 of the Constitution and states, “The Congress shall have Power To ...provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions.” The Insurrection Act of 1807 currently reads:

#### §331. Federal aid for State governments

Whenever there is an insurrection in any State against its government, the President may, upon the request of its legislature or of its governor if the legislature cannot be convened, call into Federal service such of the militia of the other States, in the number requested by that State, and use such of the armed forces, as he considers necessary to suppress the insurrection.

#### §332. Use of militia and armed forces to enforce Federal authority

Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion.

#### §333. Interference with State and Federal law

The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it—

(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

#### §334. Proclamation to disperse

Whenever the President considers it necessary to use the militia or the armed forces under this chapter, he shall, by proclamation, immediately order the insurgents to disperse and retire peaceably to their abodes within a limited time.

#### §335. Guam and Virgin Islands included as "State"

For purposes of this chapter, the term "State" includes Guam and the Virgin Islands. (10 U.S.C. § 331-335)

William C. Banks (2009) provides a deep review of the Insurrection Act in his article, “Providing ‘Supplemental Security - The Insurrection Act and the Military Role in Responding

to Domestic Crises.” Banks (2009, p. 47-48) believes that the Insurrection Act and all the arguments for and against it have its origins, like many American legal traditions, in English Common Law. The English citizens reacted to the use of the Army to enforce Federal laws, and a doctrine was established preventing the use of the Army to enforce laws. English colonists brought this tradition with them to America and had a negative reaction to the Crown and the British government when it used British soldiers to enforce the law, collect taxes, were housed in private citizens’ residences, etc.

The culmination of this resentment was seen in the Boston Massacre, where an angry mob of citizens started throwing rocks at British Soldiers, who accidentally fired back at the mob and killed several of the rioters in self-defense. Concerns about the excesses of the government are reflected in the U.S. Constitution that included guarantees to private citizens about the quartering of Soldiers, the control of a standing army and the requirements for use of the military against public citizens is very specific (Banks, 2009, p. 58).

The emergence of several rebellions, such as the Shay Rebellion (1787), the Whiskey Rebellion (1791-1794), etc. demonstrated the need for, and provided the impetus to clarify the structure for states requesting aid from the Federal Government. The rebellions showed the inadequacy of militias in some instances to quell insurrections and mob violence and highlighted the fact that there was a role to play for federal forces. (Banks, 2009, p. 56; Connor, 1992, p. 260) The model for the Insurrection Act of 1807 was modeled from President Washington’s response process during his call up of the Army during the Whiskey Rebellion. Buttaro (2015 p. 167) briefly illustrates the process in his article about the PCA that one of its proponents Representative William Kimmel of Maryland cited President Washington’s two-step process in repressing the Whiskey Rebellion. Principally, “when citizens of Western Pennsylvania resisted

paying a tax on spirits in 1794, Washington first issued a proclamation demanding compliance. When that failed in its desired end, the President called forth the militia of Pennsylvania and that of neighboring states to execute the laws, relying on the Militia Act of 1792” (Buttaro, 2015, p. 167). Thus, a precedent had been established for requesting Federal help in the form of the two-step process: give the people rebelling a chance to voluntarily disperse through a proclamation, then mobilize the troops to forcibly restrain them if they fail to disperse.

The Insurrection Act has been revised only a few times. Most of the changes have been minor. The first change to the law was the inclusion of § 335 and deletion of §336 in 1980. This represented a minor change that recognized the inclusion of the territories of Guam and Puerto Rico as states for the legal purpose of responding to insurrections and any other kind of incident that requires a federal response. The final two changes to the Insurrection Act occurred in post-Katrina 2006 and 2008. The 2006 legislation changed the language of the Act to allow the President to pre-position troops and resources and respond to natural disasters in states prior to a formal request from the state for assistance. This amendment undercut the authorities of the states’ Governors, who were uniformly opposed to this change, as they believed that it undermined their authority and violated the spirit of the Constitution. In 2008, the Insurrection Act was restored to its previous language, by striking out the president’s ability to pre-emptively react to natural disasters without a formal request for assistance.

A 2006 amendment included anticipation of natural disaster as a justification for invoking the Insurrection Act and nationalizing the ARNG. This amendment was spurred on by the aftermath of Hurricane Katrina. As Thomas Langowski (2008) stated, “as amended, the President can deploy troops as a police force if the disorder is created by a natural disaster, epidemic, serious public health emergency, or terrorist attack, but only after he determines that

maintaining public order is beyond the state's capability" (p. 19). This amendment was supposed to provide the Federal government a mechanism to activate military and federal resources in advance of an imminently predictable disaster (Banks, 2009, p. 72-77).

The 2006 Amendment made significant changes to § 333 and minor changes to § 334 was changed the Insurrection Act of 1807 to read:

(1) The President may employ the armed forces, including the National Guard in Federal service to -

(A) restore public order and enforce the laws of the United States when, as a result of a natural disaster, (*italics added*) epidemic, or other serious public health emergency, terrorist attack or incident, or other condition in any State or possession of the United States, the President determines that -

(i) domestic violence has occurred to such an extent that the constituted authorities of the State or possession are incapable of maintaining public order; and

(ii) such violence results in a condition described in paragraph (2); or

(B) suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy if such insurrection, violation, combination, or conspiracy results in a condition described in paragraph (2).

(2) A condition described in this paragraph is a condition that -

(A) so hinders the execution of the laws of a State or possession, as applicable, and of the United States within that State or possession, that any part of class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and

secured by law, and the constituted authorities of that State or possession are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

(B) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws. (Banks, 2009, p. 75-76)

This move to broaden the authority of the president was protested by all fifty governors. There was significant resistance to the changes to the Insurrection Act. Banks (2009, p. 75) opined that the amended law would undermine the current dynamics of state-federal and civilian military relations, as well as encroach on state sovereignty and tread on the states' ability to deliver services to its citizens.

Consequently, in response to the resistance and protests of the state governments, an amendment was passed as part of the 2008 Defense appropriation bill that repealed the changes introduced by the 2006 amendment. Thus, state governors were still responsible for assessing damage, and Banks (2009, p. 79-86) maintains that the broadening of the Insurrection Act to include events outside the purview of its original intent is unconstitutional. He also states that the current law is imperfect, but that the states and federal government are willing to work within its established framework. Banks (2009, p. 86-93) maintains that the law needs to be rewritten to clearly define the limits and process for requesting federal DOD support.

The Insurrection Act of 1807 served a dual purpose of effectively creating a mechanism for requesting federal support for states and limiting the President's executive power. The Congress codified the structure used by President Washington during the Whiskey rebellion as the means through which to request aid. Principally, the situation in a state had to be unmanageable for the state. As Brandsma (2014, p. 11) pointed out in his paper, "the



Insurrection Act of 1807 authorized the President of the U.S. to employ federal troops in the event that local or state authorities are unable to maintain good public order.” So, when the L.A. Riots occurred in 1992, for instances, the state of California mobilized the ARNG to assist with Law Enforcement efforts. The state of California felt that it was unable to effectively contain the violence, and requested that the US provide aid through the mobilization of US Troops to help contain the violence (Brandsma, 2014, p. 25).

Brandsma’s (2014, p. 11) discussion of the Insurrection Act of 1807 also provides a brief evaluation of the framework for use of Federal troops within borders of the US. It discusses the circumstances in which Title 10 forces can be used. Brandsma (2014) elaborates on the implications of the act saying that, “the President can deploy forces for the purposes of suppressing an insurrection or a civil disturbance in one of three instances” (p. 11).

Section 331 provides a legal basis for the Army to become involved in the internal security of a state, but only if asked by the state’s government, by either the Governor or the state legislature (Brandsma, 2014, p. 11). This measure provides some guarantee against Federal involvement in a state’s internal matters. Section 331 also provides an avenue for the President and Congress to send forces to a state without a request from the state’s government, but only if the circumstances warrant it; such circumstances include: a response to rebellion; insurrection; general lawlessness; or a conspiracy against the federal government (Brandsma, 2014, p. 11). This is obviously done sparingly and usually at the behest of the state government.

Section 332 of the Insurrection Act is important for the president in the execution of his or her duties. It is the measure of the law that grants the president the authority to activate the Army to respond to external and internal threats. The provisions of this section authorize the president to make the determination of whether forces are needed to uphold federal law and the

federalizing of the ARNG; both of these actions occurred in the historical example of Brown vs. the Board of Education, when President Eisenhower sent elements of the 101<sup>st</sup> Airborne Infantry Division to Little Rock, Arkansas and he federalized the ARNG to forcibly integrate the school system in 1954 (Brandsma, 2014, p. 11) Thus, as Brandsma (2014) explains, “the President had (the) authority to further utilize military forces when a state in the union made a formal request for assistance. It would not be until the Civil War, and especially during southern Reconstruction, when the use of federal force was without the consent and control of the state” (p. 9).

Section 334 is the “Proclamation to Disperse” section of the Insurrection Act. This measure of the law obligates the President to request that unlawful participants be given the chance to disperse and return to their homes before he can act. Thus, every time presidents have used the Insurrection Act in the past, there has been a legal requirement to essentially give the participants of the insurrection, unlawful act or activity one last chance to disperse before the army is used.

#### **The Posse Comitatus Act of 1878 (18 C. F. R. § 1385)**

The Posse Comitatus Act (PCA) of 1878 is legislation designed to curtail the use of the military in enforcing federal laws. The PCA is a legacy of the military reconstruction of the South. The legislation reads as such:

18 C.F.R. § 1385. Use of Army and Air Force as posse comitatus.

Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a

posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both.

The British originated the concept of Posse Comitatus, as it moved out of the feudal era of its history and started relying more and more on professional armies. Buttaro (2015, p. 138) notes that the term posse comitatus is Latin for the “power of the country” and has its roots in English Law, first appearing in 1411 as a reaction to rioters. The posse comitatus essentially refers to the ability of a sheriff or local authority to compel members of the community to participate in a concerted effort to locate someone following a crime or some other form of disaster or emergency. The most famous references to the posse comitatus are littered throughout the western cowboy genre of film and literature as simply a posse.

Similar to the reaction that Banks (2009, p. 47-48) detailed on using the military to enforce laws in Renaissance England, the use of the military in a posse comitatus was a controversial measure and only gained some legitimacy as a part of the Mansfield Doctrine (1780), which was part of British Lord Judge Mansfield’s angry reaction to the Gordon Riots (1780), when a mob of protestants burned down his house after he spoke out against them and their violent protest of Catholics in England. “The doctrine stemmed from a speech Mansfield gave as a statesman after the wreckage of the Gordon Riots, not as a judicial opinion issued from the bench (Buttaro, 2015, p. 169-170). The Mansfield Doctrine essentially asserted that Soldiers can serve in a posse comitatus, because they are members of the community in which they live and have a duty to assist local law enforcement in their capacity as citizens (Buttaro, 2015, p.143).

The legal precedents set by the Mansfield Doctrine, like many English common law practices, were carried and transplanted to the American colonies and became the basis for the

legal system established in the new world. The posse comitatus was used to assist law enforcement, such as sheriffs and marshals with law enforcement tasks such as searches, that are inherently manpower heavy. The idea was that the military was aiding at the request of local officials. It was used to enforce a litany of federal and state laws, such as the controversial Fugitive Slave law (1850). The Fugitive Slave law was the first time the use of the Army in the posse comitatus became controversial (Buttaro, 2015, p. 146).

The Civil War represented the first time that the Insurrection Act was implemented in a large-scale manner against the wishes of the state governments. Following the Union's victory over the south in Appomattox in 1865, Congress implemented its Reconstruction policy in the South. Part of that policy was ensuring that the rights of the former slaves were respected and their safety was ensured. Congress passed several laws to try and enforce Civil Rights for the newly freed slaves. Consequently, the military was required to support the implementation and adherence of the Civil Rights laws that the Republican-led Congress put into place to guarantee the civil rights and protection of former slaves. Subsequently, "The Ku Klux Klan Act of 1871 gave the President, under the auspices of enforcing the recently ratified 14th Amendment to the Constitution, the additional duty of using force wherever there were obstructions to the execution of laws" (Brandsma, 2014, p. 9).

The use of the military to implement Reconstruction in the south created several problems, including the lack of ability of the military to enforce the laws because they were spread too thin, and a compounding hatred of the Union Army by southerners. Buttaro (2015, p. 158) noted that, "military assistance often served to isolate Republican politicians and prevent them from gaining grassroots support." Southerners saw the use of the Army to enforce laws that they opposed as having their noses rubbed in their defeat. Consequently, Democratic southerners

adamantly opposed the new Civil Rights laws and created organizations, such as the Klu Klux Klan to oppose their implementation.

Buttaro's (2015) article is an insightful examination of the background of the use of the military to enforce federal laws and the historical lead up to the implementation of the PCA in 1878. The PCA of 1878 was controversial when it was enacted, principally as the Democratic Party's reaction to reconstruction policy and because it was being used to curtail the ability of the military to stop violence against former slaves in the South. According to Buttaro (2015, p.67) "the Posse Comitatus Act was as much an effort to protect white supremacist groups in the South and to curb what was perceived by many as the Army's affiliation with the rise of 'black power' as it was to underscore our nation's baseline federalism and civilian control of the military." Buttaro (2015, p. 181) also demonstrates how the Act has evolved since then as a check on Executive power, essentially removing the President's right to use the military in a law enforcement capacity.

The first amendment to the PCA of 1878 was the addition of the Air Force into the PCA restrictions in 1956 (Buttaro, 2015, p. 182). The second change in 1980 was a revision that allowed flexibility for support in drug enforcement activities. In this spirit, "Congress made allowances to the Act to enable military hardware and personnel to assist with drug interdiction and border control." (Buttaro, 2015, p. 182) This was significant, because it allowed a blurring of the role and more leniency for the military to support law enforcement activities, if only indirectly. Examples of this include the use of early warning systems on Navy and Air Force planes and the use of unmanned drones to monitor the border with Mexico and the sea approaches to the U.S in the Gulf of Mexico, the Atlantic Ocean and the Pacific Ocean.

While no other significant changes have occurred with the PCA, Buttaro (2015, p. 183) opined that “like the general always fighting the last war, the PCA will probably continue to be revised according to its perceived deficiencies relative to the most recent crisis—whether that be a natural disaster, civil unrest, drug trafficking, border enforcement, counter-terrorism, or whatever else.” Furthermore, Buttaro (2015, p. 82-83) expressed the opinion that the PCA, despite the challenges and history associated with its inception and implementation, will likely never be repealed. The status of quo of restrictions on the military offers a comfortable cushion for the military to use to not get involved with domestic issues and a guarantee for civilian leaders against military interference in domestic issues.

The immediate impact of the PCA was that the Southern Democrats were able to reestablish their control of the political institutions (i.e. Congress, governor’s office, etc.) of the former Confederate states. Buttaro (2015, p. 178) states that the “Democrats viewed the bill as a necessary precondition for their party to return to electoral supremacy in the region and saw it as an essential corrective for abuses both real and imagined. These fault lines only deepened when the bill moved to the Senate.” The PCA was designed to eliminate the Republican Party’s mechanism for enforcing Reconstruction policy and when the PCA became the law of the land, the southern Democrats could then reestablish their control over the political territory of the south through voter suppression methods, such as voter intimidation, poll taxes, literacy tests, and outright violence (Buttaro, 2015, p. 163). The southern Democrats’ ability to elect members of their party to Congress combined with northern Democrats’ reluctance to continue the status quo of reconstruction policies, created a majority, which effectively ended the post-war period of Reconstruction. The end of Reconstruction effectively ended the civil rights movement in the

south, saw the creation of the infamous Jim Crow Laws, and effectively led to a new era of oppression for minorities across the South.

But the PCA also had other, longer lasting effects, beyond the racist scope that it was originally intended. The first was that the military was no longer an asset for use in law enforcement activities unless specifically authorized by Congress. This meant that there had to be a legislative sanction for military involvement in domestic law enforcement activity. This also partially took the ability to deploy the military in support of Law Enforcement out of the hands of the President. Congress clearly had to authorize the use of the military for any civil law enforcement functions. As Rodney Liberato (2007, p. 11) stated, “clearly, the president does not have unchecked authority to define or execute NORTHCOM’s defense mission; he must work within the construct of the Constitution and legal authorities such as the Posse Comitatus (PCA) and the Stafford Acts.” Thus, in most circumstances, the president’s hands are usually constrained by the framework of the law and certain things, such as a governor request or violence that is beyond the ability of the State authorities to handle, must occur for elements of DSCA to go into effect.

More significantly, the existence of the PCA allowed the military to focus on its war-fighting functions. While it is true that disasters would occur annually and the military would be required to respond to them, the use of the military as a bludgeon for domestic law enforcement became difficult and impractical due to the imposed legal constraints. Consequently, this mentality created bigger problems for the military in its integration into DSCA. Liberato (2007, p. 1) pointed out in the introduction of his paper, that since the inception of disaster relief and civil defense legislation in the early 1950s, the military has “rarely considered natural and non-

terror human-caused disasters within the United States” to be a significant concern regarding national security.

While the Army was granted an early role in the disaster relief process, first as a lead agent, and later as a supporting entity, the Army did not place a great deal of emphasis on this role. As Liberato (2007, p. 2) pointed out, “despite this recognition of the significance of military involvement and initial reorganization, however, little has been done to organize a military framework that can effectively respond to a no notice domestic incident that rapidly or instantly overwhelms local and state governments.” Changes have occurred over the past nine years since hurricane Katrina that have helped to organize military aid and response to disasters. For example, ARNORTH has helped to organize and formalize a response mechanism that was not present during past incidents, like Hurricane Katrina.

Langowski (2008, p. 18) echoes this point and spells out the limitations and restrictions placed on Title 10 forces and the latitude granted to Title 32 forces in his paper with respect to the PCA. “The salient point of the PCA, as it applies to DOD in a DSCA operation, is that the Army and Air Force may not be used in a law enforcement role. DOD policy extends that prohibition to the Navy and the Marines which effectively prevents all Title 10 forces from performing law enforcement activities while in support of civil authorities” Langowski (2008, p. 18). Langowski (2008) further points out that the ARNG, when operating in a state-status, is not restricted by the PCA and execute law enforcement duties if allowed to do so by the state laws and their governor. Ultimately, the PCA creates a dichotomy within military forces, that grants different authorities to different entities. Thus, as Brandsma (2014, p. 10) points out, the ARNG and the U.S. Coast Guard can operate and conduct law enforcement activities within states under Title 32 authorities, with blessing and direction of the state, and are not constrained by the PCA.



This creates a situation where one force has more authority to act than another, with different powers and responsibilities.

But it also sets up another facet to the DSCA discussion. Liberato (2007, p. 18) provides a quick explanation of the Title 32 and Title 10 roles, responsibilities and constraints. Liberato (2007, p. 18) notes that there is some leeway in the use of the military for intelligence and surveillance missions, and other limited operations, but that there should be authorities in place, granted by the President or Congress, that allow them to conduct those missions. However, it should be noted that Intelligence activities within the US, particularly with regards to collection of intelligence is strictly controlled and generally prohibited by Executive Order 12333 (EO 12333). This EO curtails intelligence activities within the borders of the US and details the authorities required to conduct intelligence support during disaster response by the military. The limitations that are placed on the federal forces do not apply to the ARNG when it is working for the state's governor as a state militia, but state law must provide them their authorities to conduct their missions as well (Liberato, 2007, p. 18).

Apte and Heath (2011, p. 5) further stratify the difference between State Active Guard, Title 32 and Title 10. They detail the authorities that control each type of service and defines their general roles in the process. They also provide a quick discussion of the various authorities granted by the federal government, including the NRF and the NIMS. Apte and Heath (2011) note "that National Guard forces, whether in SAD or Title 32 status, are not restricted from participating in law enforcement activities. In addition, Guard forces in either of these statuses can only be commanded by the Title 32 command structure headed by the State Governor" (p. 5). Thus, the ARNG can operate in one of three legal statuses: State Active Duty (SAD), Title 32, or Title 10. The states and the DOD must work out the appropriate command relationship.

The first two places the ARNG under the control of the State Governor and the only significance is funding streams. Additionally, under Title 32 or SAD, the ARNG can participate in law enforcement activities; Title 10 status places the ARNG under the control of the President and significantly limits what the element can do. It may even be advantageous for the federal government to leave the ARNG forces in Title 32 status so that they can address the law enforcement activities that Title 10 forces are unable to participate in unless the Insurrection Act is invoked.

