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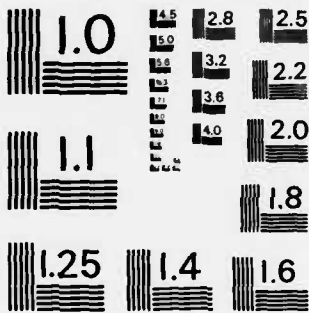
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AIR FORCE COOPERATION WITH CIVILIAN LAW  
ENFORCEMENT OFFICIALS:  
THE PERCEIVED OPERATIONAL IMPACT

THESIS

George S. Edie III  
Captain, USAF

AFIT/GSM/LSY/84S-10

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**AIR FORCE COOPERATION WITH CIVILIAN LAW**

**ENFORCEMENT OFFICIALS:**

**THE PERCEIVED OPERATIONAL IMPACT**

**THESIS**

**Presented to the Faculty of the School of Systems and Logistics**

**of the Air Force Institute of Technology**

**Air University**

**In Partial Fulfillment of the**

**Requirements for the Degree of**

**Master of Science in Systems Management**

**George S. Edie III, B.S.**

**Captain, USAF**

**September 1984**

**Approved for public release; distribution unlimited**

## Preface

The purpose of this research was to determine what impact Air Force support for civilian law enforcement officials was perceived as having on the operations and readiness of the units providing that support.

In 1981, Public Law 97-86 relaxed the restrictions on indirect military participation in civil law enforcement. One of the constraints in the new law, however, is that the Air Force may not provide support to civilian law enforcement officials if doing so would adversely impact military readiness. Currently, the Air Force makes an estimate of the readiness impact of a support request before granting approval for that support. But, there are no procedures to routinely review and report on actual readiness impacts once the support effort is underway. This research is designed to fill that gap by interviewing personnel in those Air Force units that provided support to civilian law enforcement officials during a 15 month period in 1983 and early 1984. Their inputs are used to form a picture of the perceived impact of these support efforts on Air Force operations and readiness during that time.

In doing this research, I have drawn on the strengths and experiences of many other people. I would like to thank Lt Col Harvey G. Pothier and Capt Minerva Anaya of HQ USAF/XOORC for providing the initial data base and background information for this research. I also wish to thank my advisor, Dr. John W. Garrett, who showed me the silver lining when all I could see were the clouds. Most of all, though, I thank my wife Cindy and son Christopher for their constant love and support. This research is dedicated to them.

George S. Edie III

## Table of Contents

	Page
Preface . . . . .	ii
List of Tables . . . . .	v
Abstract . . . . .	vi
I. Introduction . . . . .	1
Overview . . . . .	1
Specific Research Problem . . . . .	2
Background . . . . .	2
Summary . . . . .	9
Research Questions . . . . .	9
Scope of the Research . . . . .	10
II. Research Methods . . . . .	11
Research Population . . . . .	11
Selection and Justification of the Research Method . . . . .	12
Selection of Those to Be Interviewed . . . . .	13
Interview Questions . . . . .	14
III. Data Analysis . . . . .	16
General . . . . .	16
Aircraft Support . . . . .	18
Anti-drug Support . . . . .	20
Other Aircraft Support . . . . .	26
Security Police Support . . . . .	27
Support by Explosive Dog Detection Teams . . . . .	27
Loan of Equipment . . . . .	32
Joint Training . . . . .	33
Other Security Police Support . . . . .	35
Miscellaneous Support . . . . .	35
Radar Data Support . . . . .	36
Facilities Support . . . . .	38
Explosive Ordnance Disposal Support . . . . .	40
Loan of Personnel and Equipment . . . . .	42
IV. Conclusions and Recommendations . . . . .	47
Conclusions . . . . .	47
Recommendations . . . . .	51



	Page
Appendix A: Sample Entry, RCS DD-M(Q) 1595 Report . . . . .	54
Appendix B: Interview Questionnaire . . . . .	55
Bibliography . . . . .	57
Vita . . . . .	60

### List of Tables

Table	Page
I. Number of Support Requests Received by Quarter	16

Abstract

In 1981 Public Law 97-86 relaxed the restrictions on military participation in civil law enforcement. As a result, the Air Force is now receiving an increasing number of requests for support from civilian law enforcement officials at all levels. One of the constraints in the new law, however, is that the Air Force may not provide support if doing so would adversely impact readiness. This research surveyed those units that provided support in 1983 and the first quarter of 1984 to determine the perceived impact of these support efforts on the units' operations and readiness and to identify the costs and benefits of providing this support.

