

Defense Support of Civil Authorities: An Examination of the Role of U.S. Army National Guard Military Police in Law Enforcement Support

A Monograph

by

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2020

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REPORT DOCUMENTATION PAGE				<i>Form Approved</i> <i>OMB No. 0704-0188</i>	
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1. REPORT DATE (DD-MM-YYYY) 21-05-2020		2. REPORT TYPE Master's Thesis		3. DATES COVERED (From - To) JUN 2019 – MAY 2020	
4. TITLE AND SUBTITLE Defense Support of Civil Authorities: An Examination of the Role of U.S. National Guard Military Police in Law Enforcement Support				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S) Amanda L. Self				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) School of Advanced Military Studies U.S. Army Command and General Staff College <u>ATTN: ATZL-SWD-GD</u>				8. PERFORMING ORG REPORT NUMBER	
9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION / AVAILABILITY STATEMENT Approved for Public Release; Distribution is Unlimited					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT The emergency response to Hurricane Katrina is vital to understanding the development of the Federal Emergency Management Agency's National Incident Management System, Defense Support to Civil Authority guidelines, and the National Guard's Homeland Response Force. While Hurricane Katrina is considered an emergency response failure it led to the development of 6 United States Code 701, Post Katrina Emergency Management Reform Act. Although the Post Katrina Emergency Management Reform Act made successful changes in processes and procedures of military and civilian emergency response, a deficiency in operational and strategic level integration remains. The deficiency can be linked to an absence of a strategic and operational level training program.					
15. SUBJECT TERMS Defense Support to Civil Authorities, National Incident Management System, National Guard Homeland Response Force					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES	19a. NAME OF RESPONSIBLE PERSON
a. REPORT	b. ABSTRACT	c. THIS PAGE			Amanda L. Self
(U)	(U)	(U)	(U)	43	19b. PHONE NUMBER (include area code)

Standard Form 298 (Rev. 8-98)
Prescribed by ANSI Std. Z39.18

Monograph Approval Page

Name of Candidate: MAJ Amanda L. Self

Monograph Title: Defense Support of Civil Authorities: An Examination of the Role of U.S. Army National Guard Military Police in Law Enforcement Support

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Abstract

Defense Support of Civil Authorities: An Examination of the Role of U.S. Army National Guard Military Police in Law Enforcement Support, by MAJ Amanda Self, US Army, 42 pages.

The emergency response to Hurricane Katrina is vital to understanding the development of the Federal Emergency Management Agency's National Incident Management System, Defense Support to Civil Authority guidelines, and the National Guard's Homeland Response Force. While Hurricane Katrina is considered an emergency response failure it led to the development of 6 United States Code 701, Post Katrina Emergency Management Reform Act. Although the Post Katrina Emergency Management Reform Act made successful changes in processes and procedures of military and civilian emergency response, a deficiency in operational and strategic level integration remains. The deficiency can be linked to an absence of a strategic and operational level training program.

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Acronyms

DHS	Department of Homeland Security
DSCA	Defense Support of Civil Authorities
FEMA	Federal Emergency Management Agency
PKEMRA	Post Katrina Emergency Management Reform Act

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Introduction

The primary responsibility for U.S. domestic emergency response begins at the lowest local level, and ultimately belongs to each State governor, with the Federal government in support. Military law enforcement, support of emergency response generally begins with the State's National Guard forces. Commanders must understand the importance of a domestic incident that results in Defense Support of Civil Authorities (DSCA). The military's primary purposes in response to a domestic emergency are to save lives, restore essential services, maintain and restore law and order, protect infrastructure and property, support maintenance or restoration of local government, and shape the environment for intergovernmental success.¹ Defense Support of Civil Authorities is a tiered response approach that begins with National Guard response and expands to Active Duty response, if needed. No matter the composition of military response, four characteristics remain unchanged: State and Federal laws define how military forces support civil authorities; civil authorities command the incident with military in support; military forces depart the incident as soon as civil authorities are capable of resuming their duties; and military forces must document all expenses from the provided support.² This monograph focuses on case studies of two large scale domestic emergency responses utilizing National Guard Military Police in law enforcement support, Hurricane Katrina and Hurricane Sandy.

In 2005, Hurricane Katrina, a Category 3 hurricane ranging 470 miles wide made landfall with winds travelling at 127 miles per hour. A declared State of emergency was announced by Louisiana, Mississippi, and Florida.³ The hurricane quickly overwhelmed first responders,

¹ US Department of the Army, Army Doctrine Publication (ADP) 3-28, *Defense Support of Civil Authorities* (Washington, DC: Government Printing Office, 2019), viii, accessed 10 November 2019. http://armypubs.army.mil/doctrine/DR_pubs/dr_a/pdf/adp3_28.pdf.

² *Ibid.*, 1-1.

³ National Oceanic and Atmospheric Administration, "Hurricane Katrina," modified August 2008, accessed 10 November 2019, <https://www.ncdc.noaa.gov/sotc/tropical-cyclones/200508>.

destroyed electronic infrastructure, and caused social disorder. Mass confusion and lack of understanding the problem space led to delays in State and Federal response, which was blamed for loss of life and extensive destruction. Due to the magnitude of the catastrophic event, the Federal government identified and actioned areas for improvement which were signed into law by Congress in the Post Katrina Emergency Management Reform Act. Military-related reforms regarding response organizations and procedures, command and control, response training, and standardized equipment were addressed over the next seven years by the National Guard.

In 2012, Hurricane Sandy made landfall with winds travelling 80 miles per hour causing large scale flooding and damage resulting in twelve States declaring a state of emergency along the east coast.⁴ The National Guard and Federal Emergency Management Agency (FEMA) responded within twelve hours. The largely effective response was coordinated and conducted using procedures in place from the Post Katrina Emergency Management Reform Act and the evolving National Response Plan. As a result, State and Federal force response was better task organized and coordinated, and Department of Defense and civilian emergency response communication integration was improved.

Research Question

How did the Post Katrina Emergency Management Reform Act affect National Guard law enforcement emergency response to natural and man-made disasters?

Hypothesis

An initial review of relevant historical and doctrinal literature suggests that the Post Katrina Emergency Management Reform Act changed National Guard law enforcement emergency response through transformations in doctrine, organizational structure, training, and

⁴ National Oceanic and Atmospheric Administration, "Hurricane Sandy," modified 20 October 2012, accessed 14 November 2019, <https://www.ncdc.noaa.gov/sotc/tropical-cyclones>.

equipping. In doing so, National Guard law enforcement emergency response was more effective in response to Hurricane Sandy.

National Guard Law Enforcement Response Capabilities

Military Police disciplines are consistent with Defense Support of Civil Authorities tasks, making military police formations the correct asset for domestic response. The military police corps has four main disciplines made up of technical and tactical capabilities: police operations, detention operations, security and mobility support, and police intelligence operations.⁵ Table 1 depicts the military police disciplines and supporting capabilities in correlation to Defense Support of Civil Authorities tasks. Domestic law enforcement support tasks are substantial in providing Defense Support of Civil Authorities during response to a natural disaster. As previously introduced, Title 10 forces are prohibited from performing law enforcement tasks due to the Posse Comitatus Act. Therefore, the military force with primary responsibility for direct law enforcement support is the National Guard, under State authority. Military Police units and officers within the National Guard are subject to the same training and certifications as Title 10 military police units and officers ensuring they are qualified to perform domestic law enforcement support. In addition, State National Guard forces also provide support to the Department of Homeland Security border security programs. Under Section 112 of Title 32, USC, National Guard Soldiers support border security by operating surveillance systems, analyzing intelligence, installing fences and vehicle barriers, building roads, and providing training.⁶

⁵ US Department of the Army, Field Manual (FM) 3-39, *Military Police Operations* (Washington, DC: Government Printing Office, 2013), 3-2, accessed 10 November 2019, https://armypubs.army.mil/doctrine/DR_pubs/dr_a/pdf/fm3_39.pdf.

⁶ US Army, ADP 3-28, 4-23.

Table 1. Military Police Disciplines and Defense Support of Civil Authorities Tasks

Military Police Disciplines & Defense Support of Civil Authorities Tasks						
Technical and Tactical Capabilities	Police Operations (Military Police Disciplines)	Provide Support for Domestic Law Enforcement (DSCA)	Security and Mobility Support (Military Police Disciplines)	Provide Support for Domestic Disasters (DSCA)	Police Intelligence Operations (Military Police Disciplines)	Provide Support for Domestic Law Enforcement (DSCA)
	Perform Law Enforcement	Support During Disasters, Critical Infrastructure Protection	Conduct Movement Support to Mobility	Response to Natural and Manmade Disasters, Provide Support for Domestic CBRN Incidents	Provide Support to Situational	Combating Terrorism
	Conduct Traffic Control		Develop Traffic Regulation and Enforcement Plan		Collect Police Information	
	Restore and Maintain Order	Civil Disturbance Operations	Conduct Enforcement of Main Supply Route Regulations		Conduct Police Information Analysis	Equipment and Training
	Support Border Control, Boundary Security, and the Freedom of Movement	Border Security, Explosive Ordnance	Conduct a Route Reconnaissance		Develop Police Intelligence Products	
			Control Movement of Dislocated Civilians			

Table 1. Military Police Disciplines in Correlation to Defense Support of Civil Authorities. Source: FM 3-39 Military Police Operations and ADP 3-28 Defense Support of Civil Authorities.