Mark Chitwood's (2014) deals specifically with issues associated with Title 10 and Title 32 statuses for the military. Chitwood (2014) provides a very brief discussion of the challenges associated with issues surrounding Title 10 support to the states by defining when Title 10 forces can provide support to the states during a disaster. It is critical to understand the inherent differences between the United States Army Reserve (USAR) and the ARNG: "While the USAR is an exclusively Title 10 federal organization, the ARNG has a dual status: they serve the governor of their state as a state military force and the President of the United States when required for federal service" (p. 3).

As Brandsma (2014) stated, the takeaway from the discussion of the PCA is that "regardless of the original intent of the PCA of 1878, the resulting legislation has stood as one of the enduring and widely misunderstood laws curbing the use of federal forces for domestic use" (p. 10). Furthermore, Brandsma (2014, p. 10) asserts that the PCA places firm boundaries on the use of the military as police force that can only be overridden by an act of Congress. Thus, unless Congress changes its mind about how the military will be used in a domestic context, the status quo will likely remain the reality on the ground. As Buttaro (2015, p. 185-186) concludes in his article with the statement that "the Posse Comitatus Act stands as the legislative coda to the

tragedy of military Reconstruction,” there is likely never going to be a significant change to the PCA unless a significant ground swell occurs amongst the citizens of this country that make a significant change possible.

### **The Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (42 U.S.C. § 5121-5207)**

The Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (the Robert T. Stafford Act) (42 U.S.C. § 5121-5207) is the latest law in the chain of enabling legislation dealing with Federal disaster relief that began in 1950. The Stafford Act and its predecessors created a framework for the Federal government to aid with civil defense and disaster relief. As the legislation evolved, it expanded and updated existing legislation and provided additional guidance for state and local government when applying for Federal assistance. The Robert T. Stafford Act also effectively combined the separate Civil Defense Act of 1950 and the Disaster Relief Act of 1970 within one piece of legislation, thus creating a comprehensive piece of legislation.

Alice Buchalter (2007) extensively details the history of enabling legislation for Civil Support and DSCA starting with the Federal Civil Defense Act of 1950 in her Congressional report to the Committee on the ARNG and USAR. There was no serious effort to create legislation dealing with this problem prior to 1950. Brandsma (2014, p. 13) notes in his work that, “prior to 1950 there was no existing federal disaster program that could provide comprehensive support to a state following a natural disaster.” Buchalter’s work covers three specific areas: first it details the various pieces of enabling legislation that Congress has passed since 1950 to allow the executive branch to provide Disaster Relief and Civil Defense; the Executive orders that the various Presidents have signed to help empower agencies and

Departments to deliver aid and support; and the various DOD directives that are designed to provide guidance and direction to its subordinate commands.

The Federal Civil Defense Act of 1950 is an attempt by the Federal Government to provide organized direction, coordination, and guidance for civil defense in the event of an emergency. It gave the President the authority to declare a civil emergency and direct resources and material to affected areas under the management of the Department of Defense. The legislation went into effect in 1951 and was amended through 1981. Public Law 81-875 provided legislation meant to define the parameters of assistance from the Federal government to state and local governments during major disasters, defined as “floods, droughts, fires, hurricanes, earthquakes, storms or other disasters” (Buchalter, 2007, p. 3-4).

Public Law Number 81-875 was replaced by Pub. L. No 91-606, the Disaster Relief Act of 1970. The law launched several initiatives, including broadening the scope of existing disaster relief programs; encouraged the development of comprehensive relief plans at the state level, and provided a framework for the better coordination of federal relief programs; and provided federal assistance for personnel, materials, facilities and supplies (Buchalter, 2007, p. 4). Steven Daniels (2009) argues that the arbitrariness and abuse of the disaster declaration system prior to 1988 made the passage of the Stafford Act of 1988 easier. Daniel (2009) points out that “Congress has also sent contradictory signals on efforts to rationalize or standardize the disaster declarations process” (p. 6).

The Robert T. Stafford Act of 1988 was the next evolution of this law. Langowski (2008, p. 20) asserts that the Stafford Act of 1988 provides the guidelines and authority for state and local governments to request federal support during and emergency, and provides the DOD the guidelines and authorities to assist in state and local governments during DSCA operations.

Furthermore, “while this authority is not an exception to the PCA or the Insurrection Act, it does provide specific guidelines for the employment of DOD forces in a DSCA operation” (p. 20).

The Stafford Act of 1988 was the next step in the chain of legislation dealing with Federal disaster relief. The impact of the Stafford Act of 1988 is that it expanded and updated existing legislation and provided additional guidance for state and local government when applying for Federal assistance. It also combined the Civil Defense Act of 1950 and the Disaster Relief Act of 1970 within one piece of legislation. Buchalter (2007) highlights that “the Robert T. Stafford Act, Public Law Number. 93–288 as amended (42 U.S.C. 5121 et seq) further expands federal disaster relief programs to assist state and local governments in carrying out their responsibilities in response to major disasters, i.e., natural catastrophes” (p. 4-5).

The Robert T. Stafford Act provided the Federal, state and local governments with a tool for addressing the financial impact of disasters. This law, and all its predecessors, evolved over time to allow communities to move past the tragedies that are inflicted upon them and rebuild. There is pecuniary compensation for communities that doesn’t completely wipe out both the insurance companies that support communities and the communities themselves as the scope of damage from disasters would tax local and state resources. Liberato (2007) states that, “the Robert T. Stafford Act of 1988 provides the legal means by which the federal government may formally supplement state and local resources in major disasters or emergencies where those state and local resources have been or will be overwhelmed. The Act allows separate mechanisms for declaration of a major disaster and for declaration of an emergency” (p. 13). The Robert T. Stafford Act of 1988 was a critical step in creating a comprehensive means of addressing compensation and assistance for communities hit by disasters or emergencies.

Congress subsequently amended the Robert T. Stafford Act twice. The first change was the addition of the Disaster Mitigation Act of 2000. This legislative amendment provided a legal basis for FEMA mitigation planning for State, local and Indian Tribal governments to receive mitigation grant assistance. It was amended again in 2006 with the Pets Evacuation and Transportation Standards Act. This was a bipartisan law that directs states to aid pets and service animals in evacuating disaster areas.

### **Executive orders, directives and regulations**

Executive Orders were used to help direct disaster relief in the modern era and begins with President Harry S. Truman and Executive Order (EO) 10186. This EO represented the first attempt to organize civil defense and disaster response by the federal government. Additionally, Homeland Security Presidential Directives and DOD Directives are designed to establish the responsibilities and its subordinate elements for the planning and preparation for civil defense and support to civil authorities.

Like America's experience with disaster relief legislation, efforts to focus disaster relief at the executive level started in 1950. The first executive order that was signed was EO 10186. This order established the Federal Civil Defense Administration. This dovetailed with the passage of the first Civil Defense Act of 1950.

EO 12656 was passed in November 1988, following the passage of the Robert T. Stafford Act of 1988. This EO dealt with the Assignment of Emergency Preparedness. It was modified by E.O. 13286, which was signed in 2003, and designated the Department of Homeland Security (DHS) as the principal Agency for coordinating programs and plans, and mandates lead and support responsibilities for each federal agency. Buchalter (2007) notes that EO 13286 was amended EO 12656 and identified the Department of Homeland Security as the lead agency for

“coordinating programs and plans among all federal departments, and mandates lead and support responsibilities for each federal agency” (p. 7). This change simply reorganized the hierarchical structure of government and disaster response, with FEMA being placed under the administrative control of DHS.

In February 2003, Homeland Security Presidential Directive/HSPD-5 was published. HSPD-5 established that disaster management will be handled under a single comprehensive national management system, known as NIMS. Harry Culclasure (2013, p. 12) noted that HSPD-5, Management of Domestic Incidents, directed the secretary of DHS to develop NIMS to provide training guidance for the federal, state and local governments. This piece of executive was critical in establishing the national framework for addressing disaster incidents. Per Culclasure (2013), the HSPD-5 “solidified the DOD’s support to civil authorities and tasked the Secretary of Defense and Secretary of Homeland Security to establish ‘appropriate relationships and mechanisms for cooperation and coordination between their two departments’” (p. 12-13). More significantly, Culclasure (2013, p. 13) states that the HSPD-5 established the National Response Plan (NRP), which later evolved into the NRF, and sought to define the various roles and responsibilities at all levels of government for an “all hazards” plan.

The consequence of executive branch regulation is that there is a framework for responding to emergencies and disasters. The Framework (i.e. the NRF) has created uniformity in the process that has helped to standardize responses at the local level and enabled states and the Federal government to integrate themselves into local efforts with minimal problems. Federal regulations have also provided avenues for federally sponsored training events, such as NORTHCOM’s annual Ardent Sentry exercises, that focus on a comprehensive, coordinated response between all levels of government. The ongoing challenge is that funding for

participation for the training events is not always there and so that cash-strapped local governments are excluded from the training process.

### **The Process for Requesting Federal Support**

Literature on DSCA is often descriptive in nature. Scholars want to describe the process for requesting DSCA to help alleviate confusion, describe the potential capabilities that the military can provide, so that requestors and military commanders understand what assets the military possesses, and provide a deeper understanding of the coordination, planning and training process so that less time must be expended during crises trying to piece together how DSCA is done. Advocates of each of these categories seek to educate the readers on DSCA and thus improve the system and the readers in the process.

The process for requesting DSCA is straightforward but hierarchical, and there are several steps that must be observed. Resources must be exhausted at each level before the next level can be reached. Still the process is not widely known by those who do not directly access it. Therefore, local Emergency Managers do not necessarily understand the process for accessing and understanding how to request help from the military. Service members do not necessarily understand the process either.

### **The National Response Framework and National Incident Management System**

The Federal Government created The National Response Framework (NRF) and the National Incident Management System (NIMS) to create a standardized system that is accessible for officials at all levels of government. Culclasure (2013) commented that, “the NIMS and the NRF, are the synthesis to provide a unity of effort between the military and the civilian sector. The relationship and coordination between DOD and the rest of the Interagency is crucial to



response, and is emphasized in the 2010 Quadrennial Homeland Security Review (QHSR)” (p. 13).

The NRF is a government document that details the overall national response framework for the federal government and other levels of government and private entities. The NRF (2016) directs in its introduction that “this Framework is always in effect and describes the doctrine under which the Nation responds to incidents” (p. i). The NRF replaced the NRP in 2008. It recognizes that disaster response is a multi-tiered, whole of government effort, that starts and ends at the local level. The NRF model is mandatory at the federal level, but only recommended for other actors and levels of government. However, if local and state governments want federal aid or assistance, they must conform to the NRF model. Thus, the underlying reality of the NRF (2016) is that it “is a guide to how the Nation responds to all types of disasters and emergencies. It is built on scalable, flexible, and adaptable concepts identified in the National Incident Management System to align key roles and responsibilities across the Nation” (p. i).

The NRF covers multiple aspects of emergency response, including providing a brief background and purpose for the framework, defines its scope, lays out the roles and responsibilities for actors at all levels, defines the core capabilities at each level, detailing coordinating structures and integration mechanisms at all levels, defines its relationship to other mission areas and briefly discusses operational planning. The document details that local authorities and actors must address a problem first and assess capability gaps before moving up the chain to the next tier. NRF (2016) states that the “selective implementation of NRF structures and procedures allows for a scaled response, delivery of the specific resources and capabilities, and a level of coordination appropriate to each incident” (p. i). The core capabilities discuss the Emergency Support Functions and how they fit into the framework. Essentially, they bundled

together capabilities like communication and public affairs to enable smoother coordination during relief efforts.

Emergency Support Functions (ESFs) are used to help organize responses to emergencies. There are 15 ESFs designed to standardize emergency response. The advantage to this system is that external entities, such as neighboring local community's emergency response, the ARNG, and Title 10 forces, can more easily integrate into the response and relief effort. Langowski (2008, p. 27) discusses the use of ESFs to help organize a comprehensive reaction to disasters. Additionally, he discusses the use of Emergency Management Assistance Compacts (EMACs) to help bring in additional regional support through mutual aid agreements with neighboring states.

Langowski (2008) points out that the advantage of the NRF adopts "a functional approach by grouping federal capabilities into Emergency Support Functions" (p. 27). The 15 ESFs (see Table 1) provide a structure for organizing efforts in "supporting, resourcing, and servicing an event's requirements." Further, the DOD has a supporting role in all 15 ESFs that enable it to provide support to the lead agency from its organic resources and capabilities, however the DOD never plays a lead role except under unique and exigent circumstances that would be identified by the President or Congress (Langowski, 2008, p. 27).

**Table 2.1 *Federal Emergency Support Functions***

|                                      |  |
|--------------------------------------|--|
| ESF #1 – Transportation <sup>3</sup> | <ul style="list-style-type: none"><li>• Federal and civil transportation support</li><li>• Transportation Safety</li><li>• Reconstruction/recovery of transportation infrastructure</li><li>• Movement restrictions</li><li>• Drainage and impact assessment</li></ul> |
|--------------------------------------|--|

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<sup>3</sup> (Reproduced from Langowski, 2008, p. 28; FEMA ESF Annex, 2008, p. ESF-i- ESF-ii)

|  |   |
|--|---|
| ESF #2 – Communications                        | <ul style="list-style-type: none"> <li>• Coordination with telecommunication industry</li> <li>• Restoration/repair of telecommunications infrastructure</li> <li>• Protection, restoration and sustainment of national cyber and information</li> </ul>    |
| ESF #3 – Public Works and Engineering          | <ul style="list-style-type: none"> <li>• Infrastructure protection and emergency repair</li> <li>• Infrastructure restoration</li> <li>• Engineering services, construction management</li> <li>• Critical infrastructure liaison</li> </ul>                |
| ESF #4 – Firefighting                          | <ul style="list-style-type: none"> <li>• Firefighting activities on Federal lands</li> <li>• Resource support to rural and urban firefighting operations</li> </ul>   |
| ESF #5 – Emergency Management                  | <ul style="list-style-type: none"> <li>• Coordination of incident management efforts</li> <li>• Issuance of mission assignments</li> <li>• Resources and human capital</li> <li>• Incident action planning</li> <li>• Financial management</li> </ul>       |
| ESF #6 – Mass Care, Housing and Human Services | <ul style="list-style-type: none"> <li>• Mass care</li> <li>• Disaster housing</li> <li>• Human services</li> </ul>   |
| ESF #7 – Resource Support                      | <ul style="list-style-type: none"> <li>• Resource support (facility space, office equipment and supplies, contracting services, etc.)</li> </ul>  |
| ESF #8 – Public Health and Medical Services    | <ul style="list-style-type: none"> <li>• Public health</li> <li>• Medical</li> <li>• Mental health services</li> <li>• Mortuary services</li> </ul>   |
| ESF #9 – Urban Search and Rescue               | <ul style="list-style-type: none"> <li>• Life-saving assistance</li> <li>• Urban search and rescue</li> </ul>   |
| ESF #10 – Oil and Hazardous Materials Response | <ul style="list-style-type: none"> <li>• Oil and hazardous materials (chemical, biological, radiological. etc.) response,</li> <li>• Environmental safety and short- and long-term cleanup</li> </ul>   |
| ESF #11 – Agriculture and Natural Resources    | <ul style="list-style-type: none"> <li>• Nutrition assistance</li> <li>• Animal and plant disease/pest response</li> <li>• Food safety and security</li> <li>• Natural and cultural resources and historic properties protection and restoration</li> </ul> |
| ESF #12 – Energy                               | <ul style="list-style-type: none"> <li>• Energy infrastructure assessment, repair and restoration</li> <li>• Energy industry utilities coordination</li> <li>• Energy forecast</li> </ul>   |
| ESF #13 – Public Safety and Security           | <ul style="list-style-type: none"> <li>❖ Facility and resource security</li> <li>❖ Security planning and technical and resource assistance</li> <li>❖ Public safety/ security support</li> <li>❖ Support to access, traffic, and crowd control</li> </ul>   |

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|---|---|
| ESF #14 – Long-term Community Recovery and Mitigation | <ul style="list-style-type: none"> <li>❖ Social and economic community impact assessment</li> <li>❖ Long-term community recovery assistance to States, local governments, and the private sector</li> <li>❖ Mitigation analysis and program implementation</li> </ul> |
| ESF #15 – External Affairs                            | <ul style="list-style-type: none"> <li>❖ Emergency public information and protective guidelines</li> <li>❖ Media and community relations</li> <li>❖ Congressional and international affairs</li> <li>❖ Tribal and insular affairs</li> </ul>                          |

The NIMS details the training program for the NIMS. The first important thing to understand about NIMS is that “State, tribal, and local governments are not required to participate in NIMS or adopt these best practices. As applied to non-Federal entities, NIMS documents contain guidance that is not legally binding” (p. 1). The NIMS Training Guide includes an introduction to the NIMS. It defines what the intended training audience should be, what the purpose of the training is and methods for training for the audience. The NIMS is an effective document because FEMA collates and analyzes emergency response techniques and technological advances, both nationally and internationally, and uses those advances to train personnel nationwide (p. 1).

The NIMS also looks at the proposed core competencies and the training responsibilities for the National Integration Center (NIC) and stakeholders. The Core Curriculum discusses the training elements and personnel qualifications for training. Lastly, the NIMS’ appendices include Federal Training Web Resources, NIMS Core Curriculum Course summaries, and FEMA-sponsored, NIMS coursework. The NIMS Training Guide (2011) serves multiple purposes and its training program states that it has three objectives:

1. Support NIMS education and training for all emergency management personnel;

2. Adapt the functional capabilities defined by NIMS into guidelines, courses, and a curriculum that help stakeholders to develop personnel training and credentialing plans that yield the desired capabilities; and
3. Define the minimum personnel qualifications required for service on complex multijurisdictional incidents nationwide (p. 2).

### **The Response Structure**

Apte & Heath (2011, p. 7-11) provide an overview of the Disaster Response process in their literature. This includes the different stages of the process. The process consists of three-tiers: Local, State and Federal. The NIMS Training Guide (2011) states that the “basic premise of NIMS is that all incidents begin and end locally” (p. 2). Thus, the process reflects this philosophy where every step builds up to federal support and then scales down to the local level as state and federal support becomes unnecessary.

#### **Stage 1: The local level.**

Stage 1 is the local level. At this stage, the local civilian emergency management system goes into action and responds to the disaster. The ICS process is activated and local resources are used to respond to and/or contain the incident with available resources. The resources of neighboring communities (including both public and private resources) and NGOs, as applicable, are used to help contain the incident. This stage has the potential to access military resources, if a military facility with resources is in the immediate vicinity of the incident under the Immediate Response Authority granted to Base Commanders.

## **Stage 2: The state level.**

The second tier is at the state level. If the local resources and neighboring communities are unable to adequately contain the incident and/or the response exhausts their resources, a request is pushed to the Governor to request state resources. State resources are pushed to the area to support the incident. This includes supplies and additional resources, such as the ARNG. Additional resources that can be accessed are neighboring states. The means to do so is facilitated through the EMAC, which is a mutual aid agreement forged between all the individual states.

EMACs are standing agreements between all 50 states and various US territories to provide mutual aid in times of disaster. The agreements are designed to provide additional Title 32 forces to a state in times of disasters. This means that if Florida is impacted by a disaster, such as a hurricane, neighboring states like Alabama or Georgia will send troops and other resources and assets to assist with rescue and recovery efforts. The requesting state is financially responsible for any assets that it receives and must compensate the external states and communities that provided the resources. Culclasure (2013, p. 21) makes the case that requesting assistance for external aid can be a lengthy process, as the community decides what it must request from the state. Then the state must assess the level of resources needed to aid the communities. “If the governor expects the incident to exceed the state’s capability, he/she may request assistance from other states via EMAC or other agreements” (Culclasure, 2013, p. 21).

The final set of deliberations that must be made is that given the resources available to the state government and through the EMAC, what does the state need to request from the federal government. “If the event overwhelms or is anticipated to overwhelm the state’s capability, the governor may request assistance from the federal government. To request this

assistance the governor can request assistance under the Stafford Disaster Relief Act” Culclasure (2013, p. 21). The state governor must work through the response framework as required. Culclasure (2013, p. 21) maintains that most disaster events are within the ability of the state to address and don’t require a Presidential declaration. If a governor does request federal assistance, he or she must ensure that the functions that they are requesting assistance with must be overwhelmed and can then issue a formal request to the President.