Over 60% of the individuals interviewed felt their units were better prepared for their primary Air Force missions as a result of experience gained during support efforts for civilian law enforcement officials. In other words, the operational benefits the units accrued through participation in a real operation (as opposed to a training exercise) exceeded any negative operational impacts, in many cases by a significant amount. In only two percent of the cases was there a perceived net operational loss as a result of support efforts. Costs to the Air Force were cited as minimal in all cases but one. That one case, an extended helicopter support operation in the Bahamas, cost the Air Force \$2.3 million for the 11 months of the research period that the operation was underway.

The results indicate the diversion of Air Force resources to civilian law enforcement efforts has not caused a significant negative impact on Air Force operations. In fact, because of the gains accrued, the Air Force could accommodate an increased level of support before a net deterioration in readiness would occur.

## AIR FORCE COOPERATION WITH CIVILIAN LAW ENFORCEMENT

### OFFICIALS: THE PERCEIVED OPERATIONAL IMPACT

#### I. Introduction

##### Overview

In 1878, Congress passed legislation commonly called the Posse Comitatus Act which prohibited the use of Army personnel and equipment in the enforcement of civil law (30:15). After the Air Force was established as a separate service, its forces were also included under the umbrella of posse comitatus. Then, in late 1981, Congress included in the Department of Defense (DoD) Authorization Act for 1982 a section entitled "Military Cooperation with Civilian Law Enforcement Officials" (31). In general, this law enables the Army and Air Force to operate and maintain equipment in support of civilian law enforcement officials and to provide these officials any information on suspected illegal activities obtained during routine military operations.

The principle impetus for this change, and one of the primary areas of application since the change, was to help stem the tide of illegal drugs into the U.S.. However, the new law opened the way for support requests from all levels of civilian law enforcement, requests which have already involved many Air Force organizations. (In the context of posse comitatus, "civilian" is defined as anything not part of the military, e.g. the U.S. Coast Guard.) Broadly stated, the thrust of this research was to determine what impact requests for assistance from civilian law enforcement officials were having on Air Force operations and readiness. This research did not attempt to evaluate the impact of Air Force support from the perspective of the requesting agencies.

### Specific Research Problem

The specific problem areas researched were: "For the Air Force, what have been the costs and benefits associated with providing support to civilian law enforcement officials?" and, "What have been the positive and negative operational impacts of providing this support?"

### Background

"Posse Comitatus" is the proper form of what is commonly shortened to "posse"—a body of men summoned by the sheriff to assist him in keeping the peace (32:1112). The original Posse Comitatus Act was passed in 1878 as part of the Army Appropriations Act to control the use of the Army in civil law enforcement. It states:

From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States, as a posse comitatus, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress; and no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section and any person willfully violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by fine not exceeding ten thousand dollars or imprisonment not exceeding two years or by both such fine and imprisonment [30:15].

The reason for this law is generally believed to be a reaction to the overzealous use of the Union Army by U.S. Marshals to enforce the Reconstruction Laws in the South following the Civil War (21:86;24:4; 25:2;26:6). When the Southern states regained sufficient representation in Congress, they attached the Posse Comitatus Act to the 1878 Army appropriations bill to ensure the abuses of the past were not repeated (25:2). After the Air Force was established as a separate service in

1947, it, too, was included under the posse comitatus restrictions. These restrictions were placed in the U.S. Code in 1956 as Title 18, section 1385. This section reads:

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 not more than \$10,000 or imprisoned not more than two years, or both [28].