Another critical National Guard law enforcement support capability that differs from that of Title 10 involves intelligence collection on United States citizens. Department of Defense intelligence components are unauthorized to collect information involving domestic activities on United States citizens, known as intelligence oversight. The National Guard intelligence community serving in a State active duty or Title 32 status are not included in the definition of Department of Defense intelligence component and as such are not regulated by intelligence oversight. Therefore, National Guard intelligence can be used in cooperation with State and local law enforcement as long as the collection follows state and local law.⁷

In September 2004, the Chief, National Guard Bureau, LTG H. Steven Blum, directed the establishment of State National Guard Reaction Forces as the National Guard’s quick response

⁷ US Department of the Army, *Domestic Law Handbook* (Washington, DC: Government Printing Office, 2013), 166-169.

force in support of civilian law enforcement. National Guard Reaction Forces provide every state with a ready force capable of delivering a unit of 130 personnel within four to eight hours and a follow-on force of up to 370 additional personnel within 24 to 36 hours. The forces are capable of providing site security, presence patrols/show of force, establishing roadblocks and/or checkpoints, control civil disturbances, provide force protection/security for Chemical, Biological, Radiological, Nuclear, and high-yield Explosives Enhanced Response Force Package operations, or respond to and assist in protecting selected assets as required.⁸ Referencing Table 1, the domestic law enforcement support tasks required in domestic response are not only executable by military police units, but by the established National Guard Reaction Forces making them a critical asset to the nation.

Literature Review

Methodology

Monograph research focused on archival material, historical data, current and past doctrine, and a theoretical framework to answer the proposed research question. With access to the Combined Arms Research Library, research concentrated on primary Federal government sources, National Guard Bureau policies and procedures, as well as literature informing the case studies of Hurricanes Katrina and Sandy. The Department of Homeland Security, United States Army, and National Guard doctrine and policies changed between Hurricane Katrina to Hurricane Sandy, making doctrine and policies particularly important. The monograph reviewed the differences between current and past experience, doctrine and policy to understand what elements were consistent while illustrating the differences in current doctrine. The research conducted revealed what theoretical model is recommended to be used to shape military law enforcement in support of response operations in the future. The sources within the literature review were

⁸ Headquarters, National Guard Bureau, *National Guard Domestic Operations Manual* (Washington, DC: Government Printing Office, 2010), F-2.

selected due to their role in the development and modification of National Guard emergency response processes and procedures.

Background of Emergency Response Legal Authorities

Legal authorities are enacted to address Federal and State military emergency response activities. Although emergency response responsibilities reside first at the lowest governmental level, domestic emergencies can be elevated to the Federal level if declared by the President of the United States. National Guard emergency response legal authorities are applicable at strategic and operational levels. At the strategic level the Posse Comitatus Act, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Homeland Security Presidential Directive 5, and the Post Katrina Emergency Management Response Act have the most profound impact on National Guard emergency response processes.

The Posse Comitatus Act of 1878 is the legal authority that limits Federal military operating under U.S. Code Title 10 to perform law enforcement duties to domestic incidents unless specifically requested by Congress or the President of the United States. Due to the National Guard operating under U.S. Code Title 32, the Posse Comitatus Act does not apply the same law enforcement restrictions.⁹ This is due to the National Guard primarily belonging to State governor ownership and operation similar to State and local level police forces.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1979 is a statutory tool for the governor of each State to request Federal emergency aid from the President of the United States. In the instance that the President of the United States declares a state of

⁹ Charles Doyle and Jennifer K. Elsea, Congressional Research Service Report for Congress, *The Posse Comitatus Act and Related Matters: The Use of the Military to Execute Civilian Law* (Washington DC: Federation of American Scientists, 2012), 61, accessed 10 November 2019, <http://www.fas.org/sgp/crs/natsec/R42659.pdf>.

emergency, Federal Department of Defense resources can be used to aid the State by performing relief operations, search and rescue missions, and using engineer assets to clear debris.¹⁰

However, the missions authorized do not include law enforcement support. Due to this Federal restriction in aid, National Guard law enforcement support is generally a top priority of response request within the State.

The catastrophic terrorist attacks of September 11, 2001 led to the creation of the DHS. The DHS was charged with the integration of all Federal emergency response plans. In 2003, Homeland Security Presidential Directive 5 formalized two specific tasks for the DHS: 1) develop a National Incident Management System that provides a nationwide framework for Federal, State, and local governments to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity; 2) develop a Nationwide Response Plan that uses the National Incident Management System while integrating domestic prevention, preparedness, response, and recovery plans into one all-discipline, all-hazards plan.¹¹ The National Response Plan and its system of record was not implemented until January of 2005. The National Guard is instructed to train on and utilize the National Response Plan and National Incident Management System to ensure interoperability with local emergency response elements.

The Post Katrina Emergency Management Reform Act (PKEMRA) of 2006 was created in direct response to the failures that occurred during Hurricane Katrina. PKEMRA gave the Federal Emergency Management Agency guidance on its mission and priorities of partnership with State, local, tribal, and territorial governments in preparation for and response to disasters. Specific guidance focused on national response strategy and command and control structures to

¹⁰ James Wombwell, *Army Support During the Hurricane Katrina Disaster: The Long War Series Occasional Paper 29* (Fort Leavenworth, KS: Combat Studies Institute Press, n.d.), 19.

¹¹ US Department of Homeland Security, "Homeland Security Presidential Directive-5" (28 February 2003), 3-4, accessed 10 November 2019, <https://www.dhs.gov/sites/default/files/publications/Homeland%20Presidential%20Directive%205.pdf>.

effectively execute that strategy. First, the development of the National Disaster Recovery Framework which is the national disaster recovery strategy that involves the roles and responsibilities of all recovery partners. Second, was the establishment of the Federal Emergency Management Agency Incident Management Assistance Teams. These teams' priorities are to rapidly deploy and provide assistance to the local incident commander focused on achieving unity of command. Third, is the improvement of search and rescue capabilities that are better integrated with Federal and State assets. Lastly, the establishment of Regional Emergency Communications Coordination Working Groups that coordinate multi-jurisdictional and multi-agency emergency communications networks.¹² These four identified reforms directly impact the National Guard.

The reforms regarding the roles and responsibilities of recovery partners directly influenced the operational implementation of the National Guard Dual-Status Commander under 32 United States Code 325. The Dual-Status Commander is a National Guard officer who is federalized to command Federal forces activated for the disaster while maintaining his/her commission in the National Guard and commanding State activated forces.¹³ The Dual-Status Commander's focus is unity of command and effort with both Federal and State forces while coordinating efforts and tasks with the incident commander.

The operational level legal authorities include directives and instructions instituted by the Department of Defense as well as regulations published by the National Guard Bureau. Department of Defense Directive 3025.1, Military Support to Civil Authorities, is the overarching directive regarding military roles during domestic incidents. This directive States that the Army and Air National Guard forces, acting under State orders have primary responsibility for

¹² US Congress, Senate, *Post-Katrina Emergency Management Reform Act of 2006*, Title VI United States Code, 701, 109th Congress (3 August 2006): S3721.

¹³ US Department of the Army, Department of the Army Pamphlet (DA PAM) 27-50-445, *The Army Lawyer* (Washington, DC: Government Printing Office, 2010), 73.

providing military assistance to State and local government agencies in domestic emergencies.¹⁴

In 2018, a subsequent directive regarding Defense Support of Civil Authorities was published that reinforced the National Guard's role in domestic emergencies. Department of Defense Directive 3025.18, Defense Support of Civil Authorities, states that State officials have the ability to direct a State immediate response using National Guard personnel under State command and control.¹⁵

In response to the directives focused on the Federal force response, the National Guard Bureau and National Guard Joint Force Head Quarters have directives specific to their duties in domestic response. Department of Defense Directive 5105.77, National Guard Bureau, directs the National Guard Bureau to support force employment matters pertaining to homeland defense and defense support of civil authorities' missions.¹⁶ The National Guard Joint Force Head Quarters are ultimately responsible for all force management and domestic response within their respective States. Department of Defense Directive 5105.83, National Guard Joint Force Head Quarters, gives specific guidelines to organizational design, command and control, and unity of effort in domestic response. National Guard Joint Force Head Quarters must establish one or more temporary JTF command elements within their respective State ready to provide command and control for domestic operations. This includes pre-designating commanders and staff elements within their respective States to participate in exercises and in training provided by the United States Northern Command to enhance readiness to provide command and control for domestic operations. Each National Guard Joint Forces Headquarters shall liaise with and shall provide situational awareness among the States, and through the National Guard Bureau, to the

¹⁴ US Department of Defense, Department of Defense Directive (DoDD) 3025.1, *Military Support to Civil Authorities (MSCA)*, Homeland Security Digital Library, 1993, 6, accessed 10 November 2019, <http://www.hsdl.org/?view&did=385>.

¹⁵ US Department of Defense, Department of Defense Directive (DoDD) 3025.18, *Defense Support of Civil Authorities (DSCA)*. Homeland Security Digital Library, 19 March 2018, 5, accessed 10 November 2019, <http://hsdl.org/?view&did=385>.

¹⁶ US Department of Defense, Department of Defense Directive (DoDD) 5105.77, *National Guard Bureau* (Washington, DC: Government Printing Office, 2017), 5.

Department of Defense during domestic operations in which State-controlled National Guard forces and State intergovernmental and interagency organizations are participating.¹⁷

The National Guard Bureau has specific processes for operations that cross state lines. Emergency Management Assistance Compacts are interstate mutual aid compacts that provide a legal structure by which states affected by a catastrophe may request emergency assistance from other states. Since being ratified by Congress and signed into law (Public Law 104-321) in 1996, 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands have enacted legislation to become members of the Emergency Management Assistance Compact.¹⁸ Law enforcement support requests have additional legal requirements beyond the submitted compact. As previously discussed, the Posse Comitatus Act does not apply to the law enforcement support provided by the National Guard in Title 32 status. This is similar to the guidance within the Department of Defense Directive 5210.56 Use of Deadly Force and Carrying of Firearms. The decision as to whether to arm National Guard law enforcement personnel is at the discretion of Governors and State Adjutants Generals consistent with Federal and State law.¹⁹ In the instance that the Governors and State Adjutants Generals agree to have armed law enforcement support from other states, which is the most common practice, an additional memorandum of agreement with the established rules of use of force for that event must be signed by each governor.