### **Stage 3: Request for assistance.**

The third tier is the last stage. At this stage, the state has requested assistance from the Federal government. The president must decide whether the federal government will render assistance to the states. The criteria for this stage is that “the Governor must exceed his or her relief capabilities, the state’s emergency plan must be in effect, and then the President can be asked to declare an emergency or major disaster. The President can then authorize DOD to provide emergency essential services absent a formal declaration for up to 10 days” (Langowski, 2008, p. 21). All procedures at the state and local level must be observed to reach this stage. This stage requires that the governor’s request for a Presidential declaration must also include a detailed survey of the area, a thorough damage assessment with FEMA and a dialogue with FEMA’s regional head to determine eligibility. Again, this process is time consuming and can delay the deployment of response forces to the incident site.

Critical to this process is quickly identifying the shortfalls in capability of a state or states. The process the NRF lays out for requesting support is that the local and state capabilities cannot address the problem. Local government must pass the request to the State EOC and the state EOC must work through the process and in turn pass their request through the Joint Field Office (JFO), if one has been established (Culclasure, 2013, p. 12-13). Requirement needs are

pushed through FEMA, which is pushed to DOD and down the chain through NORTHCOM and ARNORTH to resource. This arrangement shows that DOD simply plays a support role and that FEMA usually operates as the lead agency in disaster response, except in specific events such as a health scare or forest fire, in which case the Department of Health and Human Services (DHHS) or the Forest Service takes the federal lead role (Iannuccilli, 2014, p. 3). Requirements should be identified quickly to reduce the normal delay associated with the process. The regional Defense Coordinating Officer (DCO) helps to facilitate the process by serving as the single conduit for requesting Title 10 assistance.

The Federal level has the most resources that can be thrown at a given problem and is also the top rung of the proverbial ladder of aid. It is a resource of last resort that is only accessed if the resources at the state and local level are exhausted. FEMA is typically tapped to serve as the lead agent of most federal disaster efforts (with the notable exceptions, such as DHHS for epidemics and the Forest Service with Forest Fires on Federal Lands and National Parks). DOD is enlisted as a supporting agent and provides manpower and resources to aid FEMA. Their utilization is called DSCA. There can be challenges in coordinating resources. According to Michael Iannuccilli (2014), “typical disaster response missions result in federal agencies and entities assisting but also competing with state and local authority to set objectives and prioritization of efforts” (p. 3). This requires that there be a coordination process in place.

Once a request is pushed to the DOD, it tasks either NORTHCOM, who is responsible for the Continental US, Alaska and the U.S.’s Caribbean Territories or Pacific Command (PACOM), who is responsible for Hawaii and the US’ pacific territories, to begin planning, who in turn delegates responsibility for DSCA to Army North (ARNORTH). According to Iannuccilli (2014), “for over a decade, NORTHCOM has made great strides to integrate into the national



response plan for catastrophes and disasters as the primary entity responsible for executing the Department of Defense's (DSCA) mission" (p. 1). ARNORTH<sup>4</sup> is responsible for planning and resourcing the deployment of resources in support of DSCA operations.

### **Command structures**

Often a Joint Task Force (JTF) is established to help coordinate military efforts during emergencies. The Command structure of Title 10 and Title 32 forces can be complicated. The State's governor has command of virtually all Title 32 forces, with the notable exception of the Coast Guard. The President of the US commands all Title 10 forces. Each delegates command to a selected commander within the chain of command such as the State Adjutant General for the ARNG and the Secretary of Defense for title 10. The other complication is that the President has the authority to call ARNG forces to Title 10. The inherent issue of this arrangement is the ability of the two forces to work together, since the staff for both commanders must be different. The problem with this arrangement, is that doing so strips the ARNG force of their Title 32 authorities and limits what they can do, including law enforcement tasks, which may work to the disadvantage of the President, unless he opts to invoke the Insurrection Act and suspend the limitations of the PCA.

Barring use of the Insurrection Act or calling ARNG forces to Title 10, there are two basic arrangements for command and control: Parallel Command and Dual Status. Haynes (2014) details the two types of command in his paper. He explains that, "a parallel command is a structure where a separate state and federal forces exist without a single designated force commander" (p. 56). In this command structure, a separate commander vested with his own

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<sup>4</sup> For purposes of this review, ARNORTH is used a placeholder for explaining the process. PACOM has its own lead element for addressing DSCA within its own area of responsibility.

authorities, i.e. solely Title 10 or Title 32 respectively, commands each force. This arrangement necessitates close coordination between staffs, but can be derailed by their Commanders, particularly if the commanders have different ideas of how aid should be delivered. This can create significant de-synchronization that can cause delays and waste resources. This command structure contrasts with the dual-status command.

The second command structure model is dual-status. Haynes (2014) explains that in this structure, the ARNG commanders are “in Title 32 status but they are ordered into Title 10 status (federal active duty) where commanders retain their ranks and assume command of both federal and state forces, thereby assuring unity of effort” (p. 56). In this model, there is a single commander granted dual status (i.e. the commander is vested with both Title 10 and 32 authorities). In this model, the commander answers to both the governor and the president. Each entity must maintain its own separate title and there will be two staffs with one commander- one Title 32 staff and one Title 10 staff. The commands must still coordinate and de-conflict efforts, but the process is made easier by one commander.

According to Iannuccilli (2014), the 2012 National Defense Authorization Act (NDAA) even explicitly states that a dual-status commander “should be the default construct for command and control of forces during DSCA operations” (p. 3). However, conflicts can still occur. If the governor and the president are in political conflict, it can create problems for the commander. The efforts will still be better coordinated, but the commander may still have problems. Another is that the Governor may want a Title 32 ARNG commander and the President may want a Title 10 commander, as was the case during Hurricane Katrina. If this is the case, the parallel model may be better, since the political accommodations may not be obtainable. Often though, the

federal forces let the state take the lead and Title 10 forces will find themselves with a ARNG commander.

The use of a dual-status commander does create problems with respect to the operational headquarters. Iannuccilli (2014) highlights that of concern is the “the introduction of a dual-status commander controlling federal forces effectively eliminates NORTHCOM’s operational level of command traditionally established through the JFLCC” (p. 4). This creates complications, because the JFLCC is no longer exercising operational control of the Title 10 forces, instead created a reporting chain through NORTHCOM instead of the Joint Forces Land Component Command (JFLCC), which Iannuccilli (2016, p. 4) maintains, undermines the JFLCC’s command authority and the ability of the JFLCC to synchronize operations across multiple states.

### **Coordination, Training, and Planning at the Local, State, and Federal Level**

This section provides a review of the discussions of coordination, training and planning and how it affects DSCA. The coordination subsection discusses the coordination cells and liaisons that are used to help integrate efforts between all levels. The training sub-section discusses what efforts have been made to train on disaster scenarios. The planning sub-section is a discussion on literature discussing planning efforts organic to the process.

### **The Coordination Process**

Coordination centers exist at each level of government. The local level of government usually has a Community Emergency Management Center that serves as the general one for each county or major municipal area. This center is the point at which resources that are sent to the

community are coordinated to support disaster relief and recovery and is critical for maintaining situational awareness at the upper levels of the response tier.

Each state has an Emergency Operations Center (EOC). The EOC serves as the focal point for coordinating state efforts to help local communities with disaster relief efforts. The EOC helps by serving as a clearinghouse for directing state resources to local communities to help with disaster relief and recovery. Culclasure (2013) notes that, “the application of the ESFs helps provide organized support to communities in need” (p. 15).

The federal response is managed through the JFO. The JFO serves as the central touch point for the federal effort in supporting disaster relief and recovery. It is used to coordinate resource deployment to affected areas and determine needs and shortfalls for states and local communities. The Federal government can also establish additional coordination offices responsible for different functions, i.e. logistics, etc. The key federal officials in the JFO are the Principal Federal Official (PFO) and the Federal Coordinating Officer (FCO). The PFO is the lead federal official in the JFO and runs the office. The FCO coordinates “the federal response, through the 15 ESFs (each ESF is activated as required), State Coordinating Officer (SCO), and local representatives” (Langowski, 2008, p. 27). The priority for the JFO once it is established includes having the FCO prioritize requests for assistance from civil authorities, principally originating from the SCO. If the FCO believes that the local and state governments does not have the capability or that their existing capability is inadequate, he will begin analyzing and sourcing available “capabilities among the supporting departments and agencies. If it is determined that DOD has a capability that can satisfy a requirement, the FCO will ask the DCO to coordinate for its utilization” (Langowski, 2008, p. 29).

The Defense Coordinating Officer (DCO) is a Colonel assigned to each FEMA Region. He/she is responsible for coordinating DOD Support and requests from the affected state or states. Langowski (2008, p. 29) notes that the DCO must analyze received requests through the prism of its legality, lethality, risk, cost, readiness, and appropriateness. The DCO then tracks and follows-up on the request and ensures that the states' request for aid is considered by ARNORTH. Once the request from the DCO goes to DOD it works its way through NORTHCOM to the office of the Assistant Secretary of Defense (Homeland Security) and the Joint Director of Military Support, who both review and approve the request, making it official through an official order following the approval of the Secretary of Defense. Forces Command (FORSCOM) identifies elements to task for support through the applicable branches (i.e. Navy, Army, etc.) and NORTHCOM tasks the units to their individual areas of operations (Langowski, 2008, p. 29-30).

Apte and Heath (2011, p. 13) note that coordination and unity of command between Federal and ARNG Troops creates a source of friction. They also discuss the utility of Dual status commanders and the challenges associated with unity of command in a complex military formation. Specifically, they note that “there is still an issue with the coordination of efforts between the federal forces and the Guard forces that remain under state command” (Apte & Heath, 2011, p. 13).

Culclasure (2013, p. 11) emphasizes the necessity of coordination and training. Ensuring that coordination occurs is one of the ways to reduce the impact of disasters. Ensuring lateral and vertical integration and coordination into existing information networks reduces the impact of time and distance of deployed federal resources and their integration into local and state relief efforts. He highlights NYC as a model. Culclasure (2013) describes how “New York City stands

as an example of how coordination, information sharing, and response units, when used together, close the seams between ‘prevent, prepare, respond and recover’” (p. 10). Additionally, Culclasure (2013, p. 11) notes that the US’s strategy for Homeland Security and Homeland Defense is underpinned with national-level objectives. These objectives have been purposefully designed to promote intergovernmental communication and collaboration.

### **The Training Process**

This subsection is a review of the training processes for State and Federal emergency responders. Local communities set the training standards for emergency management for their employees. The Federal government assists the process by providing access to online FEMA training located on their website and available to all citizens who want to participate in it. The NIMS training guide provides the standards for Federal employees and provides the stipulation that any community that wants to receive federal assistance for training, must adhere to the standards established within the NRF and NIMS. The Federal Government also provides opportunities for communities to participate in annual field training exercises (FTXs). These FTXs provide an opportunity for participants to exercise command and control of their forces and lets the various participating sections exercise their functional expertise in a live training environment.

All five Region VI states’ (Arkansas, Louisiana, Oklahoma, New Mexico and Texas) SOPs and training documents reflect adherence to the NRF and NIMS. Each reflects the roles and responsibilities suggested by the NRF to define requirements at the state and local level. There are differences in the training plans, but largely they reflect each other, and have annexes that mirror the ESFs. For instance, the Arkansas’ Homeland Security & Preparedness Agency Training Plan (2016) was designed as a tool for emergency managers and their staffs to inform

them of the individual responsibilities of various key personnel before, during and after an emergency. The training plan also states that it “is designed to enhance the professional competency of its participants and to promote responsible safe practices throughout the state’s emergency preparedness and response community” (State of Arkansas ADEM, 2016, p. 2). It also includes the procedures for scheduling and conducting training, the standards for training and plan maintenance of individual community plans. The intent of this document is to make it easier for emergency management staffs to access training material and develop plans for disaster response and relief. Louisiana publishes a guide called the Louisiana Preparedness Guide (2016) that offers residents of the state tips on preparing for emergencies, mitigating damage, etc. The guide serves as a way to minimize the impact of a disaster and helps reduce the loss of life and potentially damage to communities.

The bulk of the training requirements for all five states are focused on completion of the FEMA emergency management courses found online on FEMA’s website. Arkansas’s training program aims to train its personnel to develop and understand the necessary skills and knowledge required to execute that states all hazards plan and respond to incidents in a professional and efficient manner. The training focuses on emergency situations involving: natural or man-made disasters; hazardous materials events; and incidents involving Weapons of Mass Destruction and/or other terrorist related actions (State of Arkansas ADEM, 2016, p. 2). Arkansas’ Training Plan also shows that personnel are integrated into the response process. Principally, all relevant personnel that are party to local, state and Federal emergency response roles are mandated to successfully complete the training proscribed by the training plan. The plan also requires that the personnel be completely knowledgeable about the NIMS and complete the training on the FEMA website (State of Arkansas ADEM, 2016, p. 2).

Echoing the importance of standardized training, Merbin Carattini (2015, p. 25) used his research to review how the establishment of 15 ESFs provides a reference point for conducting training. He also provides a brief elaboration on the planning timelines and guidelines for deployment of federal forces in response to a disaster. Carattini (2015) elaborates that “the Federal interagency community has developed fifteen all-hazards planning scenarios (the National Planning Scenarios) for use in national, federal, state, and local homeland security preparedness activities in order to establish a reference and provide the basis to train the most likely scenarios” (p. 25). The ESFs provide a standardized avenue to organize training exercises and SOPs. As previously mentioned, this reality is reflected by all the state SOPs and training documents in FEMA Region VI.

### **The Planning Process**

All State planning documents and SOPs list the roles and responsibilities of the state officials in their response hierarchy. The documents also align with the NRF and utilize NIMS as its foundation for reacting to disasters. The appendices typically align with the ESFs and direct how activities will be integrated with each organizational mechanism. This paper will conduct a short review of the Emergency Operations Plans (EOP) of New Mexico, Oklahoma and Texas to provide a context for other states in the region.

The State of Texas Emergency Management Plan (EMP) provides an overview of the purpose, scope, situation and planning assumptions for the Texas Department of Emergency Management. It provides a concept of operations that provides a base plan for the state in the event of an emergency or disaster. Texas’ EMP is intended “to describe how the State will mitigate against, prepare for, respond to, and recover from the impact of hazards to public health and safety, including natural disasters, technological accidents, homeland security threats, and



other emergency situations” (State of Texas EMP, 2015, p. 1). The document also provides guidance for organization and the assignment of roles and responsibilities.

Additionally, it provides guidance for state officials on what to do and how they should integrate into federal and local efforts during the disaster response. For example, the state plan is designed to serve as the base planning document for comprehensive emergency management. The plan is comprised of a basic plan and functional support annexes with appendices that detail general coordination responsibilities and emergency actions required during various phases of emergency management” (State of Texas EMP, p. 3). The ESFs in the State plan outline specific responsibilities of each agency or organization assigned within each ESF.

Other states within FEMA Region VI have similar documents that serve a similar purpose. The State of New Mexico’s All-Hazards Emergency Operations Plan (EOP) serves as the SOP for the state of New Mexico during an emergency or disaster. The state EOP “sets forth lines of authority, responsibilities and organizational relationships, and shows how all actions will be coordinated among the State of New Mexico and federal and local governments” (State of New Mexico EOP, 2013, p. 1). Most importantly, the New Mexico EOP mirrors and follows the guidance established in the NRF.

The New Mexico EOP does several things. It provides a short overview of New Mexico’s Emergency Operations System, it provides a plan for the continuity of both the Government and Operations, it provides guidance for direction, control and coordination of the government by assigning responsibilities to each state government office and key personnel during an emergency situation, it provides an overview of key federal positions and functions, and it assigns organization roles and responsibilities as they line up with the 15 federal ESFs. According to the New Mexico EOP (2016), “the EOP covers the full range of complex and

changing requirements prior to, during, and following an emergency or disaster” (p. 1). The New Mexico EOP identified that two gaps in the state planning documents is that the EOP does not specifically address long term recovery efforts or post disaster mitigation efforts. Additional state documents include the New Mexico Disaster Recovery Plan, New Mexico Natural Hazard Mitigation Plan, and the New Mexico Human Caused Hazard Mitigation Plan. New Mexico’s EOP is designed to handle any number of circumstances. The New Mexico EOP (2013, p. 1) states that the EOP is enacted when local government requests that state resources be used to: assist local governments during an emergency or disaster, respond to an emergency or unusual situation, or prepare for, respond to, or assist in planned events, such as major sporting events, conventions, etc.

A review of the Oklahoma EOP finds that its purpose is designed to create a framework of cooperation for interested parties, state and local governments. This framework provides a plan for mitigation, preparation, response and recovery in anticipation of disasters, both man-made and natural (OK EOP, 2009, p. BP1). The official stance of the state of Oklahoma is that they “must continue to be prepared for any and all hazards that may affect the State” (OK EOP, 2009, p. BP1).

Planning at the federal level is important, too. It helps to forecast things such as contingencies and mitigation strategies. The DOD has developed several contingency plans (known as CONPLANs) designed to identify roles and responsibilities in the event of an unplanned disaster and develop a basic plan for responding to the incident. These CONPLANs are wide ranging, and can include reacting to invasions by foreign powers to responding to natural or man-made disasters, such as a hurricane or a terrorist attack. Carattini (2015) notes that as far as the military is concerned, “the employment concept of military forces in support to

civil authorities is the starting point for deployment planning. Proper planning establishes what, where, and when forces are needed and sets the stage for a successful deployment. Subsequently how the incident commander intends to employ military capabilities available is the basis for orchestrating the deployment structure” (p. 28).

### **Capabilities for Providing Aid**

The military has many assets organic to its organization. For example, the military is already highly organized and well trained in its core competencies. For instance, it is safe to say that an engineer construction platoon is well versed on vertical and horizontal building techniques. Scholarship focused on the capabilities that the Military brings to disaster relief tend to be narrowly focus on an asset or capability that can and should be used. The military has numerous unique capabilities that can be used to help, particularly with aviation lift assets, engineers, military police, medical support and Chemical, Biological, Radiological, Nuclear, and Mass Explosives (CBRNE) response. This scholarship tends to be informational in nature and seeks to inform the reader about the utility of the assets during disaster response. This section focuses specifically on CBRNE, Aviation and MP assets, since those are the assets that scholars have explored in the literature.

### **The CBRNE Capability**

The CBRNE capability has been developed extensively since the 9/11 attacks spurred a greater emphasis on terror inspired attacks. The devastating consequences associated with this kind of attack, particularly in the aftermath of the botched sarin attack in a Tokyo subway in 1995 by the terror cum religious group Aum Shinrikyo served notice to the world of the potential danger of these kinds of attack. The increase in Islamic terror groups, particularly with rise of Al

Qaeda and, later, the Islamic State in Iraq and Syria and their attempted and successful use of Chemical weapons (i.e. Chlorine IEDs) created reasons to be concerned.

#### **State level capabilities (CST).**

The greatest effort to address this threat has been made at the state level. The ARNG has created a robust CBRNE capability. There are three levels of Title 32 forces capable of responding to CBRNE incidents. The first level of support is the smallest. Each State and U.S. territory has at least one CBRNE Support Team (CST) organic to it, capable of providing initial support to its state in the event of a CBRNE related incident. Culclasure (2013, p. 10) describes CSTs as 57 federally funded ARNG elements. Further each state and federal territory (Washington, D.C., Puerto Rico, Guam and the Virgin Islands) has a CST with an additional team for California, New York and Florida. The CST is usually the first responder to a CBRNE incident and is robustly equipped. It serves as a reconnaissance unit that assesses the level of damage or contamination at a disaster site. Carattini (2015) states that “following a localized disaster, the governor of the affected state could rapidly deploy ARNG CBRNE response personnel to assess the incident, determine the CBRNE contaminants, advise first responders, and inform follow-on forces” (p. 8-9). The information that they gather is passed on to follow on forces in the next few tiers and can be critical in helping to determine additional state and federal requirements and capability gaps.