Once passed, the Posse Comitatus Act fell into obscurity, rarely being cited in legal cases. However, in the 1970's, several court cases involving posse comitatus introduced conflicting interpretations. The cases stemmed from a 1973 Federal Bureau of Investigation operation at Wounded Knee, South Dakota, during which the military provided equipment, tactical advice and reconnaissance support. In two cases, the court found the military involvement possibly violated Posse Comitatus, while in two others, the court ruled there were no violations since military personnel had not actively participated in the operation (24:6,12).

Congress recognized the need to clarify the Posse Comitatus Act following the "Wounded Knee" court cases. Additionally, both the White House and Congress felt military cooperation with civilian law enforcement officials could be safely expanded to enable the Army and Air Force to participate in drug interdiction and other law enforcement efforts (18:12). The result was the enactment of Title 10 of the United States Code (U.S.C.), Chapter 18 entitled "Military Cooperation with Civilian Law Enforcement Officials" (27).

This new law has eight sections, each of which will be described briefly. Section 371 is entitled, "Use of information collected during

military operations." It authorizes the Secretary of Defense (and, presumably, his representatives) to provide civilian law enforcement officials ". . . any information collected during the normal course of military operations that may be relevant to a violation of any Federal or State law within the jurisdiction of such officials [27:371]." The key phrase in this section is "during the normal course of routine military operations." Under this section, the military cannot run special missions to collect information for other agencies but can provide any information collected during routine operations. An example of support being provided under this section is the information on air and sea traffic provided the U.S. Customs Service (USCS) and the U.S. Coast Guard (USCG) by the two aerostat radars the Air Force's Tactical Air Command (TAC) operates in southern Florida (14:36,38).

Section 372 is entitled, "Use of military equipment and facilities." This section authorizes the military to make available any equipment, base facility or research facility to civilian law enforcement officials for law enforcement purposes. A current example of support being provided under this section is the storage at Davis-Monthan AFB AZ of aircraft confiscated by the USCS (5:15).

Section 373 is entitled, "Training and advising civilian law enforcement officials." This chapter enables the military to provide expert advice to civilian law enforcement officials and to provide training in the operation and maintenance of any equipment provided under section 372 above. Currently, the Air Force has an individual assigned to the Vice President's staff to provide expert advice on Air Force capabilities and limitations as they apply to posse comitatus (5:61).



Section 374 is entitled, "Assistance by Department of Defense personnel." This somewhat lengthy section enables the military to provide personnel to operate and maintain, or help operate and maintain, equipment provided under section 372 above. However, there are two important restrictions placed on this support. First, personnel may only be provided to support law enforcement efforts in three areas: immigration, customs and drug interdiction. Secondly, military personnel may participate only to the extent of monitoring and communicating the movement of air and sea traffic. Despite these restrictions, section 374 essentially allows the military to conduct special missions in support of other agencies. Furthermore, under emergency situations (also defined in the section), the equipment operated as above may be used outside the land area of the United States to aid Federal law enforcement officials. In this area, the Air Force's 1st Special Operations Wing (SOW) has provided UH-1N helicopters and crews to transport and support narcotics agents trying to counter the transshipment of drugs through the Bahamas (5:33).

Section 375 is entitled, "Restrictions on direct participation by military personnel." This section prohibits military personnel from participating directly in interdiction of a vessel or aircraft, search and seizure, arrest or other similar activity unless participation is otherwise authorized by law. According to one source, this restriction was added at the request of the DoD and the American Civil Liberties Union, both of whom did not wish to see direct military enforcement of civil law (13:13). However, the last phrase of this section allows the military to protect government property and enables the Navy and Marine Corps, who were not covered by the original Posse Comitatus Act, to

continue their more active support for civilian law enforcement officials.