In addition to the Post Katrina Emergency Management Reform and the emergency response legal authorities, the primary key sources used for this study are The Long War Series Occasional Paper 29: Army Support During Hurricane Katrina Disaster; the Hurricane Sandy Federal Emergency Management Agency After-Action Report; Field Manual 100-19 Domestic Support Operations; Field Manual 3-28 Civil Support Operations; and the National Guard

¹⁷ Department of Defense, Department of Defense Directive (DoDD) 5105.83, *National Guard Joint Force Headquarters* (Washington, DC: Government Printing Office, 2013), 11-13.

¹⁸ Headquarters, National Guard Bureau, *National Guard Domestic Operations Manual*, 77.

¹⁹ Department of Defense, Department of Defense Directive (DoDD) 5210.56, *Arming and the Use of Force* (Washington, DC: Government Printing Office, 2016), 4.

Regulation 500-5. Doctrine and regulations during Hurricane Katrina lacked guidance and detail toward disaster response at all levels. Literature revealed that doctrine and regulations were improved in specificity and inclusiveness post Hurricane Katrina. Doctrine and regulations during Hurricane Sandy were effectively followed and executed at the tactical level. National Guard military police at the battalion and below used the doctrine and regulations in executing assigned missions. However, during both events doctrine and regulations had gaps at the operational and strategic levels that caused a lack of integration and unity, specifically tied to the lack of training programs for civ-mil response.

Theoretical Model: The New World Kirkpatrick Model

The New World Kirkpatrick Model focuses on an in-depth evaluation of current training programs to develop a new or improved program that more effectively meets clearly defined outcomes. The model uses a framework of four levels that are operationalized in reverse. Figure 8 depicts the model. Level four is key to training program development and begins with identifying clear outcomes of the program along with indicators that show the trained personnel are on track to meet the desired results. Level three is the degree in which participants apply what they learned during the training when they return to their occupation. Levels two and three are where traditional training development models standardly focus, leaving the gap between the subsequent levels. Level two identifies the knowledge, skills, and attitudes required of the training program. Finally, level one is the basic reaction the training program receives from its participants.²⁰ This model goes beyond what is developed for classroom instruction to behavioral changes that truly meet the desired outcomes. Application of the model to operational and strategic level training will be included further in the analysis.

²⁰ James D. Kirkpatrick and Wendy Kayser Kirkpatrick, *Kirkpatrick's Four Levels of Training Evaluation* (Alexandria, VA: ATD Press, 2016), 12-18.

THE NEW WORLD KIRKPATRICK MODEL

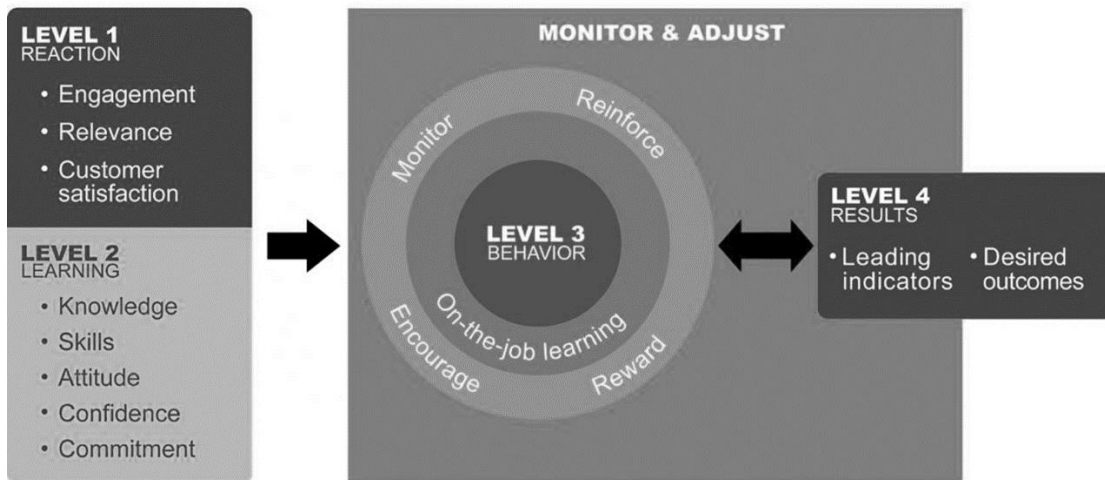


Figure 1. The New World Kirkpatrick Model. Source: James D. and Wendy Kayser Kirkpatrick, *Kirkpatrick's Four Levels of Training Evaluation* (Alexandria, VA: ATD Press, 2016), 11.

Case Studies: Hurricane Katrina and Hurricane Sandy

Hurricane Katrina

On August 23, 2005 Tropical Depression 12 was located southeast of the Bahamas. Within three days the storm was upgraded to a Category 2 hurricane and named Hurricane Katrina. Louisiana and Mississippi's governors declared states of emergency for their respective States.²¹ The conditions for Hurricane Katrina's landfall in Louisiana and Mississippi varied, resulting in different emergency response. However, the National Guard law enforcement support response tasks were the same for each State. Law enforcement response was more critical in Louisiana due to the minimal number of local law enforcement available and the overwhelming humanitarian crisis. For those reasons this study is scoped to focus on National Guard law enforcement support response in Louisiana.

On August 27, 2005, Hurricane Katrina was upgraded to a Category 3 resulting in Governor Blanco's request to President Bush for a declaration of Federal state of emergency. The

²¹ Wombwell, *Army Support During the Hurricane Katrina Disaster*, 245.

request was granted by the President. Hurricane Katrina made landfall near Buras, Louisiana at 0610 on 29 August with winds sustaining 127 miles per hour causing a 10 to 19-foot storm surge. The surge caused the flooding and failure of three levees in New Orleans: Industrial Canal, 17th Street Canal, and the London Avenue Canal.²² A crisis ensued with the failure of the levees.

The crisis quickly overwhelmed first responders. In many instances first responders were unable to properly provide aid due to finding themselves as victims of the massive destruction. Flooding and storm debris were so extensive they prevented first responders from locating and reaching citizens requiring aid. In addition, communication means were destroyed preventing responders from contacting the State's emergency operations centers.²³ The humanitarian crisis quickly included criminal chaos. Twenty-five percent of New Orleans police officers were absent from the force due to the impact the hurricane had upon them and their families. New Orleans Mayor Ray Nagin reported that the city was controlled by "drug-starving crazy addicts, drug addicts that are wreaking havoc. And we don't have the manpower to adequately deal with it."²⁴ Reports of city-wide looting, robberies and burglaries, and even assault and rape began to run rampant. Lack of law enforcement and military police response were blamed for the absence of law and order. National Guard law enforcement support was needed and strongly requested by State and local leadership.

Governor Blanco requested pre-landfall preparations that required the activation of 3,000 Louisiana National Guardsmen. The National Guardsmen were organized in five functional task forces under Task Force Pelican, command and control for all National Guard forces responding to the emergency. Task Force Defender was responsible for military police units providing law

²² Axel Graumann et al., *Technical Report, 2005-01, Hurricane Katrina: A Climatic Perspective*, National Oceanic and Atmospheric Administration, October 2005, 2-4, accessed 10 November 2019, <http://www.ncdc.noaa.gov/oa/reports/tech-report-20050z/pdf>.

²³ Wombwell, *Army Support During the Hurricane Katrina Disaster*, 2.

²⁴ Roy Nagin, "Mayor to Feds: 'Get Off Your Asses,'" radio interview, CNN, 2 September 2005, accessed 13 November 2019, <http://edition.cnn.com/2005/US/09/02/nagin.transcript/>.

enforcement support to State and local police. Between 1 and 3 September, 4,200 National Guard military police soldiers arrived in New Orleans.²⁵ Task Force Defender's primary responsibilities were to provide security to key locations, conduct presence patrols, conduct security for search and rescue, and distribute humanitarian aid.²⁶ Two of the primary key locations that required immediate security were the Superdome and the Ernest N. Morial Convention Center, which were opened as shelters of last resort. The Superdome was a planned shelter, but the Convention Center was not selected as a refuge site when planning for the hurricane response.

At its maximum, the Superdome reported 30,000 refugees which caused sanitary, medical, and security issues. The hurricane caused damage to the Superdome roof causing it to leak rain onto the sports field. This required National Guard soldiers to move the citizens seeking refuge from the field into spectator seating. Due to high numbers and continuous use, the septic system was overwhelmed leading to clogged and backed up pipes, ultimately failure. Citizens requiring medical attention grew significantly, though medical aid was limited. Humanitarian aid was also limited, all resulting in civil unrest and the need for evacuation. By 6 September all personnel were evacuated from the Superdome.²⁷ Although there was an extreme number of refugees and limited external law enforcement support outside of the National Guard at the Superdome, overall the area remained non-violent.

The situation at the Convention Center contrasted from that of the Superdome. The primary reason for the crisis that occurred was due to a lack of communication between Governor Blanco, New Orleans Mayor Nagin, the National Guard, and the Federal Emergency Management Agency. Upon the crisis at the Superdome, Mayor Nagin announced the Convention Center as an alternative shelter. However, his announcement was not planned, communicated, nor coordinated with any other organization. Nineteen thousand citizens took refuge at the

²⁵ Wombwell, *Army Support During the Hurricane Katrina Disaster*, 247.

²⁶ *Ibid.*, 72-74.

²⁷ *Ibid.*, 60-66.