#### **State level capabilities (Defense CBRNE Reaction Force).**

The second level of support is the Defense CBRNE Reaction Force (DCRF). Carattini (2015) states that these elements “are strategically based to allow for an expeditious response with at least one CERFP team in each of the 10 Federal Emergency Management Agency regions” (p. 13). The DOD has designed these organizations with a great deal of care to provide

support in each REMA region. Carattini (2015, p. 27) describes the DCRF as a team consisting of approximately 5,200 joint personnel. The DCRF is designed to deploy as DOD's initial response force in the event of a CBRNE incident. The DCRF consists of approximately an Army division (-) with additional capabilities designed to assist civil authorities and is commanded by a major general. The DCRFs are designed with care to provide many assets to assist in CBRNE related DSCA incidents. Carattini (2015) breaks down the DCRF even further, explaining that it “is composed of four functional task forces—Task Force Operations, Task Force Medical, Task Force Logistics and Task Force Aviation—that have their own individual operational focus and set of mission skills” (p. 27). Of critical importance, this type of task force can be activated minus the CBRNE assets to assist in DSCA operations.

#### **State capabilities (Homeland Response Force).**

The third type of unit is the Homeland Response Force (HRF). The HRF is a relatively large element that can provide both command and control and mission support during a DSCA event. The HRF is an evolution of the CBRNE Consequence Management Response Force (CCMRF). These organizations were designed to provide a large-scale response to disasters, but there were only two ever built. The CCMRF subsequently evolved into the HRF. Culclasure (2013) states that a HRF consists of a Headquarters element, a security element and a battalion sized CBRNE Task Force. Also of critical importance, “each HRF is capable of providing command and control for up to five CSTs and three CERFPs and will focus on planning, training, and exercising within its FEMA region, with the goal of establishing links between the local, state, and federal authorities” (p. 17). Carattini (2015) notes that the desynchronization can occur when ARNG forces are Federalized. Carattini (2015, p. 17) explains that the HRFs serve as the command and control link between ARNG and Federal forces. DOD has organized 10

HRFs within the US, each aligning with a REMA region, thus giving each FEMA region not only a dedicated DCRF and HRF to help respond to DSCA operations, but also affords additional DCRFs and HRFs if a disaster is big enough.

Culclasure (2013) states that there are several advantages to this arrangement. First “the HRF’s positioning in their respective FEMA region, under the governor’s control, places them in a better geographical location to respond to crises” (p. 17). Culclasure (2013) notes that the elements are not as large as a CCMRF, which was the previous capability designed to respond to DSCA requests, but are more spread out so that “their dispersed locations allow them an opportunity to work and train with FEMA thereby increasing their awareness and response time” (p. 17). The next advantage is that all the HRFs are staffed and are undergoing training and certification for responding to disasters. Culclasure (2013) maintains that this model is the most ideal, because they are “able to provide broad geographic coverage,” (p. 17) since there is one HRF per FEMA region.

#### **Federal level capabilities (Joint Forces Land Component Command).**

The last level of assistance is the Joint Forces Land Component Command (JFLCC) which serves as the Title 10 operational HQ. There are several federal organizations that can serve as the JFLCC. The first is Joint Task Force – Civil Support (JTF-CS) and is based out of Newport News, VA. Carattini (2015) provides context that the “USNORTHCOM planners formed Joint Task Force Civil Support (JTF-CS) with the mission of providing assistance to civilian authorities when requested by state governors and approved by the President of the United States. To fulfill mission requirements this Joint Task Force contains multiple units across the United States in support of a myriad of potential scenarios” (p. 1). These units are identified by FORSCOM and tasked by ARNORTH to conduct DSCA operations.

A second JFLCC unit includes Joint Task Force-51 (JTF-51) which serves as a DSCA response Task Force for ARNORTH and is based out of San Antonio. Other options are the Command and Control Biological, Radiological, Nuclear Response Element-A (C2CRE-A) and Command and Control Biological, Radiological, Nuclear Response Element-B (C2CRE-B). These two organizations alternate every year in response and a different 2-star HQ is designated to serve as this element every year. All these organizations can provide mission control for multiple HRFs and any other kind of unit conducting DSCA missions within the disaster area (Carattini, 2015, p. 27).

### **The Aviation Capability**

Guy Bass (2013) focuses his literature on aviation and lift assets. One of the most easily recognizable assets that the DOD possesses is its aviation assets. The military has a sizeable fleet of aircraft in its inventory, and they can effectively serve several purposes. Bass (2013) elaborates, “the Army Reserve’s aviation structure is currently comprised of eight aviation battalions. Its aircraft inventory consists of 202 aircraft, including UH-60 A/L/M (Blackhawks), CH-47D (Chinooks), UC-35 and C-12 fixed-wing transport aircraft and AH-64D’s (Apaches)” (p. 3). Bass (2013, p. 1) focuses his discussion on the current aviation assets and their use in DSCA operations. The first point is that aviation assets provide lift support for bulk items that need to be delivered to isolated areas. There are two types of Helicopters that the USAR have in their inventory: the UH-60 Blackhawk (and its variants) and the CH-47 Chinook. Effective use of these assets can greatly assist local authorities in the efforts to provide supplies to isolated, beleaguered communities (Bass, 2013, p. 2).

The second point is that aviation assets provide supplemental support to search and rescue efforts. One of the biggest challenges is locating and rescuing stranded citizens during

disasters. In the aftermath of a flood or hurricane, populations may be cut off or endangered by their environments. The increased capacity of military lift assets can greatly help a state or local community in its relief efforts (Bass, 2013, p. 10).

Bass's (2013, p. 3) third point is that the USAR has an Aviation Brigade that can provide C2 for their operations. Command and control can become greatly complicated by the sheer number of assets that are operating in the area. The USAR only "has two headquarters elements, a Theater Aviation Brigade (TAB) and a Theater Aviation Command (TAC), commanded by a Brigadier General," (Bass, 2013, p. 3) that can be used to provide command and control for aviation assets deployed to the area. The deployment of these HQs can effectively free up the staff of the Adjutant General for the state or the JFLCC from having to conduct operational planning and coordination for aviation assets.

### **The Military Police Capability**

The last capability that I want to cover is the use of Military Police. Brandsma's (2014, p. 19-23) discussion of Military Police assets focuses on how the element already replicates many of the basic law enforcement features that traditional law enforcement provides. Thus, a MP organization would be able to step into the role required of it during a disaster relief effort. He argues that by the nature of its day to day mission, it trains on the very skills that a DSCA mission would require for law enforcement support. Brandsma (2014) maintains that the MP's standards are "nearly identical to the qualifications and standards required for first responders and emergency managers" (p. 4). Brandsma (2014) argues that Military Police are resourced, trained and equipped to provide support with Law Enforcement functions, that "the training levels inherent in military police formations through a mix of certification exercises and practical



on the job training result in a high level of readiness for the missions required during DSCA” (p. 44).

Brandsma (2014, p. 22) argues that MPs are a trained law enforcement organization that can provide supplemental support for local law enforcement. Brandsma (2014, p. 22) states that the military police have four main mission types that they can support. The first is civil law enforcement. The second is restore and maintain order. The third mission type is relocating civilians out of the disaster area. The fourth mission area is establishing checkpoints to control the flow of civilians outside of the disaster area. Title 32 MPs can immediately support local Law Enforcement by establishing checkpoints, assisting with detention of criminals, etc. Brandsma (2014, p. 4) demonstrates that the military police provide a wide range of skills including traditional law enforcement skills such as policing, investigating, corrections, but also more functional roles and missions, such as Mobility Support, Wide Area Security, Law Enforcement, Dislocated Civilian Resettlement, and Police Intelligence. MPs can provide support with law enforcement, because they are a trained force that is already equipped to provide support.

### **Improving Delivery of Support**

One of the overall themes of academic scholarship is how to improve the delivery of Federal support and aid to the state and local governments to help them with a disaster or emergency. Some of the academic and professional scholarship focuses on improving the process. They seek to gain efficiencies in the system by looking at how to improve the process through either cutting down on the time it takes to make a decision or prepositioning federal resources near likely or forecasted disaster areas.

Other scholars and professionals focus on capabilities. Advocating the judicious use of capabilities that the military has is certainly a method for improving aid. For instance, the US Army's aviation assets are a boon to search and rescue operations because they can flood an area that is underserved or have severely damaged aviation assets.

The last is focusing on the catchall category of coordination, integration, training and planning. Focusing on inclusion of local and state governments into Federal and military training exercises is one way to help build these characteristics and creating cohesion for the elements involved. Planning would help to forecast requirements and identify locations to pre-stage resources and supplies. Training of personnel responding to incidents would certainly help shorten the learning curve for units that must respond.

### **Improving the Process**

This section will focus on ideas for improving the process for requesting federal aid. Improving the process of providing federal aid is another focus of DSCA scholarship. The two biggest problems with DSCA operations are represented by time and distance. It takes time for requests to make their way up the request chain to the President, allow for the decision makers to decide to deploy resources and push orders down to units that will deploy. The second major problem is physical distance. Federal resources are often located outside an affected state. It takes time and effort to push those resources to the affected area in a reasonable amount of time. The federal government must overcome those logistical and planning hurdles. The scholars who have written on this subject have provided a litany of suggestions, in consideration of these problems, on how to improve the process. Their thoughts include improving command and control issues, resolving understanding of legal authorities and training for participants, create

organizational changes to regionally source forces in anticipation of emergency and disasters, and forward deploying resources and forces prior to forecasted disasters.

### **Command and Control Issues**

The first issue associated with the DSCA process is addressing command and control issues, which have the potential of derailing relief efforts. This includes the competing concepts of unity of command as presented by Brandsma (2014, p. 7) and two chains of command as presented by Langowski (2008, p. 7). Brandsma (2014) elaborates on the concept of unity of command, explaining that it “is potentially problematic due to split authorities, particularly when conducting simultaneous homeland defense and civil support missions. DOD is the lead agency for homeland defense, and a supporting agency for civil support” (p. 7). Langowski (2008) suggests that the Army simply accept that there will be two chains of command for each entity and plan accordingly (p. 7). Of course, this line of argument predates Congress’ guidance on all efforts being made to ensure that dual-status command is established, especially with regards to Langowski, but it does maintain some relevance to operational control.

There are problems associated with two military chains-of-commands operating during an emergency. Iannuccilli (2014, p. 37) points out that coordination and inefficiencies exist by maintaining two separate command and control structures. Additionally, Iannuccilli (2014, p. 1) mentions the shortfalls in the actual employment of DSCA capacities, associated with the two general problems of command and control, and the deployment and employment of forces during disasters. Also, as previously noted, potential differences in goals and objectives can create desynchronization, as was the case between Governor Blanco of Louisiana and President Bush during the emergency response to Hurricane Katrina. Iannuccilli (2014) notes that “it is reasonable to assume that the process of working out this unique command and control structure

during the actual crisis took time, effort, and focus away from the main task of providing relief to the citizens of Mississippi and Louisiana” (p. 37). As mentioned earlier, one solution to this problem is the creation of dual-status commanders. In this scenario, the ARNG Commander is granted a dual-status role which allows him or her to direct both the state and federal responses (Iannuccilli, 2014, p. 4).

Langowski (2008, p. 8) also suggests that a shift in mindset from being in charge to supporting local emergency managers is required from military commanders. This recommendation addresses the paradigm shift from the take charge mindset of military combat commanders, use to running the proverbial show during operations, to a supporting role that subordinates the same commanders to a role in which they are directed by civilian authorities.

The issue of clear command and control is also demonstrated in Joseph Kirschbaum’s (2016, p. ii) report to Congress on Cyber support to DSCA. In it he discusses how the command and control of cyber resources needs to be delineated more clearly to avoid confusion. He proposes in his report that fixing DOD’s guidance in their directives will improve the understanding of their DSCA roles and responsibilities during cyber incidents. It will also help delineate their command structure during a response and allow ground commanders to understand cyber’s roles and responsibilities during an emergency. In the report, he shows that Kirschbaum’s (2016, p. ii) Government Accountability Office (GAO) report found that the DOD’s guidance to its subordinate units the clearly define their roles and responsibilities for incidents related to cyber. This further translates into problems with task organization. Additionally, Kirschbaum’s (2016, p. ii) GAO report found that guidance documents were inconsistent, failing to clearly delineate the chain of command for cyber assets during a cyber incident. Kirschbaum (2016) draws the conclusion that “until DOD clarifies the roles and

responsibilities of its key entities for cyber incidents, there would continue to be uncertainty about which DOD component or command should be providing support to civil authorities in the event of a major cyber incident” (p. ii).

### **Authorities and Training**

The second major issue that the literature addressed was resolving issues associated with authorities and training with intelligence collection, maintaining information on and detaining civilian citizens. There are significant legal restrictions on collecting intelligence on American citizens. Brandsma (2014) elaborates on this, stating, “when operating on U.S. soil, leaders and Soldiers must understand the legal authorities and caveats related to military operations such as those pertaining to collecting and maintaining information on and detaining U.S. citizens” (p. 7). De-conflicting this issue requires adherence to legal requirements. Military intelligence organizations are required to annually train on this issue, but application in a real-world environment creates its own complications. Therefore, DOD and its commanders must provide clear and concise guidance on the role and responsibilities of the military and when and how military capabilities should be considered and used (Liberato, 2007, p. 9; Kirschbaum, 2016, p. 20). Liberato (2007) argues, “a review of statutes and laws on the use of military Title 10 forces in domestic incidents blurs the subject by not providing clear and concise guidance as to when and how military capabilities should be considered for these missions” (p. 9).

As mentioned earlier in this review, the DOD serves in a supporting role during DSCA operations. Liberato (2007, p. 79) argues that there is room to debate using the DOD and granting it the role of executive agent during DSCA operations. He believes that DOD’s supporting role to FEMA creates problems while they direct resources to reacting to disasters.

His solution of granting DOD executive agent status was US policy prior to the creation of FEMA in 1979.

Another suggestion to resolving the DSCA process that both Langowski (2008, p. 6) and Iannuccilli (2104, p. 10) presented is seasonally designating forces for planning purposes. Iannuccilli (2014, p. 10) suggests that regionally sourcing forces could potentially reduce the time and distance that forces must travel to respond to an incident. Iannuccilli (2014) suggests that, “in order to reduce gaps in responsiveness, NORTHCOM should regionally source units for DSCA employment—those in close proximity to the disaster—rather than rely on a standing force” (p. 10). Pre-identifying which forces will deploy in support of a DSCA event provides two advantages. The first is that the decision on who is going to the area has already been made. Second, the pre-identified forces can start conducting training and deployment preparations in advance of a disaster. This both saves valuable time and helps prepare the deploying element on tasks and missions that it will likely perform while conducting DSCA operations. Iannuccilli (2014) offers as evidence to his assertion that in the past “regionally-sourced forces, regardless of directed readiness status, have proven capable of responding with amazing speed to no-notice deployment requirements” (p. 10). Deliberations might also entail identifying additional forces to support the initial force, but that a preselected force can already identify equipment and training that must be conducted in anticipation of the mission.

Additionally, Carattini (2015) suggests that predetermining areas of responsibilities go hand in hand with the preplanned forces. Carattini (2015) explains that the advantage of predetermined responsibilities is that “strict timelines are realistic based on a pre-determined area of responsibility” (p. 18). Chitwood (2014, p. 7) suggests that making significant organizational changes, like aligning Title 32 forces, including 10 ARNG Division HQs with FEMA districts

can help reduce some of the confusion with the process. Having ARNG HQs aligned with FEMA Districts will help reduce confusion during disaster relief efforts and create a hierarchy and a command and control mechanism that naturally nests with existing Army organizational doctrine. This is a feasible strategy since it has already happened with CERFPs and HRFs, so it is not a stretch to do this for the general-purpose forces.

Another suggestion from Langowski (2008) to help with the DSCA process is forward deploying resources, including command and control assets to affected areas prior to predicted disasters hitting. Langowski (2008) believes that allowing the “DOD to deploy more than command and control forces prior to a predicted natural disaster, in order to shape the conditions for a response,” (p. 7) will help reduce the response time for Federal response following a disaster. This recommendation makes sense in that it allows resources to be in place prior to a forecasted disaster, though it is impractical for the types of events that DOD is best postured to support. Iannuccilli (2014, p. 9) suggests that there are significant challenges associated with trying to deploy forces over distance. Distance remains a significant issue, because the Title 10 forces that are often selected for the DSCA mission (particularly Reserve units) are often geographically dispersed and can be some distance from the affected area. As Iannuccilli (2014, p. 9) points out in his paper, geographic dispersion of the military creates problems in terms of timely deployment of forces to the area and “any CBRN event or complex catastrophe that would mandate the activation of the DCRF for DSCA would be geographically separated from the majority of the allocated force mandating a deployment over long distances.”

## **Funding**

The last process suggestion, identified by Culclasure (2013, p. 10), concerns funding. Funding can create problems at multiple levels of the process. Lack of funding can create

training, personnel and equipment shortfalls in disaster response. Funding issues at the local level are perhaps more acute and can create shortfalls in local capabilities. Culclasure (2013, p. 10) highlights how one of the big issues with the local communities is that they lack funding to implement a lot of the capabilities that are enabled by the resource intensive NYC system, which is considered the gold standard. Culclasure (2013) contrasts NYC with other communities, because “NYC is one of the few cities in the United States which commands a budget large enough to afford these capabilities, and can respond with little help from outside agencies. Other U.S. cities and communities do not have the funds (or the constant terrorist threat), and will require assistance when man-made or natural disasters occur” (p. 10).

### **Improving Integration of Coordination, Training, and Planning Between Local, State and Federal Authorities**

This section reviews the literature on coordination, training and planning between local, state and federal authorities. It specifically looks at the mechanisms that the researchers and authors believe can help improve the mechanism for synchronizing and integrating efforts during disaster relief. The training subsection looks at methods that can be used to help make training opportunities easier to facilitate for state and local authorities. These include focusing on funding for training, improving delivery of training and routine incorporation of states and local communities into national training exercises designed on improving federal delivery of DSCA.

There are two major coordination dynamics that must be resolved. The first is the coordination that occurs between the three levels of government. The second is the intra-military coordination that must occur between the Title 10 Army and the ARNG. Both require extensive effort to make it work.



## **Coordination Issues Between Three Levels of Government**

Federal, state and local coordination continues to be a problem. Lack of coordination creates problems with integrating forces and efforts to address disaster response and disaster relief in the past. Carattini (2015) frames the problem of coordination in terms of the “lack of interagency coordination and execution among all stakeholders” (p. 1) remaining a significant challenge, despite heavy investment in planning, preparation funding and training by the military. Complicating the situation is that the challenges can arise from the nature of the threat. Brandsma’s (2014) statement that the “Army forces conducting homeland defense and civil support missions require extensive integration and must coordinate closely with multiple local civil and law enforcement authorities,” (p. 7) lends credence to the reality of the situation and the types of coordination that must be de-conflicted.

Adding further complications to the situation is that the ARNG and Title 10 forces operate under different authorities under U.S. law and thus can have very different missions. Thus, the ARNG is free from many of the restrictions placed on Title 10 forces and can participate in law enforcement activities if their Governor so wishes.

Brandsma (2014, p. 37) noted that resolving issues associated with coordination and integration can be difficult, as it proved to be during the L.A. Riots and Hurricane Katrina. Lack of a habitual relationship between Local, State and Federal governments creates “secondary problems” during crises that distract from delivering support. Iannuccilli (2014) points out, “the lack of a habitual relationship between actors at all levels had secondary effects that rippled throughout the entire problem” (p. 40). Carattini (2015, p. 15) and Chitwood (2014, p. 5) both echo this sentiment. They both believe that a lack of a relationship at the federal, state and local level is creating a desynchronization of efforts. Carattini (2014, p. 15) suggests that de-

synchronization at the state and local level compounds problems that are only exacerbated once federal forces deploy.

Culclasure (2013, p. 14) believes that a fundamental solution is that information exchange issues must be resolved. There are several gaps that exist between the three levels for information sharing. Federal information systems and networks, designed to be used by all participants, exist but have problems with interoperability with other systems. Additional problems exist with information sharing because of security clearances and classification problems. These problems can spiral to create de-synchronization, because a local and state emergency manager may lack a complete picture of what is going on with their incident. This coupled with the network problems can create problems that distract from the disaster response. Culclasure (2013) concludes, “the DOD and the rest of the Interagency (need to produce) clear guidance in the documents discussed and targeted similar ends to construct a layered approach to protect the homeland” (p. 14).