Section 376 is entitled, "Assistance not to affect adversely military preparedness." This section requires the Secretary of Defense to issue guidance to ensure no assistance is provided that would adversely affect the military preparedness of the United States. Air Force policy is to provide assistance when requested unless "clear and specific evidence" of an adverse impact on readiness can be shown (4:2). A unit's readiness can theoretically be determined through ratings assigned under the Air Force's Unit Combat Readiness Reporting System (10). Yet, it is very difficult to predict, with certainty, the impact a request for outside support will have on a unit's rating. In those instances where an adverse impact is possible but cannot be fully substantiated in advance, pressure from the White House, Congress or even DoD could result in the commitment of forces with a subsequent impact on Air Force readiness. The following headline from an article in the Air Force Times gives an indication of the political realities of the situation: "DoD Pressed for AWACS to Help in Drug Fight" (12:10). As another example, the Deputy Secretary of Defense responded to political pressure for long-term surveillance coverage in Florida by directing the Air Force to activate an aerostat radar site at Patrick AFB (Cape Canaveral) FL, where no military requirement had previously been validated (1:34).

Section 377 is entitled, "Reimbursement." This section states the Secretary of Defense may make reimbursement of expenses a condition of providing support to other agencies. Initial DoD policy required reimbursement when support was to be provided to agencies outside the

DoD (2:Encl 5). However, this policy of reimbursement was challenged by the Attorney General in a letter to the Secretary of Defense dated 9 August 1982. In it, the Attorney General stated reimbursement should be viewed as discretionary and that he expected support from the DoD on a non-reimbursable basis (24:42). Further indication of a change in the DoD position can be inferred from an article on Posse Comitatus by the General Counsel of the DoD. In it, no mention is made of reimbursement (26:6+). Reimbursement has, in fact, been the exception rather than the rule.

Section 378 is entitled, "Nonpreemption of other law." This section states that authority available under other laws prior to enactment of this one is not to be abridged by any portion of this law.

To ensure proper implementation of the new posse comitatus guidelines by all military components, the Department of Defense issued Department of Defense Directive (DoDD) 5525.5 entitled, "DoD Cooperation with Civilian Law Enforcement Officials" (2). This directive explains how each of the sections in the U.S. Code will be implemented and at what level approval authority exists for various types of support. The directive also establishes a requirement for each of the military services to submit quarterly reports of the support provided to civilian law enforcement officials (2:3). The quarterly Air Force reports, identifying which Air Force units were supporting civilian law enforcement officials, formed the initial data base for this research.

Effective 31 January 1983, the Air Force implemented DoDD 5525.5 through Air Force Regulation (AFR) 125-4 entitled, "Cooperation with Civilian Law Enforcement Officials" (3). This regulation extended the guidance in the DoD directive to the lowest levels of the Air Force.

Additionally, the Air Force established a Civil Law Enforcement Support Steering Group to coordinate the efforts of the various Air Force agencies involved in this support program (25:2).

By late 1983, the Air Force had recognized the potential impact the new law could have on Air Force operations. Consequently, they identified the headquarters operations office, HQ USAF/XO, as the new focal point for the support program (19). Furthermore, the Air Force regulation implementing the program was revised and reissued in April of 1984 as a 55-series (Operations) regulation, AFR 55-35 (4), in lieu of the previous 125-series (Security Police) regulation. Even with this change in Air Force focal point, the procedures to assess an operation's impact on military preparedness, a key restriction in the new posse comitatus guidelines, remain substantially unchanged.

To determine whether or not it should support a request for assistance from civilian law enforcement officials, the Air Force still relies heavily (if not solely) on an impact assessment made during the approval sequence before the support effort is undertaken. This is certainly where the assessment of the readiness impact must begin, but must it end there? This research was designed to extend the process of assessing the readiness impact of Air Force support efforts by obtaining "after action" reports from those Air Force units who provided support to civilian law enforcement officials between 1 January 1983 and 31 March 1984. The product of the research will be a composite picture of the perceived impact these support operations have actually had on the units involved.

### Summary

Enactment of Title 10 U.S.C. Chapter 18 has opened up new avenues for civilian law enforcement officials to request support from the Air Force. The Air Force is currently providing support to a variety of agencies in accordance with DoDD 5525.5 and AFR 55-35. However, the extent of this support has already been challenged, particularly in the areas of reimbursement and mission impact. The Air Force recognized the potential impact this support program could have on Air Force operations and moved the program from the purview of the security police to that of operations to insure operational considerations were adequately addressed. Yet, the primary means of determining the impact of this support program on Air Force operations and readiness are still the impact assessments made before support is provided rather than assessments made during or after the support efforts.