Convention Center with only a small police presence. There were no stockpiles of humanitarian aid or National Guard on duty because of the lack of planning. Media reports soon went rampant of violence, murder, and robberies. Local police were overwhelmed and left area. Four days later there were nearly 200 National Guard engineers staged at the Convention Center tasked with conducting search and rescue and debris removal missions. They were not trained in crowd control nor did they have humanitarian aid resources to assist the citizens. The engineers requested support. One thousand National Guard law enforcement personnel were dispatched, secured the area, and evacuated the citizens by the following day.²⁸

Louisiana Law Enforcement Support Assessment: Command and Control, Integration, and Training

Command and control during Hurricane Katrina was separated into three organizations which caused issues for military police providing law enforcement support. Figure 2 depicts the three task organizations. Governor Blanco and Louisiana Adjutant General, Major General Landreneau, decided on the task organization that was used throughout the response believing it would provide unity of effort based on the timeline in which units arrived for response. Task Force Pelican was led by Major General Landreneau and was composed of Louisiana National Guard units and military police units providing law enforcement support. This task force reported directly to Governor Blanco. Task Force Santa Fe loosely fell under Task Force Pelican but included all forces that responded via Emergency Management Assistance Compacts and arrived after the pre-landfall task force was formed. Task Force Santa Fe was led by a divisional staff and was predominantly left to operate autonomously. The third organization was Joint Task Force Katrina which reported directly to the President of the United States due to their Title 10 status.²⁹ Unfortunately, the task forces did not communicate or coordinate missions with one another or Louisiana's Emergency Operations Centers.

²⁸ Wombwell, *Army Support During the Hurricane Katrina Disaster*, 66-69.

²⁹ *Ibid.*, 253-260.

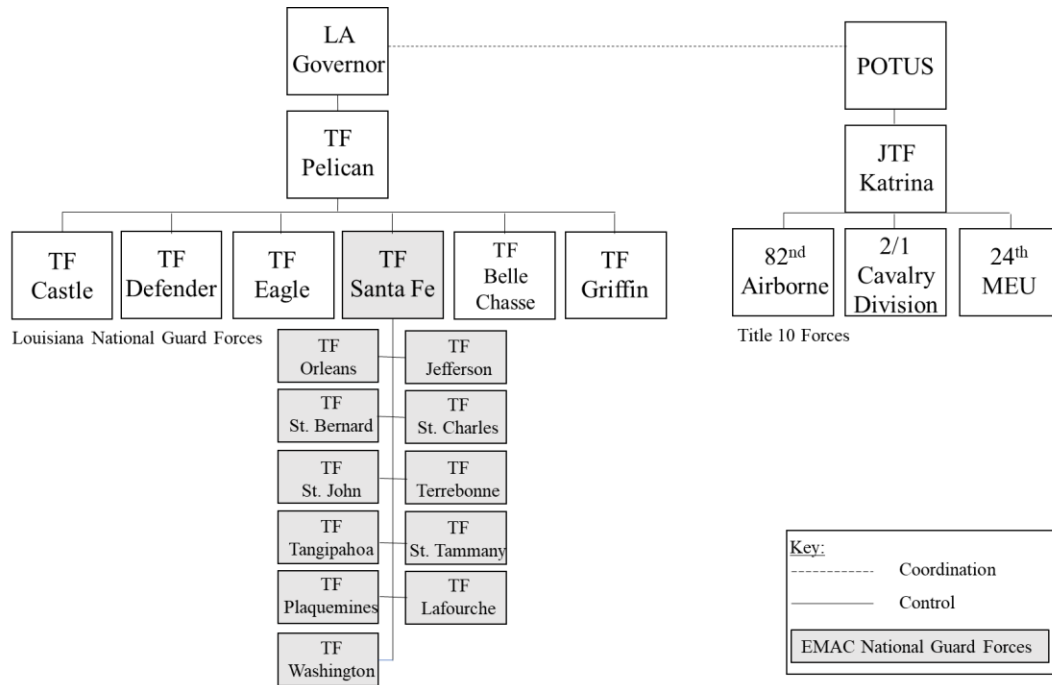


Figure 2. Hurricane Katrina: Louisiana Response Force Task Organization. Source: James Wombwell, *Army Support During the Hurricane Katrina Disaster: The Long War Series Occasional Paper 29* (Fort Leavenworth, KS: Combat Studies Institute Press, n.d.), 253-254.

The lack of communication and coordination between the three task organizations presented a critical issue for the law enforcement support military police. These soldiers were responsible for law enforcement support throughout the area of operations of all three task forces. Lack of communication on required resources left gaps in law enforcement support for missions across Louisiana. Additionally, law enforcement support missions were not coordinated with Emergency Operations Centers and only with local police stations leaving areas with limited to no law enforcement. Local police stations accepted the military police support, but the lack of complete situational awareness from Emergency Operations Centers prevented effective distribution of that support. Duplication of effort on presence patrols in some neighborhoods left others without patrols or law enforcement outside of the accepted response distance and time.

It is critical to the unity of effort and professionalism of a force that National Guard law enforcement support are integrated with local police and the Federal Emergency Management Agency's Emergency Support Functions. The National Response Plan authorizes state and local

governments to organize their resources and capabilities under fifteen Emergency Support Functions.³⁰ Emergency support functions operate under a senior coordinator which is a federal agency that acts as the executive agent. Emergency Support Function 13, Public Safety and Security is coordinated by the Department of Justice. Its primary responsibilities include: Facility and resource security, security planning and technical resource assistance, public safety and security support, support to access, traffic, and crowd control.³¹ Response efforts of state and local police and the National Guard law enforcement support were not integrated across Emergency Support Function 13. This lack of integration can be linked to the lack of communication and command and control across task organizations, the absence of working groups at the Emergency Operations Centers, and tactical level issues of the failure of compatible communications equipment.

The Emergency Operations Centers were manned by State and local law enforcement liaisons, Emergency Support Function 13 lead personnel, and National Guard liaisons. The National Guard liaisons were not law enforcement specific, therefore did not know the unique law enforcement requirements for response. Additionally, due to the time of the hurricane in comparison to the time the National Response Plan was enacted, only eight months prior to the hurricane, little to no integration implementation or training had occurred.³² This created gaps in communication of reports, law enforcement support requests, and available law enforcement support resources. Tactically, Federal, State, and local law enforcement were limited on hand-held radios that communicated to the police departments and Emergency Operations Centers. The National Guard radios were not compatible with the Federal, State, and local law enforcement

³⁰ US Department of Homeland Security, *National Response Framework*, 2nd Ed. (Federal Emergency Management Agency, 2013), 29, accessed 10 November 2019, http://www.fema.gov/media-library-data/20130726-1914-25045-1246/final_national_response_framework_20130501.pdf.

³¹ *Ibid.*, 59.

³² Wombwell, *Army Support During the Hurricane Katrina Disaster*, 21.

radios and those agencies did not have any radios to spare. Again, restricting proper reporting and preventing proper integration of the agencies.

Although there were substantial issues impacting the National Guard law enforcement support response, proper law enforcement training of the military police response personnel was successful. Military police officers have the ability to operate independently or as a team or squad. Individual military police law enforcement tasks nest directly to the military police disciplines and Defense Support of Civil Authorities tasks represented in Table 1. Table 2 depicts law enforcement tasks that each military police officer is trained on that are used during law enforcement response.³³

Table 2. Military Police Officer Law Enforcement Tasks Used in Defense Support of Civil Authorities

Military Police Officer Law Enforcement Tasks Used In Defense Support of Civil Authorities				
Law Enforcement Patrols	Police Engagement	Traffic Enforcement	Customs & Border Control	Crime Prevention
Conduct Static Patrols	Engage with LE agencies	Establish traffic control points	Control movement across borders and boundaries	Crime scene identification and preservation
Conduct Foot Patrols	Engage with Non-LE agencies	Enforce traffic regulations	Enforce regulations and restrictions of personnel, vehicles, material, and goods	Monitor physical security measures
Conduct Vehicle Patrols	Engage with the general public	Provide straggler movement control		Conduct proactive public engagements
Conduct Watercraft Patrols		Control movement of displaced persons		
		Conduct populace and resource control		

Table 2. Military Police Officer Law Enforcement Tasks Used in DSCA. Source: FM 3-39 Military Police Operations and ADP 3-28 Defense Support of Civil Authorities.

The National Guard law enforcement response personnel were credited with providing a professional and trained answer to a chaotic event. Colonel Pat Santos stated in an interview to the 102d Military History Detachment, “The only reason things did not get totally out of hand was that the National Guard represented a force in being, since the New Orleans Police

³³ US Department of the Army, Army Tactics, Techniques, and Procedures (ATTP) 3-19.10, *Law and Order Operations* (Washington, DC: Government Printing Office, 2011), 4-1.

Department was under-represented.”³⁴ Military police officer training aided in providing the skills needed to restore order at the Superdome and Convention Center that resulted in citizens receiving food, water, and evacuation. Many National Guard military police officers are additionally full-time police officers, adding to their experience and professionalism.

Not only did senior leaders of the military praise National Guard law enforcement response forces, Mr. Paul McHale Assistant Secretary of Defense for Homeland Defense testified before the 109th Congress in strong support of the National Guard military police response. “Many of these trained military police officers also serve as professional law enforcement officers in civilian life. These National Guard forces were able to not only backfill, but substantially expand, the total number of law enforcement personnel available in New Orleans and the surrounding parishes.”³⁵ National Guard military police officers were not only supported by the New Orleans Police Department, they were trusted beyond Title 10 forces. Mr. Warren Riley, Superintendent of the New Orleans Police Department testified before the 109th Congress for his preference to have National Guard military police support. “The National Guard does have, in fact, some detachments, such as military police, that their full-time job is a police officer for a town or a State. There was less concern about that, but full-time military. There was concern that they weren't trained in law enforcement and it might create some problems.”³⁶ Collectively, citizens, New Orleans police, and Federal senior leaders acknowledged that trained National Guard military police officers were paramount to the few successes that did occur during the Hurricane Katrina response.