Additionally, command and control issues must be addressed. Brandsma (2014, p. 44-45) contends that ad hoc methods for coordination have worked poorly in past instances. He states that in the instance of federal and state disaster response to Hurricane Katrina in 2006, that “there is ample evidence that the ad hoc nature of surging response forces added to (the) initial confusion and a mismatch of capabilities to requirements in the disaster area. Even with National Incident Management System in place, there was a lack of understanding between the responding forces and state leadership, which is a direct cause of failure” (Brandsma, 2014, p. 44-45). The confusion created by the lack of coordination detracts from the ability of the group to focus on disaster response and relief efforts. The challenges associated with the mismatch of capability to

shortfalls highlight the need for coordination of resources and marrying up capabilities to the needs at the local, state and Federal levels.

### **Intra-Military Coordination**

Another issue is the coordination of Federal and state forces. Iannuccilli (2014, p. 7) believes that exercises need to habitually integrate Title 10 and 32 forces with Federal agencies and others. Brandsma (2014, p. 7) believes that the process for integrating Federal forces and the ARNG require extensive preparation through planning and training to ensure that their capabilities are used effectively. Chitwood (2014, p. 13) believes in a more radical approach. He believes that the ARNG and the USAR need to merged. Chitwood (2014, p. 13) believes that expanding the ARNG will benefit DSCA and improve its effectiveness by created a habitual relationship with federal agencies that DOD routinely supports in dealing with emergencies and disasters. This idea would have a significant number of assets moved under Title 32 control and lessen the need for Title 10 assistance.

Chitwood (2014, p. 2) believes that the DOD should merge and integrate the USAR and ARNG to create a single Title 32 force. Specific specialty units can have dual-status. He states that the Army should fold the USAR into the ARNG and align the new organization with “each of the numbered regions of the Federal Emergency Management Agency (FEMA) and consolidating the new force under the Director of the ARNG, who subsumes the role of the Chief of the USAR” (Chitwood, 2014, p. 2). Additionally, dual-status can be created for certain specialized units to allow them to operate under Title 10 control when needed. Carattini (2014, p. 30) does concede that the existing relationship between States and the federal forces that deal with training and planning, are critical for coordination efforts during an incident. To Chitwood (2014), the existence of both the ARNG and the USAR is a needless replication of resources and

makes the USAR irrelevant. The advantage to this organizational structure change is that “it also enables the dual-status commander (DSC) concept developed to provide a unified command structure for both federal and state military forces in an emergency response situation” (p. 14).

Milliman et al. (2006, p. 2) believe rightly that lack of coordination creates problems between the military, federal officials, state officials, and the local emergency managers who are working the disaster response problem. Milliman et al (2006) noted in their article “that one source of inter-agency problems during previous DSCA deployments was the coordination of activities, responsibilities and operations between EMs and military authorities” (p. 2). Haynes (2014, p. 169) believes that the solution to the greater problem is to establish a coordination council to address the various problems and coordinate efforts.

### **Training Issues**

Carattini (2015, p. 44) and Iannuccilli (2014, p. 42) both state that the DOD should train and equip forces appropriately to handle disasters. Carattini (2015) maintains that the lack of training with general utility forces can be problematic; he postulates that in the event of multiple incidents, “poorly trained general utility forces would fill the requirements as additional response forces, subject to the authority and direction of operational command elements that still exist largely on paper” (p. 44). Additionally, Carattini (2015, p. 44) believes that this state of affairs creates risk, because with the general-purpose forces reacting to multiple, ongoing incidents, the shortfalls in training, equipment and unit cohesion could potentially lead to an unnecessary loss of life.

Buchalter (2007, p. 18) identified another training and policy problem is that the DOD tends to place more emphasis on war-fighting then on DSCA, thus creating a force less prepared to engage in DSCA missions. Carattini (2015, p. 44) believes that the military is ill-trained to

support DSCA missions. Forces need to be trained to conduct DSCA correctly (Iannuccilli, 2014, p. 14). Challenges exist with the military's delivery of support. Per Buchalter (2007, p. 18), the military sees the DSCA mission as lower priority, with other types of mission taking precedence. Thus, the military places greater importance and a higher priority on its traditional role as a warfighter, relegating DSCA to a lower rung of importance. Buchalter (2007, p. 21-22) maintains that the DOD is unwilling to embrace DSCA as a high priority mission. Thus, Carattini (2015) maintains that "to respond to such an event, USNORTHCOM needs the right people in sufficient numbers, properly trained with the necessary equipment, ready to rapidly execute operational plans that have already been rigorously tested in a realistic field-training environment" (p. 44). Iannuccilli (2014, p. 14) contends that this will be problematic in some instances, but that DOD must change its training priorities to embrace DSCA as a mission essential task.

Another training concern is the NIMS. Haynes (2014, p. 168) maintains that there are short falls in training on NIMS creates problems and he believes that NIMS' training guidance should be revised to require military units to mandate all-hazards DSCA training. There are limitations with learning about disaster management on a computer. Iannuccilli (2014) identified that the one of the shortcomings of state organizations that use the NIMS is that they fail to train using the system and tend to not understand "the roles and responsibilities of the federal government during this type of crisis" (p. 42). Additionally, the lack of access to National Training exercises for local and state organizations stem from their budget limitations (Culclasure, 2013; Haynes, 2014, p. 168). Haynes (2014, p. 168) concludes that the federal government needs to facilitate additional live environment training and education opportunities for local governments by providing additional funding for FEMA regional offices to help defray

the cost of training for local emergency managers. Carattini (2015, p. 30) identifies that an additional advantage to training exercises are that they can be used to improve relationships between State and Federal entities.

Echoing the sentiment of budget constraints and training limitations, Milliman et al. (2006, p. 12) believes that local emergency managers need to receive more training and education on DSCA. Furthermore, they state that their research indicated that despite the best effort of the federal and state government to educate local emergency managers about DSCA, their efforts fell short, because most of the managers that they surveyed didn't understand the process very well (Milliman et al., 2006, p. 12). This lack of knowledge can create problems in disaster relief. Consequently, Milliman et al.'s (2006) research suggested, "that a new and significant effort needs to be made on education efforts for EMs on DSCA" (p. 12). To facilitate this training, Milliman et al.'s (2006, p. 8) study showed that the Federal government needed to ensure that the education programs on DSCA should be presented in a variety of ways to help support the various cost effective methods that local governments could access.

Milliman et al. (2006, p.12) concludes that one way that the federal government can assist with improved training is to increase funding for training of local governments and military units. They identified two funding related challenges. The first is that emergency management personnel, especially in rural areas, tend to be dual-hatted: they often hold a day job, such as a fireman or administrator in addition to the emergency manager role. This can create challenges because the dual-hatted personnel are unable to focus on their emergency management duties prior to a disaster response, and thus, many of the SOP, coordination and integration problems are not addressed prior to an incident. The second funding related problem is the lack of funding to participate in state or federally sponsored DSCA training events.

Milliman et al. (2006) conclude that this lack of access “may hamper the delivery of information on assistance” (p.12) despite the increasing emphasis on this process.

Another idea that has been floated is a coordination council. Haynes (2014, p. 169) believes that each state should set up a coordination council to help synchronize emergency management training for local communities. Haynes (2014) believes that “each state could set up a coordination council (during a regularly scheduled state-wide emergency management event), to train, inform, and educate both military decision-makers and state and local about near-by installation emergency manager representatives and the military’s local capabilities to assist” (p. 169). Establishing a coordination council can help each state assist local level emergency managers with training and planning concerns. It also would allow local emergency managers to get to know military installation commanders and POCs for assistance both in situations where immediate response authority is authorized by the circumstances and in preparation for DSCA operations when federal aid has been requested and assistance is imminent.

## **Planning Issues**

Iannuccilli (2014, p. 17) believes that DCOs must be integrated into planning efforts. Doing so would nest the DOD with FEMA’s operational planning efforts and provide the DOD a chance to provide some more realistic expectations on its capabilities in responding to emergencies and supporting states. The DCOs can inject realistic planning considerations and expectations into disaster planning at both the state and federal level. An example of how they can help is with deployment timelines. Carattini (2015, p. 29) believes that planning assumptions are flawed, particularly with respect to planning timetables. He believes that they create unrealistic expectations on speed of deployment and history provides evidence that the time frames for deployment are unrealistic. While regionally sourcing and predetermining

responsibilities will help, inclusion of the DCOs and specialized staff will help deconflict planning assumptions.

Planning considerations need to be made for identifying forces to fulfill the disaster response needs of the states. Iannuccilli (2014, p. 10) believes that one way to speed up delivery of support is to regionally source units for DSCA employment. This means that tasking forces near a disaster area, i.e., tasking 1<sup>st</sup> Cavalry Division elements stationed at Fort Hood, TX for a disaster occurring in Central Texas makes more sense than tasking elements from 1<sup>st</sup> Infantry Division that are stationed in Kansas. Resolving the issue of the time it takes to work through the process and bring forces to the affected area soon enough for them to be effective and useful (Iannuccilli, 2014, p. 10). As referenced earlier in this review, Carattini (2015, p. 9) believes that the DOD is unprepared to handle multiple multi-state disasters. Pre-identifying and regionally sourcing units would help to relieve some of the problem associated with the lack of training. If a unit is identified, they can begin to build their training schedules around the idea and expectation that they will be engaged in a DSCA mission.

The last recommendation that Langowski (2008, p. 8) makes in his paper is adding planning considerations for political considerations and information operations. The “political skill” set is foreign to the military, as tradition places the military outside of the political process. The information skill set is a skill that has been used in military operations in Iraq, Afghanistan and anywhere else the military has operated. What Langowski (2008, p. 8) means is that the military must plan accordingly with both dynamics to help keep the military in the background and allow state and local leaders to take credit for the good that the military does, further strengthening faith in local and state governance.



## **Speeding Up Delivery Support through Improved Capabilities**

This section focuses on literature that discusses the ways that capabilities can be improved. This section revisits the researchers who had previously discussed the functionality of capabilities. This section revisits the CBRNE assets, Aviation assets and Military Police assets during DSCA operations and discusses how they can be functionally improved.

### **Improving the CBRNE Capability**

Carattini (2015, p. 43) argues that existing capabilities needs to be strengthened to create a more robust DSCA capacity. He lists out all the limitations that he sees with the existing DSCA response capability. This can be in the form of capabilities, training, equipment, etc. Also, there are significant limitations to the regular army forces that will be identified to respond to multiple emergencies and disasters if other resources are tied up in a large primary disaster.

Carattini's (2015) first significant issue is that he wants to strengthen the response mechanism. He notes that the ARNG should be resourced adequately to respond to many types of disasters. The CST/CERFP/HRF mechanism has been created to act as the initial response that can respond "rapidly and effectively to domestic catastrophic disasters," (p. 43) but should be strengthened to ensure that it can do that mission. While he admits that the assets at the state level are already considerable, he would like to see more assets at that level able to support the CBRNE mission. Culclasure (2013, p. 15) agrees, pointing out that there are equipment and personnel shortfalls in the existing response capability. CSTs and HRFs both have robust capabilities, but Culclasure (2013, p. 15) argues that the CERFP needs to be better equipped to respond to emergencies. Additional limitations that he has identified are shortfalls in command and control for the CERFP stemming from mutual inadequate communications equipment, the lack of state mutual aid agreements for some of the CERFP's subordinate elements (which

requires congressionally approval), and lack of realistic training opportunities for the subordinate elements.

Additionally, Iannuccilli (2014, p. 5) made this observation about the JTF-CS, which is the federal contribution to this response architecture. Iannuccilli noted that the “JTF-CS performed admirably in its role as the JCE, but it was neither properly staffed nor granted proper authority to execute its mission of synchronizing multi-state operations” (p. 5). He goes on to suggest that the JFLCC be better resourced going into disaster relief operations, perhaps augmented with active duty from ARNORTH and that an active duty JFLCC may be the best option for responding “in the event of multi-state disasters, capable of organizing and commanding subordinate task forces and monitoring, synchronizing, and allocating forces across multiple states considering FEMA and state priorities” (Iannuccilli, 2014, p. 5). While an active duty JFLCC may undercut organizations like JTF-CS, etc., this may also be the best option when responding to multi-state events.

With regards to active duty Title 10 forces, Iannuccilli (2014) points out that the military has an “extremely limited standing allocation of forces to execute DSCA operations” (p. 7). Thus, if multiple CBRN events occur and active forces are called on to assist with the DSCA mission, there is a capability training gap within the active force to address the disaster and technical assistance will likely be required (Iannuccilli, 2014, p. 21-22). Thus, there are capability limitations in terms of the general force that must be addressed and perhaps built out for responding to such events.

### **Improving the Aviation Capability**

Bass (2013) offers a narrower set of fixes for DSCA for the USAR in his article. His focus is principally on converting the USAR’s two AH-64 Apache equipped Helicopter Attack

battalions into UH-60 equipped helicopter lift battalions. He maintains that these types of organizations are easier to train, maintain and administer. He also maintains that UH-60 Blackhawk Helicopters are undeniably more effective in times of disaster, because they offer capabilities for search and rescue for which the Apaches simply are not designed. Bass (2013, p. 5) also maintains that there is a training issue for AH-64 crews that make it problematic to train on the systems during a traditional fiscal year. This problem is not shared with utility helicopter crews, who have less training requirements for their aircrafts (Bass, 2013, p. 5).

There are also several challenges for the command and control capabilities of the Aviation Brigades. First, Bass (2013) believes that creating an additional Aviation brigade headquarters would facilitate command and control of lift assets during DSCA operations, as there is only one Aviation Brigade HQ within the existing USAR force structure. Bass' (2013) second point is that "both the TAC and TAB headquarters provide mission command for multiple mission sets, however, their staffs are not organized to support AH-64 attack helicopter assets" (p. 3). Thus, regarding the issue of the Apache, the force is not able to provide effective command and control of Apaches.

### **Improving the Military Police Capability**

Brandsma (2014, p. 45) offers two distinct lines of constructive criticism towards further developing MPs as a capability in his conclusion. The first is in-line with how to constructively organize MPs to facilitate their deployment. Namely, he believes that MP brigades should be organized to support each FEMA region. This would allow each FEMA region to have an organized force for law enforcement augmentation during a disaster. Brandsma (2014) posited that "a regional force apportionment approach for ARNG military police brigades through the

Army Force Generation process would provide a quick response DSCA capability to NORTHCOM in order to bridge this gap” (p. 45).

The second criticism is Brandsma’s (2014, p. 45) recognition that MPs are not a fix-all for problems during disasters. MPs offer a limited functional capability that can potentially help local and state law enforcement during a disaster by providing trained personnel. So just as Brandsma (2014, 45) made a point that it is difficult to make infantryman function effectively as police, it is difficult to use MPs as anything other MPs. There are some similarities in basic Soldier skills, but recognizing the limitation of functional capabilities is important.

Additionally, Brandsma (2014) admits that there are shortcomings for the MP capability; “military police do not possess adequate medical, engineering, transportation, or aviation capabilities to handle every possible contingency” (p. 47). Brandsma (2014) caveats his statement about the shortcomings of the MPs with the assertion that military police allow other units to function by serving as the security force that grants them “a safe and secure environment” (p. 47).

**Table 2.2: Conceptual Framework**

| <b>Title:</b> A Descriptive Study of Training to Request Defense Support to Civil Authorities Aid by City and County Emergency Managers<br><b>Purpose:</b> The purpose of this study is to describe the level of understanding of local Emergency Managers and officials in FEMA Region VI on the purpose, capabilities and effectiveness of requesting Defense Support to Civil Authorities. |  |
|---|--|
| Category  | Literature/ Source   |
| <b>Legal Authorities Associated with DSCA</b>   |  |
| The Insurrection Act of 1807 (10 U.S.C. § 331-335)  | Banks (2009); Brandsma (2014); Buttaro (2015); Connor (1992); Langowski (2008); 10 U.S.C. § 331-335;                                     |
| The Posse Comitatus Act of 1878 (18 C.F.R. § 1385)  | Apte & Heath (2011); Banks (2009); Brandsma (2014); Buttaro (2015); Chitwood (2014); Langowski (2008); Liberato (2007); 18 C.F.R. § 1385 |

|   |   |
|---|---|
| The Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (42 U.S.C. § 5121-5207)                                   | Brandsma (2014); Buchalter (2007); Daniels (2009); Liberato (2007); 42 U.S.C. § 5121-5207   |
| Executive Orders, Directives and Federal Regulations  | Bulchalter (2007); Culclasure (2013);   |
| <b>The Process for Requesting Federal Support</b>   |   |
| The National Response Framework and National Incident Management System   | Culclasure (2013); FEMA ESF Annex, 2008; NRF (2016); NIMS (2011); NIMS Training Guide (2011); Langowski (2013);   |
| The Response Structure  | Apte & Heath (2011); Culclasure (2013); Iannuccilli (2013); Langowski (2013); NIMS Training Guide (2011)  |
| Command Structures  | Haynes (2014); Iannuccilli (2013);  |
| <b>Coordination, Training, and Planning and process at the Local, State and Federal Levels</b>  |   |
| The Coordination Process  | Apte & Heath (2011); Culclasure (2013); Langowski (2013);   |
| The Training Process  | Arkansas' Homeland Security & Preparedness Agency Training Plan (2016); Carattini (2013); Louisiana Preparedness Guide (2016);  |
| The Planning Process  | Carattini (2013); State of New Mexico All-Hazards Emergency Operations Plan (2013); State of Oklahoma Emergency Operations Plan (2009) State of Texas Emergency Management Plan (2013); |
| <b>Capabilities for providing aid</b>   |   |
| The CBRNE Capability  | Carattini (2013), Culclasure (2013)   |
| The Aviation Capability   | Bass (2013)   |
| The Military Police Capability  | Brandsma (2014)   |
| <b>Improving delivery of Federal Support</b>  |   |
| Command and Control Issues  | Brandsma (2014); Kirschbaum (2016); Langowski (2008)  |
| Authorities and Training  | Brandsma (2014); Carattini (2013); Chitwood (2014); Iannuccilli (2013); Kirschbaum (2016); Langowski (2008); Liberato (2007)  |
| Funding   | Culclasure (2013)   |
| <b>Improving integration of Coordination, Training and Planning Between Local, State and Federal Authorities Emergency Management</b> |   |
| Coordination Issues between Three Levels of Government  | Brandsma (2014); Carattini (2013); Chitwood (2014); Culclasure (2013); Iannuccilli (2013);  |

|   |  |
|---|--|
| Intra-Military Issues   | Carattini (2013); Chitwood (2014); Haynes (2014); Iannuccilli (2013); Milliman et al (2006)                      |
| Training Issues   | Buchalter (2007); Carattini (2013); Culclasure (2013); Iannuccilli (2013); Haynes (2014); Milliman et al (2006); |
| Planning Issues   | Carattini (2013); Iannuccilli (2013); Langowski (2008)   |
| <b>Speeding Up Delivery Support through Improved Capabilities</b> |  |
| Improving the CBRNE Capability                                    | Carattini (2013); Culclasure (2013); Iannuccilli (2014)  |
| Improving the Aviation Capability                                 | Bass (2013)  |
| Improving the Military Police Capability                          | Brandsma (2014)  |
|   |  |

## Conclusion

The scholarship on DSCA has focused on three main areas. The first focus is on the authorities that grant the government the right or authority to operationally deploy U.S. military forces within the borders and confines of the U.S. The second focus is on the processes that must be followed to request federal aid. The last focus was on the capabilities that the Federal government and DOD can bring to disasters.

There are several opportunities for additional research and scholarship. One example is researching other capabilities that DOD possesses and provides during DSCA missions. Another is studying the coordination mechanisms at the state, local and Federal levels for deciding how resources are directed. My choice is to expand on the work that Milliman et al. (2006) and Haynes (2014) have done to research how well local level Emergency Managers understand the DSCA process, in this case for FEMA Region VI. Future research can be done on the other FEMA regions.

## **Chapter 3**

### **Methodology**

#### **Chapter Purpose**

The principal purpose of this chapter is to describe the research design and methods used for this Applied Research Project. Based on a thorough review of the literature, chapter two developed a conceptual framework of the legal authorities, processes and capabilities associated with the state and Federal response to DSCA. These categories were used to adapt and refine Milliman et al's 2006 survey, which were used to evaluate and describe the understanding of process by local emergency managers. Chapter three operationalizes the conceptual framework and illustrates how the survey instrument was developed. Additionally, this chapter addresses the strengths and weaknesses of the survey method and provides general information on the research setting, the sample of participants and the data collection procedures. The operationalization table is included at the end of this chapter and survey questions related to each category on the conceptual framework are presented.