### Research Questions

In view of the uncertain impact of this support program on Air Force operations, the following research questions were selected:

- 1) What support has the Air Force provided civilian law enforcement officials since enactment of the revised posse comitatus guidelines?
- 2) What have been the costs of providing this support in terms of money, manpower and materials?
- 3) Has the diversion of these resources to civilian law enforcement efforts detracted from Air Force operations or readiness?
- 4) Has the Air Force benefited from these support efforts in terms of new tactics, proficiency of its personnel, readiness or an increased knowledge of the capabilities or limitations of its systems?

### Scope of the Research

The scope of this research effort is limited in breadth by researching only the support being provided by the Air Force, and not DoD as a whole. It is also limited in time to that support provided in calendar year 1983 and the first three months of 1984. Although the revised posse comitatus guidelines have been in effect since December 1981, the quarterly reports detailing support provided by Air Force units did not come out until the final quarter of 1982. Additionally, personnel rotations make it difficult to collect data on support provided earlier than 1983.

## II. Research Methods

### Research Population

The Air Force's quarterly RCS DD-M(Q) 1595 reports represented the initial data base for this research (5;6;7;8;9). HQ USAF/XOORC, the office currently responsible for releasing these reports, and HQ USAF/IGS, custodian for the early reports, provided copies of the first six reports covering the last quarter of (calendar year) 1982, all of 1983 and the first quarter of 1984. As previously mentioned, these reports summarize the support Air Force organizations provided civilian law enforcement officials in a given quarter. Each report's cover letter listed the number of requests for support received in that quarter, the number approved, disapproved and pending, as well as the incremental or marginal cost to the Air Force of providing the support. The four quarters in 1983 and the first quarter in 1984 formed the 15-month period of primary interest, while the 1982 report was used as a test data base to check the research questions and methods.

Following each report's cover letter, individual entries provided the following information on the individual support requests:

- 1) location (Air Force base involved)
- 2) requesting agency
- 3) type of assistance requested
- 4) extent of assistance requested
- 5) final action taken (approved/disapproved/pending)
- 6) reimbursement, and
- 7) information provided to El Paso Intelligence Center.



Appendix A is an example of a typical entry taken from the 1984 report.

In the five reports covering the 15 month 1983-1984 research period, there were 252 individual entries. These individual entries came from the quarterly inputs of all the major air commands and special operating agencies who had provided support during the quarter. The requirement for these agencies to report their activities is stated in AFR 55-35 (4:4), while DoDD 5525.5 gives the requirement for the consolidated Air Force report (2:3).

The data in the quarterly reports was reorganized to obtain a clearer picture of the different units providing support to civilian law enforcement officials. Elimination of repeat reports for continuing support (such as use of base facilities) and consolidation of similar support entries for a given organization (such as E-3A flights requested in both 1983 and 1984) distilled the number of entries from 252 to 102. In other words, there were 102 different units (at 65 different installations) providing support during the 15 months in question. These 102 different entries became the research population.

#### Selection and Justification of the Research Method

Telephone interviews served as the principle method for executing this research. Because of the relatively small research population, taking a census rather than a sample of all support instances was considered important and feasible. Interviewing by telephone was expected to result in usable data from a higher percentage of the research population than would have been the case with mailed surveys. One source indicates a response rate of 20% is not uncommon with mailed surveys (15:326). The loss of data associated with a mailed survey



would have degraded the research results unnecessarily in this case. In-person interviews would not have been cost effective in view of the number and wide dispersion of bases providing support.

Telephone interviewing also permitted gathering a more consistent level of detail for each of the instances of support. The various types of support being provided made it extremely difficult to design questions appropriate for each case. Some tailoring of questions and use of follow-up questions were necessary in several cases to insure all desired information was obtained. Telephone interviewing provided the necessary flexibility to adapt the interview to these changing circumstances.