³⁴ Wombwell, *Army Support During the Hurricane Katrina Disaster*, 66.

³⁵ US Congress, House, Committee on Armed Services, Honorable Paul McHale, statement before the 109th Congress, May 24, 2006.

³⁶ Warren Riley, *Hurricane Katrina: Managing Law Enforcement and Communications in a Catastrophe* (Washington, DC: Government Printing Office, 2007), 71.

Hurricane Sandy

On October 22, 2012, Tropical Storm Sandy formed in the Caribbean. The National Oceanic and Atmospheric Administration began to track the storm and report the potential of a hurricane to the Federal government. Within two days the storm was upgraded to a hurricane and began to exhibit abnormal characteristics. On 25 October, Hurricane Sandy's path toward the east coast of the United States was clear putting the Federal Emergency Management Agency in position to begin coordination for landfall. Twelve governors declared a state of emergency, activating their National Guards and signaling to the National Guard Bureau to request unaffected states to be on standby. National Guard law enforcement support response occurred in each state that declared a state of emergency, but the law enforcement support response in New York was most prominent due to the crisis in New York City. This study is scoped to focus on National Guard law enforcement support response in New York, specifically New York City, Staten Island, and Long Island.

The hurricane's easterly approach from the sea, its last-minute development of a large tropical cyclone, and continuous rain attributed to the historic devastation and loss of life as it made landfall on 29 October.³⁷ Figure 3 depicts the rainfall in inches that occurred between 27 and 31 October.³⁸ The combination of rainfall, storm surge, and damaging waves caused the death of 48 persons in New York alone. There were 72 direct deaths and 75 indirect deaths reported making Hurricane Sandy the deadliest hurricane to hit the United States mainland since Hurricane Katrina in 2005.³⁹ Unlike Hurricane Katrina, the crisis for National Guard law enforcement support was not due to overwhelming lack of local law enforcement or increased criminal

³⁷ National Oceanic and Atmospheric Administration, *Hurricane/Post Tropical Cyclone Sandy, October 22-29, 2012* (Silver Spring, MD: National Weather Service, 2013), 1, accessed 14 November 2019, <https://www.weather.gov/media/publications/assessments/Sandy13.pdf>.

³⁸ *Ibid.*, 18

³⁹ *Ibid.*, 1

activity. The crisis was due to the need for humanitarian aid, traffic control, and personnel evacuation.

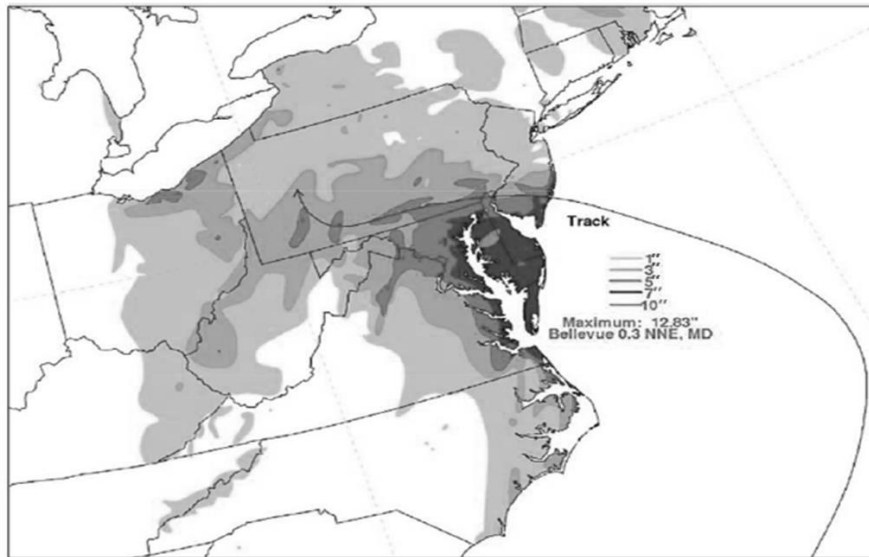


Figure 3. Hurricane Sandy Rainfall in Inches from October 27-31, 2012. Source: US Department of Commerce, *Hurricane/Post Tropical Cyclone Sandy, October 22-29, 2012*, National Oceanic and Atmospheric Administration, 18.

New York identifies as a State with home rule, which means local municipalities below the State level can, with some restrictions, create and enact laws, and govern themselves as they see fit without State legislature approval. The New York Governor Andrew Cuomo could not dictate orders or instructions to New York City Mayor Michael Bloomberg, adding to the complex geo-political environment.⁴⁰ Mayor Bloomberg has authority over New York City's five boroughs, however the Port Authority of New York controls the air, ground, and maritime access to New York even if the transportation hubs are within the boroughs. In addition, neighboring counties such as that encompassing Long Island resided under separate leadership. Figure 4 depicts the New York City task organization.⁴¹ New York City's political structure is difficult to

⁴⁰ Ryan Burke and Sue McNeil, *Toward a Unified Military Response: Hurricane Sandy and the Dual Status Commander* (Carlisle Barracks, PA: US Army War College Strategic Studies Institute, April 2005), 26.

⁴¹ *Ibid.*, 26-27.

maneuver in non-emergencies and only became more complex for emergency response, especially when integrating Federal and military chains of command.

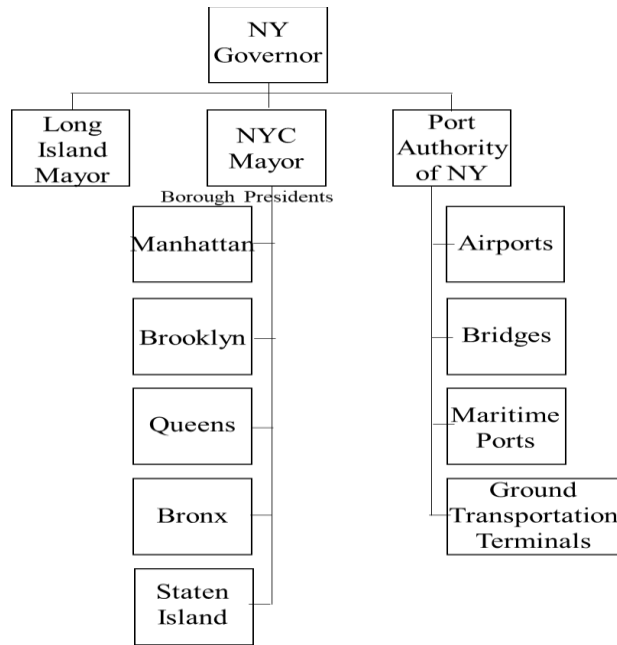


Figure 4. New York City Task Organization. Source: Ryan Burke and Sue McNeil. *Toward a Unified Military Response: Hurricane Sandy and the Dual Status Commander* (Carlisle, PA: US Army War College Strategic Studies Institute, April 2005), 26.

As a result of the terrorist attacks on September 11, 2001, the New York National Guard maintains a full-time task force in New York City. Headquartered at Fort Hamilton, Joint Task Force Empire Shield is composed of three companies that assist New York City law enforcement with security and civil defense throughout the city.⁴² The law enforcement support tasks performed are the same as those depicted in Table 2. In addition to the continued presence and familiarization within the city, Joint Task Force Empire Shield was irreplaceable to Hurricane Sandy law enforcement support response due to its integration and coordination with the city’s government.

⁴² Jim Greenhill, “Task Force Born on 9/11 Still Guards New York,” *Department of Defense News*, 11 September 2009, 1-2, accessed 12 November 2019, https://www.army.mil/article/27232/task_force_born_on_911_still_guards_new_york.

On 28 October Governor Cuomo mobilized the New York National Guard under Joint Task Force Sandy. The existing Joint Task Force Empire Shield was incorporated under Joint Task Force Sandy but was not removed from its area of operation. Governor Cuomo and the New York Adjutant General made the decision to appoint a Dual-Status Commander, Brigadier General Michael Swezey. Although legal authorization for a Dual-Status Commander existed and had been employed in limited planned events, Hurricane Sandy was the first use of a Dual-Status Commander in a no-notice event requiring State, interstate, and Federal response.⁴³ Brigadier General Swezey was to command all military response in New York. The Department of Defense expected a large request for military support due to the widely affected area and designated a Federal unit, Joint Task Force Civil Support, to coordinate State efforts with United States Army North and United States Northern Command. Figure 5 depicts the military response task organization.⁴⁴ By 30 October the command structure of a dual status commander was in place although it did not anticipate the command and control and integration issues that would still occur.

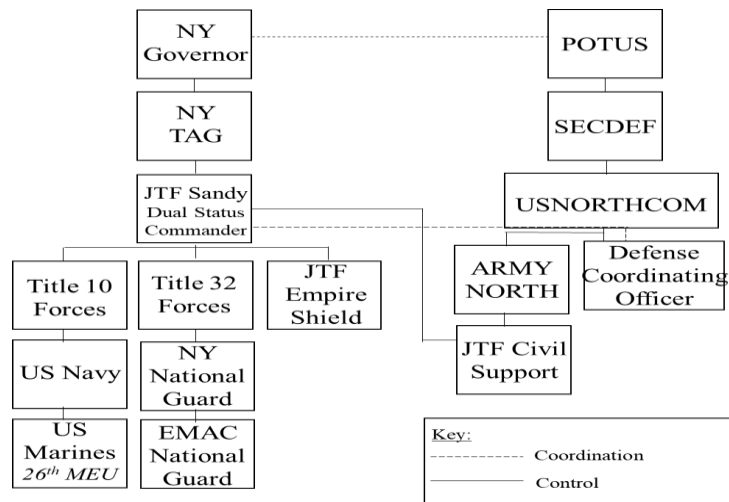


Figure 5. Hurricane Sandy: New York Military Response Force Task Organization. Source: Ryan Burke and Sue McNeil. *Toward a Unified Military Response: Hurricane Sandy and the Dual Status Commander* (Carlisle, PA: US Army War College Strategic Studies Institute, April 2005), 26.