#### **Research Setting and Study Participants**

This research study covers FEMA Region VI, which includes Texas, New Mexico, Arkansas, Louisiana and Oklahoma. The main goal of this research is to describe the general understanding of local level emergency managers on the process to request DSCA support, the capabilities that come with that assistance and the planning and training requirements that are necessary to implement that aid. The participants for this research were local community emergency managers from the states of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, which comprise the land area of FEMA Region VI.

Email contact information for emergency management professionals was obtained by four methods. The first effort was made by passively reviewing state emergency management websites. The states of Louisiana, Arkansas, and Oklahoma post contact information for county emergency management professionals on their official websites. The second effort was made by actively contacting the state emergency management offices for New Mexico and Texas. Neither state had a publicly available list of emergency management professionals at the county level. The third effort was made by passively reviewing county government websites for publicly posted contact information. The final effort was an active attempt to contact county governments in New Mexico and Texas. This effort was successful in gaining contact information for all but 16 county governments and five city governments.<sup>5</sup>

The survey was sent to 733 respondents using the online survey system Qualtrics ([www.qualtrics.com](http://www.qualtrics.com)). 133 of the emails sent bounced back to the sender and contact was unsuccessful. This resulted in the survey being sent to 600 participants. The initial survey was requested via email on 23 February 2017. A reminder email was sent to participants on 3 March 2017 and subsequent reminders were sent on 9 March, 22 March and 24 March. 97 email recipients responded and completed surveys, which represents ~16.17% of the FEMA Region VI county and city emergency officials.

### **Human Subject Protection**

This research work endeavors to protect the human subjects who voluntarily completed the surveys. No identifying information or details that would compromise the privacy of the respondents are revealed in this research. The surveys asked the participants for general

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<sup>5</sup> In several cases, cities did not have a dedicated emergency management coordinator or manager to which to send the survey.



geographic and population-oriented data only for use for correlating responses and identifying trends. Additionally, the emails for participants will be kept confidential. The researcher has completed online training from the Collaborative Institutional Training Initiative website. A request for exemption was submitted to the Texas State University's Institutional Review Board (IRB) and approval of a waiver was granted on 22 February 2017. This research is meant to advance knowledge by describing the training and understanding of local level emergency managers on the DSCA process, and is not meant to physically or psychologically harm participants. Full details about the IRB and the email associated with the IRB approval can be found in Appendix B.

### **Operationalizing the conceptual framework**

The operationalization of the conceptual framework is based on the methods developed by Shields and Rangarajan (2013). This research uses the descriptive categories conceptual framework (found in Appendix A). Because the purpose of this work is descriptive, the corresponding categories within the conceptual framework are also descriptive. This method focuses on converting categories and elements within the conceptual framework into working variables that directly associates with the research purpose (Shields & Rangarajan, 2013, p. 77). The survey is developed from the conceptual framework table and links the survey to the research in the literature review.

The survey instrument used to gather information on the training and understanding of DSCA by local emergency managers in FEMA Region VI was constructed by using survey questions developed by Milliman et al (2006) and modified by Haynes (2014). The IRB committee approved the use of these survey questions/instrument. Haynes' (2014, p. 8) survey questions were modified from open-ended questions to better reflect the variables informed by

additional research and converted and expanded to 40 Likert-style statements. For example, the question “How far is the nearest military installation to your jurisdiction?” becomes “My community is close to a military installation (i.e. US Army Reserve Center, active duty military base).” The choices for an answer change from an open-ended response to a response options on a 7 point Likert-type scale: 1) Strongly Agree, 2) Agree, 3) slightly agree, 4) neither agree or disagree, 5) Slightly disagree, 6) Disagree and 7) Strongly disagree.

Additionally, four survey questions were specifically designed to gather specific regional data to understand the nature of communities from which responses were received (i.e. state of community, common natural disasters that afflict the community, scaled population sized, etc.).

### **Survey Research Strengths**

Data for this research were collected via a web survey administered through *Qualtrics*. This approach to data collection has two major strengths. First, it expands the pool of participants by using the Internet to more widely distribute the survey. This researcher opted to send surveys to the entire population of emergency workers from region 6, because the existing pool is relatively small (~733). Thus, more participants create a larger pool of respondents and more data for analysis from which to draw conclusions. The second strength is that the structure of the survey questions allows the researcher to quantify responses and identify trends in training effectiveness and understanding of DSCA. Thus, the survey method allows use of a larger pool of respondents, and the larger pool enables the researcher to identify broad trends.

### **Survey Research Weaknesses**

Correspondingly, there are several inherent weaknesses to the survey method as well. First, response to the survey is voluntary, so the sample may be skewed by respondents who are very familiar with DSCA, with individuals who are not familiar with the process opting not to

respond. There is also a limited pool of respondents in FEMA Region VI (733), and this research study attempts to survey all of them. Another issue is the accuracy of information on email addresses. Not every respondents' email address received was accurate.

Another weakness is that the surveys were not distributed and collected at a central event like a conference where a captive set of respondents are more likely to complete the survey, and the participants could ask clarifying questions of the researcher. Since the surveys were emailed to respondents, there was no way to clarify any questions on the survey, unless they directly call or email the researcher. Also, the structure of the questions and the seven-option response mechanism does not allow the participant to elaborate on their answers to provide qualitative responses. An opportunity for subjective, qualitative data collection is not planned. Additionally, due to time constraints and distance, a multi-method system (i.e. supplementing survey method with interviews) was not feasible for this project.

### **Data Collection Procedure**

Data was collected through a web-based survey administered via Qualtrics. The survey was pilot tested with a small group of participants in the local area to identify problems and ensure validity and reliability, prior to being disseminated to the larger group. It was originally sent to 733 participants via email obtained from a review of both public and government sources, including state and local government websites, and a FOIA request to a government employee at ARNORTH. The email that was sent to the participants outlined the overall objective and their individual rights within the scope of the research and contained a link to the survey. Participants were guaranteed confidentially regarding their participation with the survey. The survey was active for participant completion from 23 February to 8 March 2017.

**Table 3.1: Operationalization Table**

|  |   |
|--|---|
| <b>Title:</b> A Descriptive Study of Training to Request Defense Support to Civil Authorities Aid by City and County Emergency Managers<br><b>Purpose:</b> The purpose of this study is to describe the level of understanding of local Emergency Managers and officials in FEMA Region VI on the purpose, capabilities and effectiveness of requesting Defense Support to Civil Authorities (DSCA). |   |
| <b>Category</b>  | <b>Questionnaire Items*</b>   |
| <b>Legal authorities associated with DSCA</b>  |   |
| Constitutional Foundation and the Insurrection Act of 1792   | I am familiar with the legal provisions of the Insurrection Act of 1807 with regards to requesting Federal and military assistance  |
| Posse Comitatus Act of 1878  | I am familiar with the limitations placed on the military based on the Posse Comitatus Act of 1878.   |
| The Federal Civil Defense Act of 1950 to Robert T. Stafford Act of 1988  | I am familiar with the types of aid made available through the Robert T. Stafford Act of 1988.  |
| Executive Orders, Directives and Federal Regulations   | I am familiar with the Executive Orders, DOD Directives and Federal Regulations that oversee DSCA.  |
| <b>The Process for requesting Federal Support</b>  |   |
| The National Response Framework and National Incident Management System  | <p>My organization has a Standard Operating Procedure (SOP) on requesting State and Federal support in the event of disaster response.</p> <p>My organization has an established, designated liaison for coordinating with state and federal officials.</p> |
| The Response Structure   | My community must request State or Federal aid and resources in addressing a disaster.  |
| Command Structures   | <p>I have a good level of understanding of the command structure for DSCA.</p> <p>I have been in a leadership role related to emergency preparedness, response and management for several years.</p>  |
| <b>The Training, Planning and Coordination process at the Local, State and Federal Levels</b>  |   |
| The Coordination Process   | My community is close to a military installation (i.e. US Army Reserve Center, active duty military base).  |

|   |   |
|---|---|
|   | <p>My organization maintains a close, working relationship with state emergency officials.</p> <p>My organization maintains a close, working relationship with Federal emergency officials.</p>   |
| The Training Process                          | <p>My organization often participates in state and/or Federally run disaster response exercises.</p> <p>My organization conducts drills, exercises, and disaster responses that incorporates DSCA regularly.</p>  |
| The Planning Process                          | <p>My organization routinely participates in community disaster planning with state and federal officials.</p> <p>I understand the processes involved with integrating military capabilities into a response.</p> <p>I am considered knowledgeable on emergency response by my peers and coworkers.</p> <p>I have been in my present job position for several years.</p>                |
| <b>Current capabilities for providing aid</b> |   |
| The CBRNE Capability                          | <p>I often make specific requests for CBRNE capabilities that I need to respond to an emergency or disaster.</p> <p>My organization's training program highlights the different CBRNE capabilities available through Federal forces.</p> <p>I am familiar with the Chemical, Biological, Radioactive, Nuclear and Mass Explosion capabilities in my state and at the Federal level.</p> |
| The Aviation Capability                       | <p>I make specific requests for aviation capabilities that I need to respond to an emergency or disaster.</p> <p>My organization's training program highlights the different Federal aviation capabilities available through Federal forces.</p> <p>I am familiar with the aviation assets available with the National Guard and at the Federal level.</p>                              |
| The Military Police Capability                | <p>I make specific requests for the type of military capabilities that I need to respond to emergencies or disaster.</p>  |

|   |   |
|---|---|
|   | <p>My organization's training program highlights the different Federal military police capabilities available through Federal forces.</p> <p>I am familiar with the National Guard and Federal Governments' Military Police assets.</p>   |
| <b>Improving delivery of Federal Support</b>  |   |
| Improving the process   | The Federal and State response processes need to be improved.   |
| Command and Control Issues  | Command and Control of Federal and National Guard assets need to be improved.   |
| Authorities and Training  | My organization routinely has trouble accessing state and federal training and exercises.   |
| Funding   | <p>My organization's budget allows us to have a dedicated emergency manager.</p> <p>My organization routinely budgeted for emergency managers to attend state and federal training and exercises.</p>   |
| <b>Aligning and improving integration of planning and coordination between local, state and federal authorities Emergency Management planning</b> |   |
| Coordination Issues between Three Levels of Government  | There are problems with the coordination process between my organization and state and federal officials.   |
| Intra-Military Issues   | The exercises that you participate in are effective in preparing your organization in coordinating the activities of Federal and state forces in your jurisdiction.   |
| Training Issues   | <p>My organization often participates in state and/or Federally run Disaster Response exercises and training issues are addressed as they occur.</p> <p>My organization routinely has an after-action review process that it conducts after DSCA drills, exercises, and disaster responses to help identify training issues and concerns.</p> |
| Planning Issues   | My organization routinely participates in community disaster planning with state and federal officials where planning issues and concern are effectively addressed.   |

|   |  |
|---|--|
|   | <p>I understand the processes involved with integrating military capabilities into a response.</p> <p>I am considered knowledgeable and am routinely consulted on resolving planning issues.</p> <p>I have been in my present job position for several years and am experienced in disaster response planning.</p> |
| <b>Speeding up delivery support through expanded capabilities</b> |  |
| Improving the CBRNE Capability                                    | I have experience with the Federal CBRNE capability and see ways to improve the capability.  |
| Improving the Aviation Capability                                 | I have experience with the Federal aviation capability and see ways to improve the capability.   |
| Improving the Military Police Capability                          | I have experience with the Federal military police capability and see ways to improve the capability.  |
|   |  |

\* Responses will be measured on a 7-point Likert type scale with 1 being strongly disagree and 7 being strongly agree.

### Chapter Summary

This chapter described the methodology that was used to conduct the research for this project. It begins by detailing the purpose for the research methodology, highlighting the material used within the literature review to build the survey questions and organizing this literature into a conceptual framework to help place the survey questions within the context of the research. The chapter also describes the research setting and study participants used for this study. Additionally, the writer uses this chapter to emphasize the strengths and weaknesses of the survey method and outline the measures used to ensure protection of the participants. The research is based out of central Texas, but covers all five states within FEMA Region VI, and the participants for this research are local level emergency managers. The Institutional Review Board committee has approved data collection procedures.

## **Chapter 4: Results**

### **Chapter Purpose**

The purpose of this chapter is to provide the results from the survey data. This chapter will first look at the response rate of the potential and actual participants. The chapter will then review the responses to the demographic survey questions. The demographic data provided by the participants includes an overview of the states of the respondent characteristics and a summary of the types of disasters that concerned the participants. Descriptive statistics (frequencies and percentages) were computed to report the results of this study.

The chapter then reviews the research survey data and provides percentages for how respondents answered in the various categories. The survey questions focus on several factors, including legal authorities, understanding of the response process, understanding of a sample of federal capabilities, the multilateral training, planning and coordination process, and how all the respondents thought these various activities or factors could be improved. The chapter concludes with a summary of the results chapter.

### **Survey Response Rate**

733 emergency management officials across FEMA Region VI were identified via an open source review of public records. Contact information was collected, including email addresses and phone numbers for county and city governments that did not list an email address. Individual county and city officials were then called and asked to participate in the survey. Email addresses were requested from the public officials and a request to participate was distributed via email, which included a link to the web-based survey at Qualtrics.com. 133 emails bounced back as undeliverable, leaving a pool of 600 possible respondents. 97 emergency management



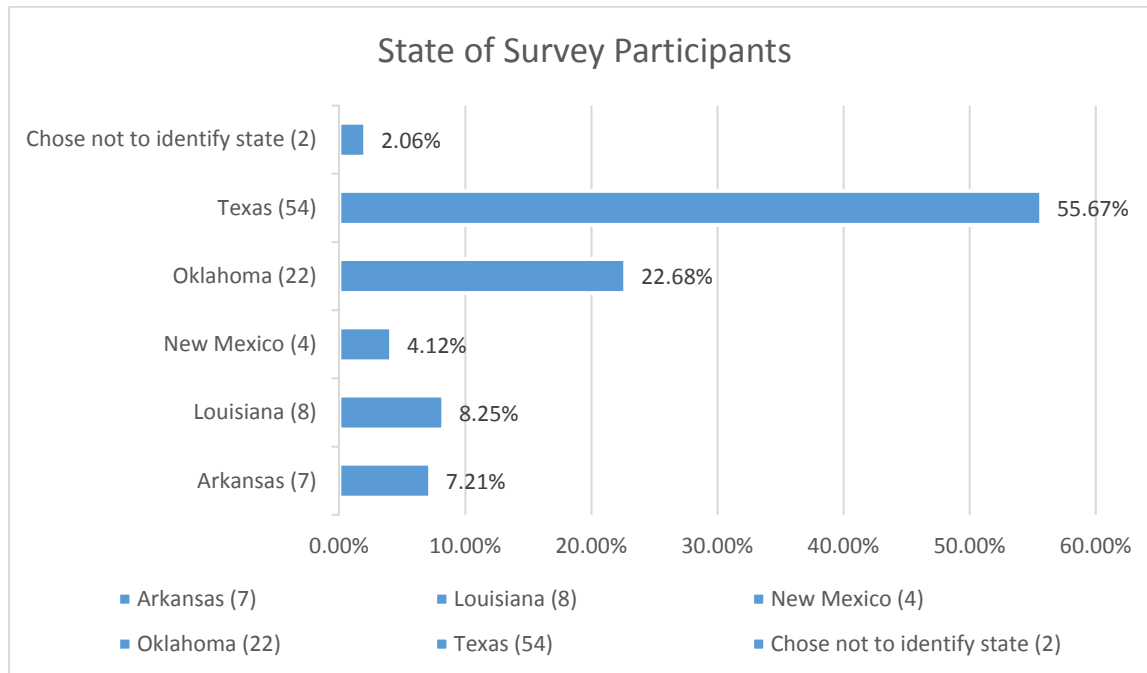
officials chose to respond and participate in the survey, which yielded a response rate of approximately 16%. Some of the participants chose to not answer all of the questions within the survey, which has resulted in some questions not having a complete response. Questions where all the participants did not answer are denoted with an \* at the end of the question, unless otherwise indicated.

### **Demographic Information**

The first few survey questions were concerned with the general location of the respondents. This includes ascertaining the state of residence, population density of communities they serve (i.e. small population, large populations, etc.) and general terrain features (i.e. coastal, plains, etc.). The question concerning terrain features allowed for more than one answer, so for instance, a participant could say that they are from a small community in Louisiana, that is both coastal and predominantly wetlands and wooded. The last demographic question focused on the types of disasters with which the participants were most concerned. Again, this question was open-ended since communities often face multiple types of natural or man-made threats or disasters and the principal interest of the researcher is in identifying what community emergency management officials are concerned with.

In the first survey question is participants had the option of answering Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. (See Chart 4.1 and Table 4.1) Most participants came from the state of Texas with 54 respondents. 22 emergency management officials were from Oklahoma, eight from Louisiana, seven from Arkansas, and four from New Mexico. Two participants declined to identify their state.

**Chart 4.1: Geographic Distribution of Survey Participants**



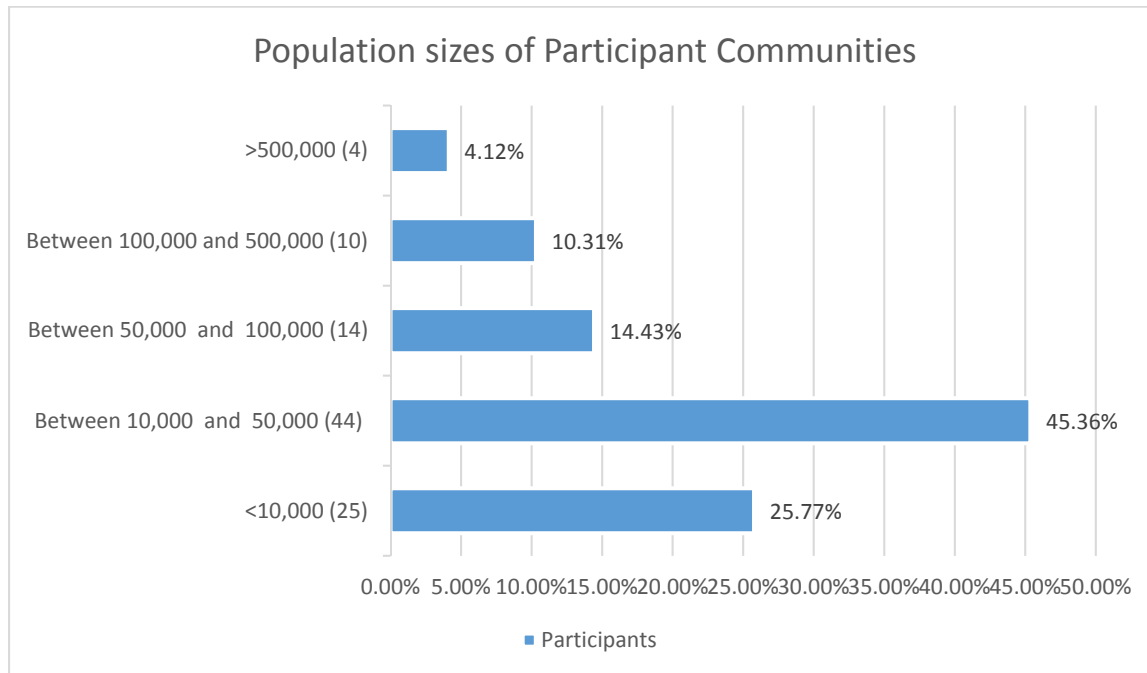
**Table 4.1: Geographic Distribution of Survey Participants**

| State of Participants             | Number of participants |
|-----------------------------------|------------------------|
| Arkansas                          | 7.21% (7)              |
| Louisiana                         | 8.25% (8)              |
| New Mexico                        | 4.12% (4)              |
| Oklahoma                          | 22.68% (22)            |
| Texas                             | 55.67% (54)            |
| Chose not to identify their state | 2.06% (2)              |

\* This figure represents the frequency of the participants

The second question focused on population density. The participants' answer choices included 1) less than 10,000, 2) between 10,000 and 50,000, 3) between 50,000 and 100,000, 4) between 100,000 and 500,000, and 5) more than 500,000. (See Chart 4.2 and Table 4.2)