#### Selection of Those to Be Interviewed

Selection of the level of individuals to be interviewed was one of the critical factors in this research. The targeted level was the first or second level supervisor of the individual(s) who actually provided the support. This level was chosen for several reasons:

- 1) The individuals at this level should have complete, accurate knowledge of the support provided.
- 2) They should be in a position to evaluate the impact of the support effort on the unit's operations or readiness.
- 3) They should be able to estimate the cost of the support provided as well as the value of any knowledge or experience gained.

The individuals providing the support were not interviewed because they might not have had a broad enough perspective to assess the overall impact of their work on unit operations and readiness.

The actual approval/disapproval authorities were not chosen for several reasons:

1) Due to their (relatively) high ranks and positions (base commanders up to the Secretary of Defense), it would have been very difficult to arrange the necessary time to complete the interviews.

2) Additionally, their knowledge of the actual support provided would not have been as complete as the knowledge of those closer to the level where the support was provided.

3) Finally, their assessments of the impact on unit operations and readiness might have been less candid, due to perceived political or command pressure to provide the requested support.

Since the entries in the quarterly reports did not identify the units providing support, only the bases, preliminary calls were made to each of the 65 bases to get telephone numbers for the desired units (e.g. the B-52 wing or the security police squadron). Subsequent calls identified the office providing the support and, finally, the individual to be interviewed. This "trickle down" approach proved to be tedious and time consuming, but no alternative existed given the data available in the quarterly reports.

#### Interview Questions

The questions used in each interview are listed in Appendix B. The initial questions were designed to elicit a narrative description of the support provided as well as descriptions of the positive and/or negative impact on operations and readiness. Additional questions supplemented these qualitative judgments with quantitative assessments of mission impact using a five-point Likert scale. Finally, respondents were asked

to associate a rough dollar value with the net cost or gain from the support provided using a seven-range scale of values from -\$100,000 to +\$100,000. For the many instances of continuing or repeated support, respondents focused on one instance of support rather than evaluate all of them together. The identity of the individuals interviewed, although recorded for administrative purposes, was to be kept confidential in this report so all questions could be answered freely.

The proposed research questions and methods were tested and refined using instances of support provided to civilian law enforcement officials in late 1982. These support instances were outside the primary period of interest but were similar enough to test the research validity.

### III. Data Analysis

#### General

The quarterly RCS DD-M(Q) 1595 reports for the 15 month research period showed the Air Force supporting civilian law enforcement officials in a variety of ways from a large number of Air Force installations. Support was requested from and provided by 65 installations from Anderson AFB, GU to Wurtsmith AFB, MI and from Eielson AFB, AK to Homestead AFB, FL. These instances of support extended from the simple short-term loan of flack vests to a local police department to the deployment of two UH-1N helicopters with crews and support personnel to the Bahama Islands for 11 of the months in the research period (in an effort that is still underway). Table I below shows the generally increasing trend in the number of support requests received from civilian law enforcement officials. For ease of discussion and comparison, these varied instances of support will be broken into the following three groups:

- 1) aircraft support,
- 2) security police support, and
- 3) miscellaneous support.

Each will be analyzed as a separate subsection in this chapter.

TABLE I

Number of Support Requests Received by Quarter

<u>Calendar Year/Qtr</u>	<u>82/4</u>	<u>83/1</u>	<u>83/2</u>	<u>83/3</u>	<u>83/4</u>	<u>84/1</u>
Requests	36	46	82	57	55	103

Source: Air Force RCS DD-M(Q) 1595 Reports, 1 Oct 82 to 31 Mar 84.

Over 90% of the 102 cases in the research population were surveyed during the telephone interviews. Although the goal of a census of the population was not achieved, it is doubtful the unsurveyed cases would have materially impacted the results of this research. The unsurveyed cases include some instances of the following types of support: the use of explosive detection dog teams in response to bomb threats in civilian communities, the use of base facilities as a staging area for air operations by Customs officials, the exchange of radar data and the UH-1N operation alluded to earlier. All but the UH-1N operation are adequately covered by surveys of similar instances in the research population. In the case of the UH-1N operation, personnel at the 1st Special Operations Wing declined to answer the survey questions. Instead, representatives from Military Airlift Command headquarters provided inputs as to the overall impact of this operation on the unit. Their inputs will be included in the discussion of aircraft support.