⁴³ Burke and McNeil, *Toward a Unified Military Response*, 29.

⁴⁴ *Ibid.*, 31.

New York Law Enforcement Support Assessment: Command and Control, Integration, and Mission Assignments

The appointment of a Dual-Status Commander is intended to aid in unity of command by having one person command two distinct teams. In the case of Hurricane Sandy, the Dual-Status Commander was acknowledged on paper alone causing confusion on mission orders and directives. The first instance of the Dual-Status Command not being used properly included Title 10 Naval and Marine forces. On 31 October, the United States Marine Corps Commandant to the 26th Marine Expeditionary Unit ordered the Marines to travel from Norfolk Virginia to New York via the United States Navy's Amphibious Ready Group. The Amphibious Ready Group was composed of three naval ships: USS Wasp, USS Carter Hall, and the USS San Antonio. This order was given without the knowledge of the Dual-Status Commander or Joint Task Force Civil Support. To take the confusion further, the United States Marine Corps Commandant gave the order for the Marines to "go ashore and do good". By 4 November the Marines were on Staten Island conducting their own missions without Department of Defense knowledge.⁴⁵ The Hurricane Sandy FEMA After-Action Report revealed that State leadership requested assistance from the Marines directly but did not use the National Response Force system. Coordination between senior Federal and State officials did not follow a structured process, which blurred interpretations of key decisions and messages.⁴⁶ The command and control structure in the Federal military response confused many military officials. Unclear relationships between the Dual-Status Commander, Joint Task Force Civil Support, and the Defense Coordinating Officer

⁴⁵ Burke and McNeil, *Toward a Unified Military Response*, 25.

⁴⁶ US Department of Homeland Security, *Hurricane Sandy Federal Emergency Management Agency After-Action Report* (Federal Management Agency, July 2013, 10, accessed 13 November 2019, <https://www.fema.gov/media-library/assets/documents/33772>).

impaired unity of effort and burdened the force allocation process.⁴⁷ The confusion within the command and control structure had a direct impact on response mission assignments.

The second instance of the Dual-Status Command being undermined was with the issuance of United States Northern Command's Fragmentary Order 2. The order had four main points of guidance that contradicted command and control and official mission assignment processes through the National Incident Management System. First, get missions. Start with a menu of Department of Defense capabilities in the Joint Operations Area that can be applied to support Federal Emergency Management Agency requirements. Second, do not wait for mission assignment paperwork. Coordinate with Federal Emergency Management Agency and the Defense Coordinating Officers. Third, apply total force capabilities to accomplish missions. Operate on verbal order mission assignments when possible. Fourth, when you get a mission: execute. Clean up paperwork later by coordinating with Federal Emergency Management Agency and the DCO.⁴⁸

Military leaders interpreted this order to mean that the formal methods of Defense Support of Civil Support need not be followed, to include integration amongst defense assets and State and local personnel.⁴⁹ Figure 6 depicts the proper formal mission assignment and integration process.⁵⁰

⁴⁷ Government Accountability Office (GAO), *GAO-06-618, Catastrophic Disasters: Enhanced Leadership, Capabilities, and Accountability Controls Will Improve the Effectiveness of the Nation's Preparedness, Response, and Recovery System* (Washington, DC: Government Printing Office, 2006), 20, accessed 10 November 2019, <https://www.gao.gov/new.items/d06618.pdf>.

⁴⁸ Burke and McNeil, *Toward a Unified Military Response*, 63.

⁴⁹ US Department of Homeland Security, *Hurricane Sandy Federal Emergency Management Agency After-Action Review*, 63.

⁵⁰ *Ibid.*, 11.

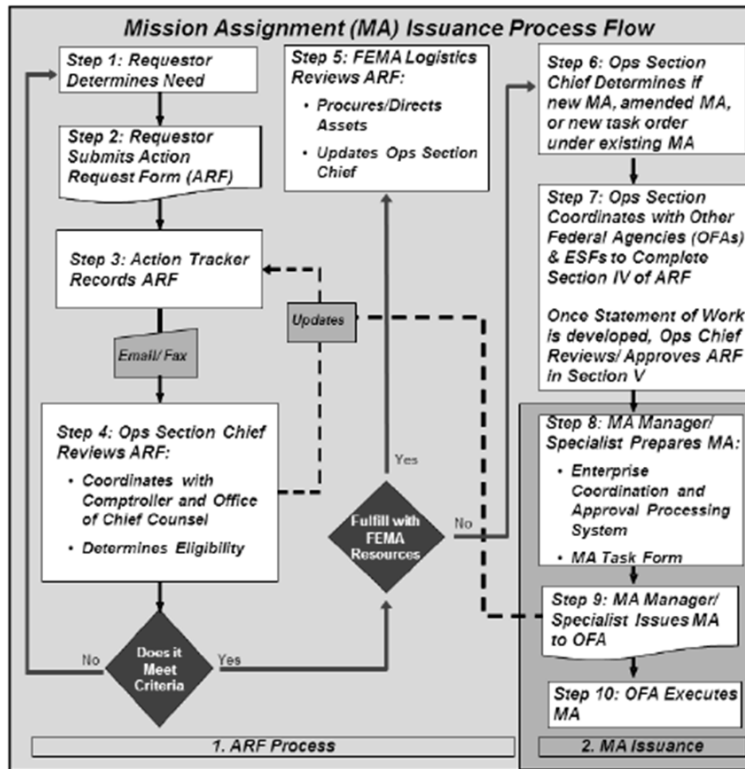


Figure 6. FEMA Mission Assignment Process. Source: U.S. Department of Homeland Security, *National Response Framework*, 2nd Ed. Federal Emergency Management Agency, May 2013.

Military Police units assigned to law enforcement support missions were being assigned ad hoc missions with incomplete situation reports. Not only were law enforcement support missions not assigned with proper situational awareness from formal requests and reports, the lack of communication on resources needed left gaps in law enforcement support for missions within the city. Integration was also impacted due to the lack of information sharing procedures between the Defense Coordinating Officers, the Navy’s amphibious ships, the Marine Corps’ 26th Marine Expeditionary Unit, Joint Task Force Civil Support, and National Guard.⁵¹

Doctrine

In all emergency responses there are two types of response doctrine: civilian and military. The civilian doctrine is published by the Department of Homeland Security and the Federal

⁵¹ US Department of Homeland Security, *Hurricane Sandy Federal Emergency Management Agency After-Action Review*, 10-12.

Emergency Management Agency at the national level. Additional policies and processes can be developed at the State and local levels however they are required to be nested with federal doctrine. For this study, national level doctrine, The National Response Framework and National Incident Management System will be used for doctrinal guidance and review. Military doctrine includes that published by the Department of the Army and the National Guard Bureau. The primary doctrine to be used in this study are field manuals, handbooks, and concepts of operation. Given the time period between emergencies, civilian and military doctrinal guidance evolved as well as the capabilities in which to execute the doctrinal response. Each case study will be analyzed through a doctrinal lens separately.

Hurricane Katrina

The national and military doctrine used for the response to Hurricane Katrina was vague at best, which left space for individual interpretation and execution. The 2004 National Response Plan identifies Emergency Support Function 13, Public Safety and Security, with the scope of the following areas: Facility and resource security; Security planning and technical and resource assistance; Public safety/security support; Support to access, traffic, and crowd control.⁵² The Emergency Support Function headquarters were to be tiered under the Incident Command Posts where they could effectively integrate command authorities. The National Response Plan addressed the National Guard response as providing support to the Governor of their State and are not part of Federal military response efforts.⁵³ Doctrine briefly addresses Federal law enforcement assistance. Each State has jurisdiction for enforcement of State law, using State and local resources, including the National Guard. The Federal Government has jurisdiction for enforcement of Federal law, using Federal resources. State and local law enforcement agencies may be requested to provide support to Federal law enforcement during Incidents of National

⁵² US Department of Homeland Security, *National Response Framework*, 12.

⁵³ *Ibid.*, 42.

Significance. Doctrine stated that the lead for Emergency Support Function #13 is to ensure that all activities are related to the safety and security of the public. If any potential for overlap exists, it is the responsibility of the primary agencies for Emergency Support Function #13 to deconflict these issues prior to accepting the mission assignment.⁵⁴ Deconfliction of mission assignments was to follow guidance provided by the National Incident Management System at the Incident Command level. The National Incident Management System stated that the Emergency Operations Center Manager was responsible for coordination, communication, resource management, and information management of the incident.⁵⁵

The capstone military doctrine for Hurricane Katrina was Field Manual 100-19, Domestic Support Operations, published in 1993. The doctrine was consistent with policy in stating that the National Guard was the primary responsibility for providing military assistance. The doctrine stated that the Chief, National Guard Bureau, had executive agent responsibility for planning and coordinating the execution of military support operations. While serving in State status, the National Guard provided military support to civil authorities, including law enforcement, in accordance with State law.⁵⁶ Domestic disaster operations are conducted in stages of response, recovery, and restoration with National Guard responsibilities in all stages. Doctrine identified Emergency Support Functions one through twelve, but none included public safety and security.⁵⁷ Therefore public safety and security was handled case by case and not integrated with other response efforts. Additionally, there were no specific law enforcement support tasks outside of civil disturbance response.

