

Information Paper

SUBJECT: Department of Defense (DoD) and Fort Knox Support for Civil Emergencies

1. PURPOSE. To provide commanders and staff information on when DoD and Fort Knox personnel and assets can be used to respond to a domestic emergency.

2. FACTS.

a. Local Government Responds First. The U.S. Constitution and federal legislation reserve to the individual states the power and responsibility to provide the primary response to local emergencies. Congress, together with State governments, have developed the National Response Framework (NRF). This planning consortium directs how the government will respond to emergencies. A cornerstone of the NRF is that local and state governments will be the first, and the primary responders to an emergency. The federal government becomes involved in emergency response after a state has responded to the emergency and the governor of the state has asked for federal assistance.

b. Federal Government Emergency Response. If an emergency results in a Presidential declaration that the region is a disaster area, federal assets can be used to assist state and local governments. A Federal Coordinating Officer (FCO) is appointed who determines what federal assets will be used to support the local authorities in responding to the emergency. During or after an emergency, the Federal Emergency Management Agency (FEMA) is the primary federal response agency.

c. DoD Response to Emergencies. Federal legislation and directives restrict the DoD from responding to emergencies unless: 1) a military commander determines that an immediate response is necessary to save lives, prevent human suffering, or mitigate great property damage and time does not allow the command to seek permission from higher headquarters prior to acting (DoD assistance should not extend beyond 72 hours unless approved by higher headquarters); or 2) a regional Defense Coordinating Officer (DCO), working in conjunction with other federal officials, determines that DoD assistance is authorized and necessary.

d. Official Duty and Private Capacity. Soldiers act in either their official capacity or their private capacity. A Soldier acts in an official capacity when acting pursuant to military authority to further the interests of the DoD. Otherwise, a Soldier acts in a private capacity. A unit commander is authorized to control the duty status of Soldiers within the command. During an emergency a commander can keep a Soldier in an official duty status at the workplace, or grant a Soldier leave or pass. Army Regulation (AR) 600-8-10 specifies that pass can be granted for up to four days when the Soldier's performance of duty and conduct merit approval, or to alleviate personal problems incident to military service. A commander can determine that an emergency warrants that a Soldier be released and sent home to assist his or her family. If the Soldier elects to render assistance to others in a private capacity while on leave or pass, the Soldier is not representing the DoD. While acting in a private capacity, Soldiers should not wear their uniform or represent in any other way that they are acting in their official capacity.

3. References.

- a. The National Response Framework. Published by the Department of Homeland Security.
<http://www.fema.gov/pdf/emergency/nrf/nrf-core.pdf>
 - b. Department of Defense Directive (DoDD) 3025.1, *Military Support to Civil Authorities*, 15 January 1993.
 - c. USAARMC and Fort Knox Military Support to Civil Authorities OPLAN 3-04, 20 December 04.
 - d. AR 600-8-10, *Leaves and Passes*, 15 February 2006.
4. POC is the Military Law & Ethics Division, 4-7414/4668.

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