Of more concern that the unsurveyed cases were those cases possibly not included in the quarterly reports. Many of the units surveyed referenced instances of support to civilian law enforcement officials that were not in the quarterly reports. (This problem seemed to be most noticeable in the relatively high-volume area of security police support.) These omissions may have been the result of simple administrative errors in the reporting system. They indicate the quarterly reports provide a less-than-complete picture of the extent of Air Force support, but the loss of these individual instances does not affect the completeness of the research population. It does, however, raise the question of how many units may be missing from the quarterly reports.

If one or more units providing support has been omitted from the quarterly reports, through administrative oversight or ignorance of the reporting requirement, the research population is incomplete. Two people interviewed did allude to support provided by units not in the quarterly reports, but these support cases were not confirmed. The reporting technique begun by HQ USAF in 1984 of placing Air Force Reserve (AFRes) support under one listing for Robins AFB GA (HQ AFRes) may have been partially responsible for the lack of specific identification of these units. To enable the research to proceed, the assumption was made that the data base was essentially complete, since there was only this small indication of unreported cases of support. The time-consuming process of tracking down any unreported support cases was beyond the scope of this research effort.

#### Aircraft Support

With the principle impetus for changing the posse comitatus restrictions being to help stem the tide of illegal drugs, the support by Air Force aircraft must be one of the most prominent means used to fulfill that primary goal since the new law was enacted. There were only 20 cases of aircraft support for civilian law enforcement officials in the research population, 17 of which were directly related to countering the illegal drug traffic. Yet, these 17 cases encompass well over 1,400 aircraft flights (sorties) that the Air Force has flown in support of federal anti-drug efforts! These flights have consisted of both dedicated and incidental support. Once these two terms are explained, the data on aircraft support will be grouped and discussed under the headings of "Anti-drug Support" and "Other Aircraft Support."

Dedicated flights are those planned and flown specifically to fulfill the support needs of civilian law enforcement officials. These flights are carried out under the provisions of section 374 of the new law (27:374). As mentioned in chapter 1, this section enables the Air Force to operate equipment, in this case aircraft, to monitor and communicate the movement of air and sea traffic for civilian law enforcement officials. In emergency situations, it also enables the Air Force to operate equipment outside the land area of the United States to aid federal law enforcement officials. While dedicated flights may appear to be the easiest way to fulfill the needs of civilian law enforcement officials, they may impact heavily on Air Force readiness since military missions are foregone for the duration of the dedicated flights. Consequently, requests for dedicated aircraft support undergo a more intense readiness assessment before being approved than do requests for incidental support flights and require approval at the Assistant Secretary of Defense level (4:5).

Incidental aircraft support involves those flights where the support requested by civilian law enforcement officials is accomplished in conjunction with a valid Air Force mission. But, the time, route, altitude and duration of the mission may be changed to accommodate the support request. Because the support is considered incidental only if the primary Air Force mission can still be accomplished, operations and readiness impacts are assumed to be minimal to nonexistent. Consequently, approval authority for incidental support is delegated from HQ USAF to the major air commands and special operating agencies, who may, in turn, delegate approval authority down to the unit level. The Air Force has become progressively more adept at meeting the needs



of civilian law enforcement officials through the use of incidental aircraft support.

Anti-drug Support. The Air Force's aircraft support for the federal narcotics interdiction effort has been comprised of air and sea surveillance and the ferrying of Drug Enforcement Agency (DEA) personnel and Bahamian police. B-52, C-130, C-141, RF-4C, T-43 and WC-130 aircraft have all been used to provide federal officials information on the movement of sea traffic, while E-3A aircraft have been used to provide both air and sea surveillance information. However, the bulk of Air Force aircraft support has come from the ferrying done by UH-1N helicopters during one sustained operation, Operation Bahamas, Antilles and Turks (Op BAT).