⁵⁴ US Department of Homeland Security, *National Response Framework*, ESF #13-5.

⁵⁵ US Department of Homeland Security. *National Incident Management System*, August 2004, 31.

⁵⁶ US Department of the Army, Field Manual (FM) 100-19, *Domestic Support Operations* (Washington, DC: Government Printing Office, 1993), 2-8.

⁵⁷ *Ibid.*, 5-7.

Military Police doctrine used during Hurricane Katrina was Field Manual 3-19.1, Military Police Operations. Military Police operations were separated into five functions: Maneuver and Mobility Support, Area Security, Internment and Resettlement, Law and Order, and Police Intelligence Operations. Each function contained subtasks that all military police officers were trained on individually as well as military police units trained collectively. Table 3 depicts the military police functions and subtasks from Field Manual 3-19.1.⁵⁸

Table 3. Military Police Functions.

		Functions				
		MMS	AS	PIO	L&O	I/R
Subtasks	Support to river-crossing and breaching operations and passage of lines		Recon operations ADC	IPB support	Law enforcement	EPW/CI handling
	Straggler and dislocated-civilian control		Base/air-base defense	PIAP	Criminal investigations	US military prisoner handling
	Route R&S		Response-force/TCF operations	Active and passive roles	US Customs operations	Populace and resource control
	MSR regulation enforcement		Critical site, asset, and HRP security	Information collection and dissemination	Related L&O training	Dislocated civilians
			Force protection/physical security Antiterrorism	Joint, interagency, and multinational coordination		
NOTE: Subtasks not all-inclusive.						

Source: US Department of the Army, Field Manual (FM) 3 19.1, *Military Police Operations* (Washington, DC: Government Printing Office, 2001), 33.

The National Guard Bureau Implementation Plan 04-01, National Guard Reaction Force, gave additional guidance to domestic emergency response. Each State must establish and maintain a response force up to 500 personnel with an initial response time of eight hours and all personnel on-site within 24 hours of the incident. Law enforcement support missions included providing site security, establishing roadblocks and/or checkpoints, assisting civil authorities in

⁵⁸ US Department of the Army, Field Manual (FM) 3-19.1, *Military Police Operations* (Washington, DC: Government Printing Office, 2001), 33.

controlling civil disturbances, and protecting Department of Defense-selected critical infrastructure.⁵⁹

During Hurricane Katrina response there was an immediate request for National Guard military police assistance. Six military police battalion headquarters that controlled 43 military police companies and security force squadrons responded.⁶⁰ All military police mission assignments fell under their doctrinal functions and subtasks. The responding military police could conduct their assigned tactical level tasks in accordance with their military police training.

Hurricane Sandy

Due to lessons learned from Hurricane Katrina, the national and military doctrine used during Hurricane Sandy were modified to correct identified deficiencies. The 2008 National Response Framework maintained the use of Emergency Support Functions to manage and coordinate response. There was no change to Emergency Support Function #13 in its scope or lead agency. The change from the 2004 to the 2008 National Response Framework concerning Emergency Support Function #13 is the location of its headquarters element. The new position of the Emergency Support Function is under the Unified Coordination Group under the Joint Field Office instead of the Incident Command Post.⁶¹ Federal and State authorities regarding the command and employment of National Guard are maintained in this doctrine.

The military doctrine in effect for Hurricane Sandy was Field Manual 3-28, *Civil Support Operations from 2010*. This field manual expanded domestic emergency response guidance to specifically incorporate the National Guard structure and processes. Figure 7 depicts that the State National Guard structure is like that of the State civilian structure used in the National Incident Management System and in many cases are co-located. To promote transparency of how the

⁵⁹ Headquarters, National Guard Bureau. *National Guard Bureau Implementation Plan 04-01, National Guard Reaction Force* (Washington, DC: Government Printing Office, 2004), 2-3.

⁶⁰ Wombwell, *Army Support During the Hurricane Katrina Disaster*, 253-265.

⁶¹ US Department of Homeland Security, *National Response Framework*, 2013, 63.

National Guard requests and receives resources from other states the doctrine explained the Emergency Management Assistance Compact process, which is critical to understanding the mission assignment process.⁶²

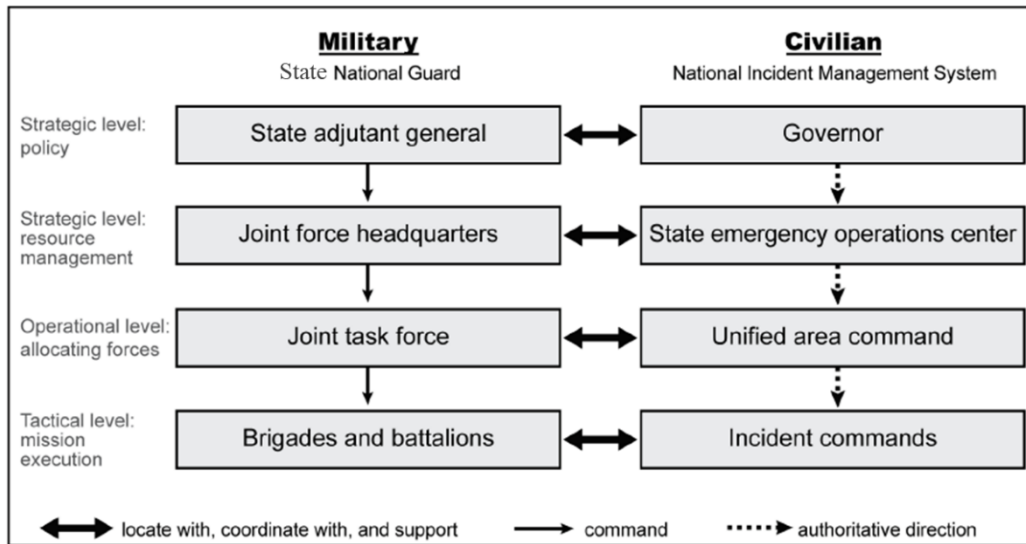


Figure 7. State and National Guard Response. Source: US Department of the Army, Field Manual (FM) 3-28, *Civil Support Operations* (Washington, DC: Government Printing Office, 2010), 3-6.

Field Manual 3-28 maintained that support to civilian law enforcement tasks are consistent with those in military police doctrine, however it gives specific importance to conducting mounted and dismounted joint patrols with National Guard military police.⁶³ Additionally, the doctrine outlined the structure of the civilian Emergency Support Functions at the Joint Field Office as they integrated with the National Guard Joint Task Forces.⁶⁴

Complimentary to the national and military doctrine, the National Guard published updated guidance. The National Guard Bureau Implementation Plan 07-02, National Guard Reaction Force, reintroduced the NGRF as an all-hazards response force. The update included

⁶² US Department of the Army, Field Manual (FM) 3-28, *Civil Support Operations* (Washington, DC: Government Printing Office, 2010), 3-8.

⁶³ *Ibid.*, 5-9.

⁶⁴ *Ibid.*, I-9.

changes of minimum standards to meet levels within the National Incident Management System, Non-Lethal Capability Sets, and the tiered personnel rating system.⁶⁵ In 2010, the National Guard formalized and published National Guard Regulation 500-5, National Guard Domestic Law Enforcement Support and Mission Assurance Operations. The National Guard in a law enforcement support role conducts myriad of operations that include: providing liaison teams with local, State, and Federal law enforcement agencies; traffic enforcement and other route control measures; providing a visible deterrent by conducting area security, site security, and perimeter security; Access, traffic and crowd control; convoy security; and high risk personnel security.⁶⁶

All of the operations outlined in the doctrine were executed by National Guard law enforcement support during Hurricane Sandy. Over 11,000 National Guard members were deployed to the impacted area with a military police task force led by a military police battalion. Additional law enforcement support was provided by Task Force Empire Shield. Similar to Hurricane Katrina, responding military police could conduct their assigned tactical level tasks in accordance with their military police training.

Findings and Analysis

The Post Katrina Emergency Management Reform Act changed National Guard law enforcement emergency response through transformations in doctrine, organizational structure, training, and equipping. In doing so the National Guard was more effective in responding to Hurricane Sandy, however there is continued need for improvement in training at the operational and strategic levels. As previously discussed, tactical level training for law enforcement support for defense support of civil authorities was effective during both hurricane responses, but

⁶⁵ Headquarters, National Guard Bureau. *National Guard Bureau Implementation Plan 07-02, National Guard Reaction Force*, 2007, 2-3.

⁶⁶ Headquarters, National Guard Bureau, *National Guard Regulation (NGR) 500-5, National Guard Domestic Law Enforcement Support and Mission Assurance Operations*, 2010, 12.

integration with interagency and the National Incident Management System at the Incident Command Posts, Emergency Operations Centers, and Joint Field Offices was deficient. The New World Kirkpatrick Model for training development and evaluation can be used to shape military law enforcement in support of response operations in the future.

Hurricane Comparison: Doctrine, Organizational Structure, and Training

The introduction of the Federal reform influenced doctrinal changes from Hurricane Katrina to Hurricane Sandy that improved emergency response with the 2008 National Incident Management System and the 2010 Field Manual 3-28, *Civil Support Operations*. The updated doctrine then impacted the military organizational structure and training for emergency response.

Military doctrine used for Hurricane Katrina gave little guidance to command and control structures at the operational and strategic level, which impacted integration and coordination with other State and Federal agencies. Additionally, doctrine did not give individual or collective training requirements for emergency response outside of training specific to the assigned military branch. The National Incident Management System was published at the time of Hurricane Katrina, but the absence of specific doctrinal guidance incorporating the Federal task organization and integration with military, State, and other Federal assets led to multiple chains of command and unfollowed mission assignment and tracking processes. These failures led to redundancy of mission taskings, wasted resources, and areas without resources assigned.