**Chart 4.2: Population Sizes of Participant Communities**



**Table 4.2: Population Sizes of Participant Communities**

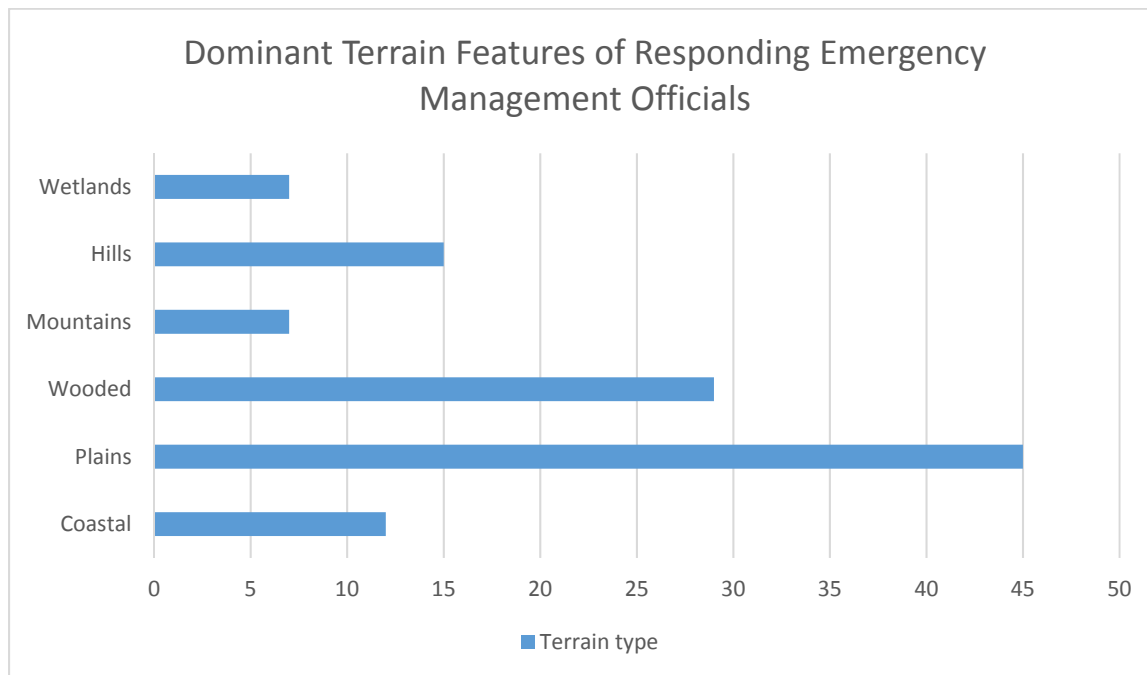
| Population sizes            | Percentage of participants who represent the community |
|-----------------------------|--|
| less than 10,000            | 25.77% (25*)   |
| between 10,000 and 50,000   | 45.36% (44)  |
| between 50,000 and 100,000  | 14.43% (14)  |
| between 100,000 and 500,000 | 10.31% (10)  |
| more than 500,000           | 4.12% (4)  |

\* This figure represents the frequency of the participants

The most number of respondents belonged to relatively small communities in the 10,000 to 50,000 range (44). The second largest group of respondents belonged to populations numbering less than 10,000 people (25). The third largest group is the 50,000 to 100,000 range with 14 participants identifying that they belong to that group. The last two groups are those representing larger population groups, specifically the 100,000 to 500,000 group (10) and the greater than 500,000 group (4).

The third question was designed to identify the terrain features that define the area and thus potentially present unique challenges or circumstances for emergency management officials in the execution of their duties. (See Chart 4.3)

**Chart 4.3 Dominant Terrain Features of Responding Emergency Management Officials**

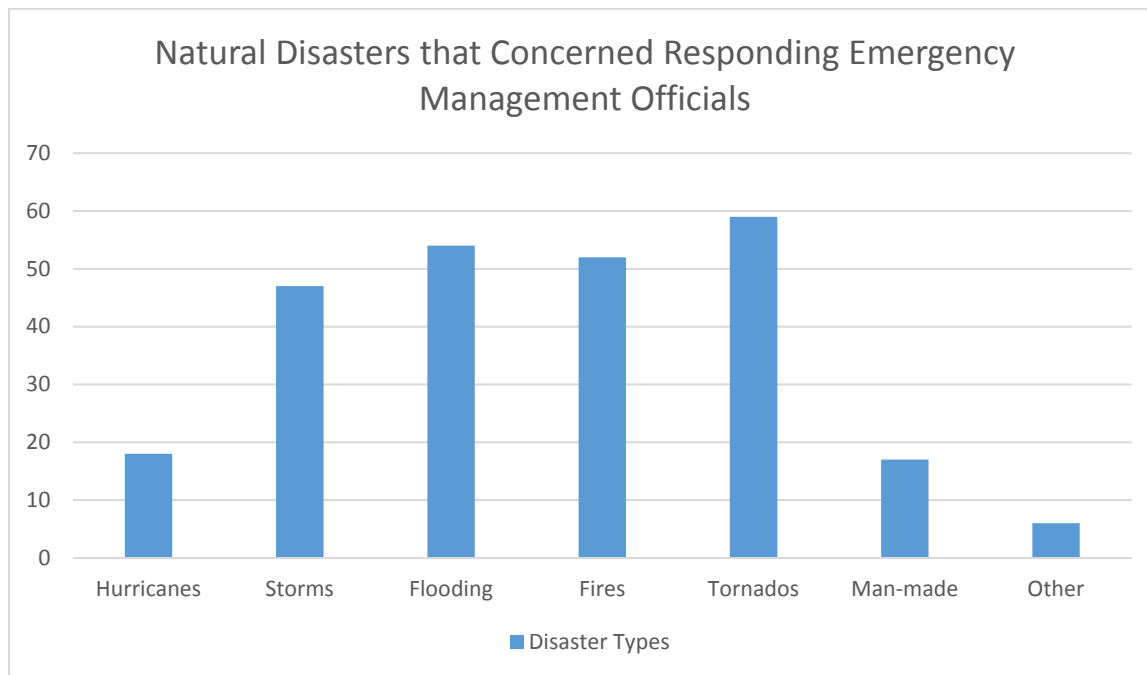


The most common terrain feature of respondents was plains, with 45 respondents indicating that their community was on a plain. The second most common terrain feature was wooded areas (29), followed by hills (15), coastal (12), wetlands (7) and mountains (7). Some respondents indicated that their communities have multiple prominent terrain features, which feeds their concerns and planning considerations with concerns to disaster planning.

The fourth question focused on the various disasters with which emergency managers are typically concerned. As with the significant terrain features of the communities, the respondents were able to provide multiple answers if they had several concerns. The potential responses were

1) hurricanes, 2) storms, 3) flooding, 4) fires, 5) tornados, 6) man-made, and 7) other. (See Chart 4.4)

**Chart 4.4: Natural and Man-made Disasters that Concerned Responding Emergency Management Officials**



Their top disaster concern is tornados (59), followed by flooding (54), fires (52), storms (47), hurricanes (18), man-made (17), and the nebulous other (6), which serves to address any type of disaster that the researcher failed to address or consider. Accordingly, their planning efforts are largely focused towards systematically addressing these concerns through contingency planning and training. Unsurprisingly, emergency management officials' disaster concerns are grounded in the common threats that face their communities, so communities on the plains of Texas, New Mexico and Oklahoma are mainly concerned with tornadoes, and coastal Texas and Louisiana are both concerned with the impacts of hurricanes, etc. This also means that there is commonality with communities with similar characteristic and features.

## **Survey Results**

The survey also covered a substantial number of categories of interest, as was outlined in the conceptual framework and the operationalization table. These general areas of research are: 1) understanding the legal authorities of DSCA; 2) the process for requesting federal support; 3) the training, planning and coordination process at the local, state and federal levels for community emergency management officials; 4) familiarity with the current capabilities of the federal government for providing aid; 5) improving delivery of federal support; 6) aligning and improving integration of planning and coordination between local, state and federal authorities in emergency management planning; and 7) speeding up delivery support through expanded capabilities. The data that was collected from these surveys were grouped together, with “strongly disagree,” “disagree,” and “slightly disagree” combined as “% disagree (1-3),” and “strongly agree,” “agree,” and “slightly agree” as % agree (5-7) and % neither agree or disagree (4) standing by itself.

### **Legal Authorities Associated with DSCA**

The first area of research in the survey was the legal authorities associated with DSCA and how well local emergency management officials are familiar with them through either experience or training (See Table 4.1). This research showed that emergency management officials largely understand the legal authorities and laws governing military and federal aid, particularly with respect to the Robert T Stafford Act of 1988 with 84.53% indicating that they understand and are familiar with it. Similarly, the majority indicated that they are familiar with the Insurrection Act of 1807 (at 55.21%), the Posse Comitatus Act of 1878 (53.6%) and the federal executive orders and directives (at 61.86%). Interestingly, over a quarter of the

respondents indicated that they are unfamiliar with the authorities associated with domestic use of the military.

**Table 4.3: Legal Authorities Associated with DSCA**

| <b>4.3: Legal authorities associated with DSCA</b>  |                         |  |                      |
|---|-------------------------|--|----------------------|
| <b>Questionnaire Items</b>  | <b>% Disagree (1-3)</b> | <b>% Neither Agree or Disagree (4)</b> | <b>% Agree (5-7)</b> |
| I am familiar with the legal provisions of the Insurrection Act of 1807 with regards to requesting Federal and military assistance. * | 30.21% (29+)            | 14.58% (14)                            | 55.21% (53)          |
| I am familiar with the limitations placed on the military based on the Posse Comitatus Act of 1878.                                   | 27.83% (27)             | 18.56% (18)                            | 53.6% (52)           |
| I am familiar with the types of aid made available through the Robert T. Stafford Act of 1988.  | 9.27% (9)               | 6.19% (6)                              | 84.53% (82)          |
| I am familiar with the Executive Orders, DOD Directives and Federal Regulations that oversee DSCA.                                    | 27.83% (27)             | 10.31% (10)                            | 61.86% (60)          |

\* At least one participant did not provide a response to the question.

+ The numbers in the parentheses in each category represent the frequency of the respondents within the bracket.

### **The Process for Requesting Federal Support**

The second area of research was designed to look at the process for requesting federal support. (See Table 4.2) The majority of the emergency management officials affirmatively indicated that they agree with each of the five survey questions. 90.72% indicated that have a Standard Operating Procedure for requesting federal aid from the state and federal governments. 93.82% of emergency management officials indicated that they have a designated liaison to interface with state and federal officials. 74.23% of the surveyed officials indicated that their community usually must request aid from the state and federal government in the event of a disaster response. The officials also indicated that they have a good level of understanding of the

command structure for DSCA with 78.35%. The majority of the responding officials (88.66%) indicated that they have been in a leadership role overseeing emergency management for several years, which indicates that there is a high level of professional experience within this career field.

**Table 4.4: The Process for Requesting Federal Support**

| <b>4.4: The Process for Requesting Federal Support</b>  |                         |  |                      |
|---|-------------------------|--|----------------------|
| <b>Questionnaire Items</b>  | <b>% Disagree (1-3)</b> | <b>% Neither Agree or Disagree (4)</b> | <b>% Agree (5-7)</b> |
| My organization has a Standard Operating Procedure (SOP) on requesting State and Federal support in the event of disaster response. | 6.18% (6+)              | 3.09% (3)                              | 90.72% (88)          |
| My organization has an established, designated liaison for coordinating with state and federal officials.                           | 2.06% (2)               | 4.12% (4)                              | 93.82% (91)          |
| My community must request State or Federal aid and resources in addressing a Disaster.  | 13.4% (13)              | 12.37% (12)                            | 74.23% (72)          |
| I have a good level of understanding of the command structure for Defense Support to Civil Authorities.                             | 10.3% (10)              | 11.34% (11)                            | 78.35% (76)          |
| I have been in a leadership role related to emergency preparedness, response and management for several years.                      | 8.24% (8)               | 3.09% (3)                              | 88.66% (86)          |

\* At least one participant did not provide a response to the question.

+ The numbers in the parentheses in each category represent the frequency of the respondents within the bracket.

### **The Training, Planning and Coordination Process at the Local, State and Federal Levels**

The next section of the survey research examines the training, planning, and coordination processes at the local, state, and federal levels. (See Table 4.3) The first question concerned proximity to military installations. 57.74% of the surveyed officials indicated that they are located near a military installation (i.e. a military base, reserve center, etc.) They also indicated that most of the officials (96.91%) have a close working relationships with state emergency



management officials. To a lesser degree, 70.1% of the surveyed officials indicated that they have a close working relationships with federal emergency management officials.

Over three-quarters of the surveyed officials (79.17%) indicated that their organization routinely participates in community disaster planning with state and federal officials. 74.23% of emergency management officials indicated that their organization often participates in state and/or federally run disaster response exercises. A lesser percent of officials (40.42%) indicated that they incorporate DSCA regularly into their drills and exercises. 64.89% of surveyed officials agree that they understand the processes involved with integrating military capabilities into a response. 91.67% of responding officials agreed that their peers and coworkers considered them knowledgeable on emergency response. 77.66% of officials indicated that they have been in their job position for several years.

**Table 4.5: The Training, Planning and Coordination process at the Local, State and Federal Levels**

| <b>4.5: The Training, Planning and Coordination process at the Local, State and Federal Levels</b>         |                           |  |                      |
|--|---------------------------|--|----------------------|
| <b>Questionnaire Items</b>   | <b>% Disagree (1-3)</b>   | <b>% Neither Agree or Disagree (4)</b> | <b>% Agree (5-7)</b> |
| My community is close to a military installation (i.e. US Army Reserve Center, active duty military base). | 32.99% (32 <sup>+</sup> ) | 9.28% (9)                              | 57.74% (56)          |
| My organization maintains a close, working relationship with state emergency officials.                    | 1.03% (1)                 | 2.06% (2)                              | 96.91% (94)          |
| My organization maintains a close, working relationship with Federal emergency officials.                  | 18.56% (18)               | 11.34% (11)                            | 70.1% (68)           |
| My organization often participates in state and/or Federally run Disaster Response exercises.              | 15.47% (15)               | 10.31% (10)                            | 74.23% (72)          |
| My organization conducts drills, exercises, and disaster responses that incorporates DSCA regularly. *     | 35.11% (33)               | 24.47% (23)                            | 40.42% (38)          |
| My organization routinely participates in community disaster planning with state and federal officials. *  | 12.5% (12)                | 8.33% (8)                              | 79.17% (76)          |

|   |             |            |             |
|---|-------------|------------|-------------|
| I understand the processes involved with integrating military capabilities into a response. * | 23.41% (22) | 11.7% (11) | 64.89% (61) |
| I am considered knowledgeable on emergency response by my peers and coworkers. *              | 1.04% (1)   | 7.29% (7)  | 91.67% (88) |
| I have been in my present job position for several years. *                                   | 18.09% (17) | 4.26% (4)  | 77.66% (73) |

\* At least one participant did not provide a response to the question.

+ The numbers in the parentheses in each category represent the frequency of the respondents within the bracket.

### **Current Capabilities for Providing Aid**

The fourth section of the research covered the current capabilities from the federal government, as covered by the literature, for providing aid. (See Table 4.4) The three specific capabilities that the survey questions covered were CBRNE, aviation, and military police. The first capabilities category that they were asked about was CBRNE. 65.26% of the respondents indicated that they had some level of familiarity with CBRNE capabilities possessed at the state and Federal levels. Only 43.16% of the surveyed officials indicated that their organization's training program highlights the different CBRNE capabilities available through Federal forces. 42.71% of officials disagree with a statement that they make specific requests for CBRNE capabilities that they need to respond to an emergency or disaster.

63.84% indicated that they are familiar with the aviation assets available with the National Guard and at the Federal level. Responses by officials on the question of whether their organization had training on federal aviation assets indicated that there is almost an even split between agree (36.47%) and disagree (35.42%), with an additional 28.13% neither agreeing nor disagreeing. Despite this lack of emphasis on federal aviation assets, 62.51% indicated that they make specific requests for aviation capabilities to respond to an emergency or disaster.

The next asset that the researched asked about was military police. 50% of respondents indicated that they are familiar with the National Guard and Federal Government's Military Police assets. 45.83% indicated that Military Police capabilities were not included in their organization's disaster training program. 63.84% of respondents indicated that they would make specific requests for the type of military capabilities that they needed to respond to emergencies or disaster.

**Table 4.6: Current Capabilities for Providing Aid**

| <b>4.6: Current capabilities for providing aid</b>  |                           |  |                      |
|---|---------------------------|--|----------------------|
| <b>Questionnaire Items</b>  | <b>% Disagree (1-3)</b>   | <b>% Neither Agree or Disagree (4)</b> | <b>% Agree (5-7)</b> |
| I often make specific requests for CBRNE capabilities that I need to respond to an emergency or disaster. *                               | 42.71% (41 <sup>+</sup> ) | 31.25% (30)                            | 26.05% (25)          |
| My organization's training program highlights the different CBRNE capabilities available through Federal forces. *                        | 32.64% (31)               | 24.21% (23)                            | 43.16% (41)          |
| I am familiar with the Chemical, Biological, Radioactive, Nuclear and Mass Explosion capabilities in my state and at the Federal level. * | 21.05% (20)               | 13.68% (13)                            | 65.26% (62)          |
| I make specific requests for aviation capabilities that I need to respond to an emergency or disaster. *                                  | 19.79% (19)               | 17.71% (17)                            | 62.51% (60)          |
| My organization's training program highlights the different Federal aviation capabilities available through Federal forces. *             | 35.42% (34)               | 28.13% (27)                            | 36.47% (35)          |
| I am familiar with the aviation assets available with the National Guard and at the Federal level. *                                      | 23.4% (22)                | 12.77% (12)                            | 63.84% (60)          |
| I make specific requests for the type of military capabilities that I need to respond to emergencies or disaster. *                       | 33.34% (32)               | 22.92% (22)                            | 43.76% (42)          |
| My organization's training program highlights the different Federal military police capabilities available through Federal forces. *      | 45.83% (44)               | 26.04% (25)                            | 28.12% (27)          |
| I am familiar with the National Guard and Federal Government's Military Police assets. *  | 30.21% (29)               | 19.79% (19)                            | 50% (48)             |

\* At least one participant did not provide a response to the question.

+ The numbers in the parentheses in each category represent the frequency of the respondents within the bracket.

### **Improving Delivery of Federal Support**

The fifth section of research within the survey is focused on improving the delivery of federal support. (see Table 4.5) A series of questions were asked to elicit a response on how well emergency management officials believed that the federal and state response system works. There are also questions designed to understand how well organizations are able to access state and federal training exercises

There is an almost even split between neither agree or disagree (44.21%) and agree (43.16%) when the respondents were asked whether the federal and state response processes need to be improved. 58.33% of respondents had no opinion on whether the command and control of Federal and National Guard assets needed to be improved. 32.3% of respondents agreed that at least some level of improvement would be beneficial. When asked about accessibility to state and federal training and exercises, 52.08% of respondents disagreed with the statement that they had trouble accessing training. 76.05% of respondents indicated that their organizational budget allowed them to have a dedicated emergency manager. Similarly, 76.84% of respondents indicated their organization routinely budgeted for emergency managers to attend state and federal training and exercises.

**Table 4.7: Improving Delivery of Federal Support**

| <b>4.7: Improving delivery of Federal Support</b>                               |                           |  |                      |
|---|---------------------------|--|----------------------|
| <b>Questionnaire Items</b>  | <b>% Disagree (1-3)</b>   | <b>% Neither Agree or Disagree (4)</b> | <b>% Agree (5-7)</b> |
| The Federal and State response processes need to be improved. *                 | 12.63% (12 <sup>+</sup> ) | 44.21% (42)                            | 43.16% (41)          |
| Command and Control of Federal and National Guard assets need to be improved. * | 9.38% (9)                 | 58.33% (56)                            | 32.3% (31)           |

|   |             |             |             |
|---|-------------|-------------|-------------|
| My organization routinely has trouble accessing state and federal training and exercises. *                     | 52.08% (50) | 38.54% (37) | 9.8% (9)    |
| My organization's budget allows us to have a dedicated emergency manager. *                                     | 15.63% (15) | 8.33% (8)   | 76.05% (73) |
| My organization routinely budgeted for emergency managers to attend state and federal training and exercises. * | 11.58% (11) | 11.58% (11) | 76.84% (73) |

\* At least one participant did not provide a response to the question.