Military doctrine used for Hurricane Sandy improved the guidance for command and control by introducing the use of the Dual Status Commander and assigning military personnel at all levels of the State and Federal agencies to improve integration. Although doctrine and policy made these changes, the gap identified was leader development for both civilian and military leaders to implement the guidance. Training was conducted at the tactical level in which individual soldiers were required to complete online National Incident Management System training, but joint or interagency training at the operational and strategic level was not conducted.

Policy identified and tasked the need for individual National Incident Management System training but did not require collective training events. The absence of the training at the higher levels contributed to the problems of misunderstanding the role of Dual Status Commander and improper mission assignment and tracking processes that were identified in the case studies.

As law enforcement support to emergency response requirements become more prevalent doctrine and policy continue to be modified for effectiveness, however a gap in training at the operational and strategic levels remain. Training programs for those levels that focus on integrating doctrine, policy, capabilities, and procedures is required. The New World Kirkpatrick model can be used to develop an effective training and evaluation program for the operational and strategic levels.

Operational and Strategic Level Integration

Many processes and procedures were corrected after Hurricane Katrina, however operational and strategic level integration remains an area in need of improvement. Operational and strategic level integration between National Guard law enforcement support personnel and State and Federal personnel at Incident Command Posts, Emergency Operations Centers, and Joint Field Offices must be corrected. The National Response Framework and its components must be used to effectively respond to domestic emergencies. The Kirkpatrick Model can be used to address the integration deficiency.

Application of The New World Kirkpatrick Model

The utility of The New World Kirkpatrick Model in developing a training and evaluation program for the operational and strategic levels lies in the strong relationships between the four levels. Using the model's structure, examples are introduced that identify and incorporate the key training findings from the case study analysis. Level four is the first step to developing the program. Analysis to determine the desired outcomes is critical to effective integrated response. The outcomes must be determined by reviewing current doctrine, policy, and mission statements.

They must be specific to the desired goals at the operational and strategic levels. This is comparable to an end-state, but specificity is key to identifying the important factors needed in the subsequent levels. For example, an outcome of responding to domestic emergencies when requested is too vague to address the previously identified gap. An example of an outcome for this training gap is: National Guard Law Enforcement Support is integrated into all law enforcement support response activities at Incident Command Posts, Emergency Operations Centers, and Joint Field Offices within its area of responsibility. The Incident Command Posts, Emergency Operations Centers, and the Joint Field Offices are at the operational and strategic levels which connects the integration to the appropriate levels. Once the specific outcomes are determined, leading indicators must be identified. The leading indicators are observations and measurements that suggest that critical behaviors are on track to meet the desired results.⁶⁷ Examples of measurable indicators are: National Guard liaisons assigned to all Emergency Support Function 13 working groups; and an increase in mission assignments processed in accordance with the National Incident Management System. These are indicators because the presence of National Guard liaisons with all Emergency Support Function 13 working groups and the increase of mission assignments can be quantified and measured qualitatively through the level three behaviors.

Level three focuses on behavior. The overarching definition of the level is to what degree participants apply what they learned during the training when they are on the job. However, specifically critical behaviors must be identified. These behaviors are the few, key behaviors that the primary group will have to consistently perform to meet the targeted outcomes.⁶⁸ To ensure the behaviors are executed, required drivers must be implemented. These are processes and systems that reinforce, monitor, encourage, and reward performance of the critical behaviors.⁶⁹

⁶⁷ Kirkpatrick and Kirkpatrick, *Kirkpatrick's Four Levels of Training Evaluation*, 14.

⁶⁸ Ibid.

⁶⁹ Ibid.

Examples of critical behaviors needed by all liaisons are: oversee communications between the National Guard operations division and Emergency Support Function 13; and coordinate resource efforts between organizations. An example of the driver is the National Incident Management System communications and coordination processes. These processes are managed digitally therefore can be used to reinforce and monitor the behaviors.

Level two’s components bridge the gap between learning and behavior. Level two is comprised of five components: knowledge, skills, attitudes, confidence, and commitment. Each component has underlying statements that link them to the next and to creating behaviors. Figure 8 depicts the components. These are similar to the learning objectives and evaluations that are currently used in military lesson development. Confidence and commitment are measured through lesson critiques or end of course surveys. An example of a level two knowledge that can be applied to all components is: the knowledge of the National Incident Management System and its processes at the operational and strategic levels.

Component	Statement
Knowledge	“I know it”
Skill	“I can do it right now”
Attitude	“I believe this will be worthwhile to do on the job”
Confidence	“I think I can do it on the job”
Commitment	“I will do it on the job”

Figure 8. Level Two Components and Statements. Source: James D. and Wendy Kayser Kirkpatrick, *Kirkpatrick’s Four Levels of Training Evaluation* (Alexandria VA: ATD Press, 2016), 15.

Level one is the on-site reaction to the training. It is summed up through the degree in which the training is relevant to the job the student will perform, how engaged students are in the training, and how satisfied they are in the training provided.⁷⁰ As in any training program,

⁷⁰ Kirkpatrick and Kirkpatrick, *Kirkpatrick’s Four Levels of Training Evaluation*, 17.

continued monitoring and evaluation must provide feedback to ensure its effectiveness in meeting the outcome of integration at the operational and strategic levels. Figure 9 depicts the model using the identified training gap.

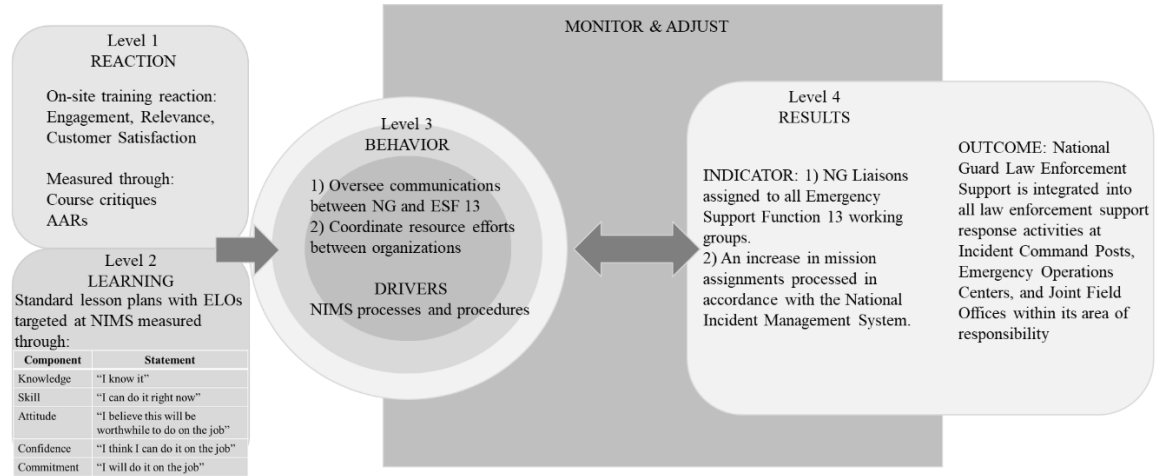


Figure 9. National Guard Operational and Strategic Integration Model. Source: James D. and Wendy Kayser Kirkpatrick, *Kirkpatrick's Four Levels of Training Evaluation* (Alexandria VA: ATD Press, 2016), 11-19.

Conclusion

This study and analysis positively accepted the hypothesis. The Post Katrina Emergency Management Reform Act proposed modifications at the Federal level that influenced changes for National Guard law enforcement emergency response through transformations in doctrine, organizational structure, training, and equipping. The reforms improved National Guard law enforcement emergency response to Hurricane Sandy. Although there were critical improvements emphasized in the reform, policy, and doctrine, there was a training gap identified.

Tactical level training for military police was extremely effective for both hurricane responses, but operational and strategic level integration between National Guard law enforcement support personnel and State and Federal personnel was lacking. Processes and procedures for integration were written into the new doctrine, but they were not universally understood. The lack of understanding of the processes and procedures at the operational and strategic levels caused confusion during the hurricane response. Due to the confusion and the

imminent circumstances, actions were taken that were not in alignment with the policies and doctrine. Specifically, training regarding the authorization and functions of the Dual-Status Commander are needed. It is critical that all commanders within the activated task organization understand the chain of command, roles, and respective processes according to 32 United States Code 325, Dual-Status Command. Organizations will continue to face challenges when activated if they do not operate under the proper mandates of law and the National Response Framework.

Findings and analysis propose the need for a new training program to address the operational and strategic level processes and procedures for integration between the National Guard Law Enforcement personnel and State and Federal personnel at Incident Command Posts, Emergency Operations Centers, and Joint Field Offices.

Further study on interagency training exercises conducted by individual States is recommended. Some States and Federal Emergency Management Agency regions conduct interagency training exercises using the National Response Framework. However, these training exercises are through State initiative and not nationally mandated, which leaves gaps in regional readiness. It is recommended that these training exercise programs be reviewed for potential value in a nationally institutionalized training program.

Developing a national operational and strategic training program following The New World Kirkpatrick Model could reduce confusion regarding emergency response in accordance with the National Response Framework. The training program must be attended by both military and civilian operational and strategic level leaders to ensure continuity and training equivalency. It is recommended that the training programs be held regionally to offer the joint and interagency training to leaders that can expect to work together during an emergency response.

The conclusion and recommendations do not suggest that a training program will solve all issues that will arise during a complex emergency response. However, proper training programs targeting specific goals and behaviors will lessen the gap between ad hoc actions and those that follow prescribed processes and procedures in the time of need. Developing a training

program following the proposed model builds the basis that connects the desired behaviors to the return on expectations during a crisis. Although training cannot replace experience, when preparing for unexpected events or disasters training is the closest method to reach success.

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