+ The numbers in the parentheses in each category represent the frequency of the respondents within the bracket.

## **Aligning and Improving Integration of Multilateral Planning and Coordination in**

### **Emergency Management Planning**

The next section of the research survey was concerned with aligning and improving integration of planning and coordination between local, state and federal authorities during emergency management planning (See Table 4.6) 56.25% of participants disagreed that there are problems with the coordination process between their organization and state and federal officials while an additional 31.25% neither agreed or disagreed. 80.22% of participants indicated that they are experienced in disaster response planning. 56.26% of the respondents indicated that they understand the processes involved with integrating military capabilities into a response and 82.29% of respondents indicate that they are routinely consulted on resolving planning issues.

71.58% of participants indicated that they routinely participated in community disaster planning with state and federal officials and they felt that planning issues and concerns are effectively addressed. 58.33% of respondents believed that existing exercises that they participate in are effective in preparing their organizations in coordinating the activities of Federal and state forces within their jurisdictions. Additionally, 59.37% of respondents agreed their organizations are able to effectively address training issues as they occur during joint

training exercises. 63.54% of respondents indicated that their organization routinely has an after-action review process that it conducts after DSCA related drills, exercises, and disaster responses to help identify training issues and concerns.

**Table 4.8: Aligning and Improving Integration of Multilateral Planning and Coordination in Emergency Management Planning**

| <b>4.8: Aligning and improving integration of planning and coordination between local, state and federal authorities Emergency Management planning</b>                              |                         |  |                      |
|---|-------------------------|--|----------------------|
| <b>Questionnaire Items</b>  | <b>% Disagree (1-3)</b> | <b>% Neither Agree or Disagree (4)</b> | <b>% Agree (5-7)</b> |
| There are problems with the coordination process between my organization and state and federal officials. *   | 56.25% (54+)            | 31.25% (30)                            | 12.5% (12)           |
| The exercises that you participate in are effective in preparing your organization in coordinating the activities of Federal and state forces in your jurisdiction. *               | 12.5% (12)              | 29.17% (28)                            | 58.33% (56)          |
| My organization often participates in state and/or Federally run Disaster Response exercises and training issues are addressed as they occur. *                                     | 17.71% (17)             | 22.92% (22)                            | 59.37% (57)          |
| My organization routinely has an after-action review process that it conducts after DSCA drills, exercises, and disaster responses to help identify training issues and concerns. * | 10.42% (10)             | 26.04% (25)                            | 63.54% (61)          |
| My organization routinely participates in community disaster planning with state and federal officials where planning issues and concern are effectively addressed. *               | 13.68% (10)             | 17.89% (17)                            | 71.58% (68)          |
| I understand the processes involved with integrating military capabilities into a response. *   | 23.96% (23)             | 19.79% (19)                            | 56.26% (54)          |
| I am considered knowledgeable and am routinely consulted on resolving planning issues. *  | 5.21% (5)               | 12.5% (12)                             | 82.29% (79)          |
| I have been in my present job position for several years and am experienced in disaster response planning. *  | 10.42% (10)             | 9.38% (9)                              | 80.22% (77)          |

\* At least one participant did not provide a response to the question.

+ The numbers in the parentheses in each category represent the frequency of the respondents within the bracket.

## Improving Delivery of Support Through Expanded Capabilities

The final section of the survey was concerned with speeding up delivery support through expanded capabilities (See Table 4.7) It was designed to see if emergency management officials had confidence and positive or negative opinions about the Federal CBRNE, aviation, or military police capabilities. The research didn't attempt to take qualitative suggestions from the participants, and other assets and capabilities were not included in the survey.

The most common answer to the survey question "I have experience with the Federal CBRNE capability and see ways to improve the capability," from participants was 41.05% stating that they neither agree or disagree. The percentage of respondents who answered either disagree (29.48%) or agree (29.47%) was virtually the same. Similarly, 42.11% of respondents neither or agree or disagree on a similar question concerning federal aviation assets. 34.73% of the respondents disagreed with the statement and less than a quarter (23.16%) of the respondents felt that knew ways that the capability could be improved. This pattern is continued in the respondents' opinion of federal military police. 41.49% had no opinion and 38.3% disagreed with the opinion that they could think of ways to improve the military police capability, with only 20.22% agreeing that they could think of ways to improve the capability.

**Table 4.9: Improving Delivery of Support Through Expanded Capabilities**

| <b>4.9: Speeding up delivery support through expanded capabilities</b>                              |                           |  |                      |
|---|---------------------------|--|----------------------|
| <b>Questionnaire Items</b>  | <b>% Disagree (1-3)</b>   | <b>% Neither Agree or Disagree (4)</b> | <b>% Agree (5-7)</b> |
| I have experience with the Federal CBRNE capability and see ways to improve the capability.<br>*    | 29.48% (28 <sup>+</sup> ) | 41.05% (39)                            | 29.47% (28)          |
| I have experience with the Federal aviation capability and see ways to improve the capability.<br>* | 34.73% (33)               | 42.11% (40)                            | 23.16% (22)          |

|  |            |             |             |
|--|------------|-------------|-------------|
| I have experience with the Federal military police capability and see ways to improve the capability.<br>* | 38.3% (36) | 41.49% (39) | 20.22% (19) |
|--|------------|-------------|-------------|

\* At least one participant did not provide a response to the question.

+ The numbers in the parentheses in each category represent the frequency of the respondents within the bracket.

### Summary

This chapter has reviewed the results of the survey that was disseminated to 733 county and city emergency management officials across FEMA Region VI. Of the emails sent 133 bounced back from the intended recipients leaving a sample pool of 600 potential respondents, with 97 emergency management officials participating in the survey. The survey consisted of both demographic questions and research questions. The research questions consisted of statements that required a Likert-type response with 7 choices ranging from “Strongly disagree” to “Strongly agree.”

The research focused on local level emergency management officials’ understanding of legal authorities, the process for requesting federal aid, the training, planning and coordination process at the local, state and federal levels for community emergency management officials; familiarity with the current capabilities of the federal government for providing aid; improving delivery of federal support; aligning and improving integration of planning and coordination between local, state and federal authorities emergency management planning; and speeding up delivery support through expanded capabilities.



## **Chapter 5 Conclusion**

### **Chapter Purpose**

The purpose of this chapter is to present an analysis of the study's survey results. This chapter includes a research summary, a summary of findings, a summary of results and recommendations. The research summary will briefly detail the intent of the research and research participants. The summary of the findings will summarize general conclusions that the research has presented.

### **Research Summary**

This paper consists of an introduction, a literature review, a description of the methods used to conduct the research, and survey results. This conclusion chapter discusses the findings and results revealed during the research. This research study is intended to describe the level of understanding of emergency management officials at the county and city level in FEMA Region VI.

Emergency management officials were asked to participate in a survey focused on seven specific areas of research. In sum, the survey looks at the level of understanding of the legal authorities, the current process of requesting, training and coordinating DSCA, the capabilities of the federal government in providing aid, and ways to improve all the aspects of DSCA. Participants were asked to answer demographic questions and core research questions in pursuit of this goal.

This research has provided a benefit to the emergency management community, because it has helped to describe several critical aspects of emergency management. First, at the local level, the research helps to clarify the level of understanding of the legal authorities associated

with DSCA, specifically the circumstances in which federal military forces can be used. Second, the research has help to gauge the comprehension of the process for requesting federal assistance at the local level and the extent to which local emergency management officials believe that it can be improved. Third, the research has helped to identify the degree to which training, coordination and integration are effective and if local emergency management officials believe that it can be improved. Fourth, the research has helped to gauge the level of understanding of some military capabilities that can be accessed and the short-comings in literature that fail to describe the utility of specific capabilities and military disciplines.

### Limitations

There are several limitations that may impact the validity of the findings. First, much of the scholarship is limited to research conducted by military organizations and personnel. This researcher could find only a handful of civilian scholars who addressed the topic, so compelling points of view may have been inadvertently missed and that could have influenced the construction of the survey questions. Second, the response rate was slightly more than 16%. This low rate could affect the weighting of the answers, because if non-respondents had participated, the survey results may have been different.. Finally, this researcher is a former military officer. My perceptions on the military response could inadvertently affect the findings.

### **Summary of Findings**

Generally, emergency managers are confident in their abilities. The survey results indicate that the majority of the research participants are comfortable and familiar with the legal authorities associated with DSCA and disaster response, though over a quarter of the respondents indicated that they are generally unfamiliar with the authorities associated with domestic use of

the military. They tend to be most familiar with the Robert T. Stafford Disaster Relief and Emergency Response Act of 1988, because that legislation mostly directly relates to disaster response and relief. They are also comfortable with and understand the process for requesting federal and state aid and the need to do so in the event of a disaster. A significant percentage of participants indicated that they did not have an opinion on how to improve delivery of state and federal aid. Over half of the respondents indicated that they did not have problem with the requesting process. Also, most of the respondents indicated that their organization's budgets was not a significant hurdle and allowed them to have an emergency management coordinator or manager, and participate in state and federal training exercises related to DSCA.

Emergency management officials also showed a comfort with the training, planning and coordination process at the local, state and federal levels. Participants indicated that the majority did not routinely participate in federal and state training exercises. Participant responses to questions about the training and coordination process were also generally positive, with most emergency management officials indicating that they have a good working relationship with state and federal officials. They also indicated that they believe that their input is valued when problems or issues are encountered during planning or during exercises.

The survey's section on capabilities revealed a mixed response. The three general capabilities addressed in the survey covered Federal CBRNE, aviation and military police assets. At least 50% of the respondents indicated some level of familiarity with the aforementioned assets, with respondents indicating the most familiarity with CBRNE and the least familiarity with military police. The respondents' training program emphasizes CBRNE, since it is a critical and irreplaceable asset during that manner of disaster incident. According to survey results, aviation and military police assets are not generally emphasized in their training programs.

However, aviation assets are requested the most during incidents, since they likely have the most universal applicability and utility during an emergency or disaster. Almost 44% of respondents indicated that they would make specific requests for the type of military capabilities that they need to respond to emergencies or disaster. Participants did not provide significant input with regard to improving the federal capabilities, likely because they felt that they lack the technical knowledge to make an informed recommendation for improvement.

### **Recommendations**

Several recommendations can be made to improve the emergency management process. First, more training emphasis can be given to help educate emergency management personnel on the capabilities that the federal government offers. This can help emergency management personnel identify potential resources with which they may not be familiar. Second, the state and federal government can potentially do more outreach with county and city emergency managers across FEMA Region VI.

Additionally, there are research opportunities that stem from this project. First, more can be done to help understand the dynamics of planning, coordination and integration before, during and after a disaster response effort. Several instance or case studies could help the local, state and federal governments improve the response process. Second, a review of the emergency response training process would be helpful in identifying pre-existing and on-going challenges within community disaster response. Furthermore, doing a study like this for the other FEMA regions could be helpful in describing and identifying regional training similarities and differences.

Another avenue of research is embedding an experienced disaster response professional and scholar into several disaster response processes to gain a level of insight at the local level to

see how federal, state and local authorities interact during a disaster and/ or doing a thorough review of after action reports following the incidents. This scholar would have to have practical skills associated with disaster response to avoid becoming a hindrance to the effort. Valuable insight can be gained by doing so, because although this study has been fairly limited by the number of respondents who participated in the surveys, most of those who did respond believed that they are knowledgeable and effective at their jobs, which begs the question why the process doesn't work more smoothly. A deliberate study of the disasters can serve as case studies to try and answer this question, such as how the aftermath of Hurricane Katrina helped to dynamically change the federal response process.

An additional stream of research can focus on military capabilities. In continuing with the tradition of military scholarship, as exhibited by Bass, Brandsma and Carattini, military professionals and other scholars can continue researching and producing descriptive scholarship on the various capabilities of the US military. Monographs can be produced at military service schools, such as the various service war colleges and/ or the School for Advance Military Studies. Additionally, organizations like NORTHCOM or ARNORTH could encourage or sponsor white papers on specific organizational capabilities and their benefits to the populations, such as the use of bridging assets from the Army's Multi-Roll Bridging Companies to be used temporarily when critical infrastructure like bridges have been washed out, or use of an aircraft carrier nuclear reactors to restore power for a community along coastal areas. The possibilities span from logistical support, military intelligence support, engineering support, etc.

**Table 5.1: Recommendations Table**

| <b>1. Improving DSCA Planning, Coordination and Execution</b>          |                   |   |
|--|-------------------|---|
| <b>Ideal Type Category</b>   | <b>Evidence</b>   | <b>Recommendations</b>  |
| 1.1 Federal and State Outreach to Local Emergency Management Officials | Adequate Evidence | Federal and state officials can potentially expand opportunities for local emergency management officials to access training events that might necessarily have access to because of constraints, such as distance or funding, particularly in smaller communities.   |
| 1.2 Multi-lateral Planning, Coordination and Integration               | Adequate Evidence | Conduct research on multi-lateral coordination during all stages, including prior to, a disaster that require extensive state and federal assistance.<br>Embed an experienced emergency management official/ academic into a disaster response to assist and observe the multilateral coordination and integration process and understand the dynamics at play during a disaster. |
| <b>2. Improving Training Efforts</b>                                   |                   |   |
| 2.1 Training/ Education on DSCA Capabilities                           | Strong Evidence   | Conduct an extensive review of training processes at all levels within a limited scope. Look at ways to incorporate training on Federal assets and capabilities in the online training that FEMA sponsors on its website.   |
| 2.2 Review training process for issues                                 | Limited Evidence  | Review the guidelines on resolving issues at all levels. See how training can be implemented to help coordinate and resolve issues as they arise.   |
| 2.3 Review disaster incidents with DSCA for training requirements      | Adequate Evidence | Research and review after action reports from incidents and look for trends and use them as case studies to develop FEMA training to help reduce their likelihood in the future.  |

| <b>3. DSCA Capabilities Scholarship</b> |                   |  |
|---|-------------------|--|
| 3.1 Professional service schools        | Strong Evidence   | Students and professors at professional service schools such as SAMS and the War Colleges can write academic papers, that can expand the general knowledge of federal capabilities during DSCA.  |
| 3.2 Organizational contributions        | Strong Evidence   | Organizations such as the Services, US Northern Command, and specialty branches can sponsor the develop and production of organic assets and capabilities during DSCA missions by subject matter experts that are not necessarily going to attend specialized, advanced and selective service schools. |
| 3.3 Outside Academic Contributions      | Adequate Evidence | Outside academics, that are not necessarily affiliated with the armed forces, can also produce academic work on the potential capability for federal assets from an “outsider’s” perspective and potentially expand or innovate the use capabilities.  |

## Reference

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## **Appendix A: Questionnaire**

### **Region Six Local Emergency Manager Survey**

#### **Demographic Questions**

1. The community I represent is in the state of:
  - a. Arkansas
  - b. Louisiana
  - c. Oklahoma
  - d. New Mexico
  - e. Texas
  
2. The population of the community that I serve is:
  - a. Less than 10,000
  - b. Between 10,000 and 50,000
  - c. Between 50,000 and 100,000
  - d. Between 100,000 and 500,000
  - e. More than 500,000
  
3. The region I live in is dominated by:
  - a. Coastal
  - b. Plains
  - c. Wooded
  - d. Mountains
  - e. Hills
  - f. Wetlands
  
4. The kind of natural disaster that I am most likely to face and am most concerned about is:
  - a. Hurricanes
  - b. Storms

- c. Flooding
- d. Fires
- e. Tornados
- f. Man-made
- g. Other

## Survey Questions

All Survey questions will be answered on Likert scale ranging from Strongly Agree to Strongly disagree.

5. I am familiar with the legal provisions of the Insurrection Act of 1807 with regards to requesting Federal and military assistance.
6. I am familiar with the limitations placed on the military based on the Posse Comitatus Act of 1878.
7. I am familiar with the types of aid made available through the Robert T. Stafford Act of 1988.
8. I am familiar with the Executive Orders, DOD Directives and Federal Regulations that oversee DSCA.
9. My organization has a Standard Operating Procedure (SOP) on requesting State and Federal support in the event of disaster response.
10. My organization has an established, designated liaison for coordinating with state and federal officials.
11. My community must request State or Federal aid and resources in addressing a Disaster.
12. I have a good level of understanding of the command structure for DSCA.
13. I have been in a leadership role related to emergency preparedness, response and management for several years.
14. My community is close to a military installation (i.e. US Army Reserve Center, active duty military base).
15. My organization maintains a close, working relationship with state emergency officials.
16. My organization maintains a close, working relationship with Federal emergency officials.
17. My organization often participates in state and/or Federally run Disaster Response exercises.

18. My organization conducts drills, exercises, and disaster responses that incorporates DSCA regularly.
19. My organization routinely participates in community disaster planning with state and federal officials.
20. I understand the processes involved with integrating military capabilities into a response.
21. I am considered knowledgeable on emergency response by my peers and coworkers.
22. I have been in my present job position for several years.
23. I often make specific requests for CBRNE capabilities that I need to respond to an emergency or disaster.
24. My organization's training program highlights the different CBRNE capabilities available through Federal forces.
25. I am familiar with the Chemical, Biological, Radioactive, Nuclear and Mass Explosion capabilities in my state and at the Federal level.
26. I make specific requests for aviation capabilities that I need to respond to an emergency or disaster.
27. My organization's training program highlights the different Federal aviation capabilities available through Federal forces.
28. I am familiar with the aviation assets available with the National Guard and at the Federal level.
29. The Federal and State response processes need to be improved.
30. Command and Control of Federal and National Guard assets need to be improved.
31. My organization routinely has trouble accessing state and federal training and exercises.
32. My organization's budget allows us to have a dedicated emergency manager.
33. My organization routinely budgeted for emergency managers to attend state and federal training and exercises.
34. There are problems with the coordination process between my organization and state and federal officials.
35. The exercises that you participate in are effective in preparing your organization in coordinating the activities of Federal and state forces in your jurisdiction.
36. My organization often participates in state and/or Federally run Disaster Response exercises and training issues are addressed as they occur.
37. My organization routinely has an after-action review process that it conducts after DSCA drills, exercises, and disaster responses to help identify training issues and concerns.

- 38. My organization routinely participates in community disaster planning with state and federal officials where planning issues and concern are effectively addressed.
- 39. I understand the processes involved with integrating military capabilities into a response.
- 40. I am considered knowledgeable and am routinely consulted on resolving planning issues.
- 41. I have been in my present job position for several years and am experienced in disaster response planning.
- 42. I have experience with the Federal CBRNE capability and see ways to improve the capability.
- 43. I have experience with the Federal aviation capability and see ways to improve the capability.
- 44. I have experience with the Federal military police capability and see ways to improve the capability.

## **Appendix B: Texas State University Institutional Review Board**

February 22, 2017

Christopher Robertson

Texas State University

601 University Drive.

San Marcos, TX 78666

Dear Mr. Robertson:

Your IRB application 2017512 titled “A Descriptive Study of Training to Request Defense Support to Civil Authorities Aid by City and County Emergency Managers.” was reviewed and approved by the Texas State University IRB. It has been determined that risks to subjects are: (1) minimized and reasonable; and that (2) research procedures are consistent with a sound research design and do not expose the subjects to unnecessary risk. Reviewers determined that: (1) benefits to subjects are considered along with the importance of the topic and that outcomes are reasonable; (2) selection of subjects is equitable; and (3) the purposes of the research and the research setting is amenable to subjects’ welfare and producing desired outcomes; that indications of coercion or prejudice are absent, and that participation is clearly voluntary.

1. In addition, the IRB found that you need to orient participants as follows: (1) signed informed consent is not required as participation will imply consent; (2) Provision is made for collecting, using and storing data in a manner that protects the safety and privacy of the subjects and the confidentiality of the data; (3) Appropriate safeguards are included to protect the rights and welfare of the subjects. This project is therefore approved at the Exempt Review Level

2. Please note that the institution is not responsible for any actions regarding this protocol before approval. If you expand the project at a later date to use other instruments, please re-apply. Copies of your request for human subjects review, your application, and this approval, are maintained in the Office of Research Integrity and Compliance. Please report any changes to this approved protocol to this office.

Sincerely,

Monica Gonzales

IRB Regulatory Manager

Office of Research Integrity and Compliance