Operation BAT. Op BAT, which began in early May 1983, is a joint U.S.-Bahamian operation aimed at halting the transshipment of drugs through the offshore islands to the U.S.. The U.S. Attorney General and Secretary of Defense issued a joint declaration stating that the scope of drug trafficking in the Bahamian archipelago constituted an emergency situation affecting the national interest of the U.S., a declaration that has been renewed at six month intervals since that time (33). Having fulfilled the emergency declaration requirements under posse comitatus (27:374), the Secretary of Defense then had 2 UH-1N helicopters with crews and support personnel deployed from the 20th Special Operations Squadron (SOS), 1st SOW, Hurlburt Field FL to the Bahamas to provide dedicated aircraft support.

During the 11 months of the research period that this operation was underway, Air Force crews flew 1,100 flights transporting Bahamian police and U.S. DEA agents in their narcotics interdiction efforts (23)!



(Air Force personnel have not participated directly in search, seizure or arrest activities, as this would be a violation of section 375 of the posse comitatus restrictions (27:375).) Tragically, three Air Force personnel, one DEA agent and two Bahamian policemen were killed when a helicopter crashed on a return flight from an Op BAT mission in January of 1984. The reported incremental cost for Op BAT during the research period totalled approximately \$643,000, none of which will be reimbursed (5:33;6:16;7:10;8:2). The cost of the accident was set at \$1,670,000 (29:Tab M).

Personnel from the 1st SOW declined to answer the specific research questions used in the telephone interviews, as previously discussed. Instead, they recommended contacting their parent unit, 23rd Air Force (AF), to whom they send monthly status reports. Because of the magnitude of the Op BAT effort, data was, in fact, solicited from higher headquarters, HQ MAC to be more specific (23d AF's parent unit). Personnel at HQ MAC indicated Op BAT has had minimal impact on the operational readiness of the 20th SOS. Contrary to what one might expect, the extended deployment of two of the unit's four authorized helicopters to the Bahamas has not decreased the unit's combat ready status, according to HQ MAC. Initially, the unit did have some difficulty maintaining crew proficiency at Hurlburt Field, particularly on those events requiring two aircraft. To augment the remaining two UH-1Ns, 23d AF moved a rescue UH-1 helicopter to Hurlburt Field.

While not getting training for their primary mission, the crews in the Bahamas are still able to use some of their special capabilities, such as night vision goggles. Additionally, MAC rescue crews are being mixed in with the special operations crews in Op BAT, giving them some

experience in these areas as well. Nevertheless, the HQ MAC individuals contacted said the crews could be getting more effective training at their home station. They also said Op BAT is expected to continue at least into 1985 and, in the absence of a clearcut negative impact on operational readiness, the Air Force will continue to provide aircraft support as requested.

Air and Sea Surveillance. Air and sea surveillance, the other type of anti-drug support provided by Air Force aircraft, has involved over a dozen different units. All were surveyed except the T-43 unit at Mather AFB CA, which provided sea surveillance support incidental to three training flights. Normally, the Chief of Current Operations was the individual interviewed for these aircraft support cases.

E-3A aircraft from the 552d Airborne Warning and Control Wing at Tinker AFB OK flew up to six specially designated missions a month in support of the U.S. Customs Service (USCS) in the latter part of the research period. These designated flights were (and still are) scheduled jointly by the Air Force and USCS to provide surveillance in areas of special interest to Customs, whose personnel fly on the flights to handle their own intercept requirements. These designated flights differ from dedicated flight support in that, although Customs is the primary client, Air Force mission requirements are scheduled for these flights as well. Unfortunately, the Air Force is not assured of meeting its mission requirements on these dedicated flights, as the following excerpt from one of the unit's messages indicates:

The 552d attempted to schedule fighter aircraft during the dedicated USCS sorties [in September 1983] to maximize weapons training. Despite an intense effort, no fighter activity was available and weapons training was nil [35].

The uncertainty of meeting Air Force mission requirements on dedicated USCS flights is the primary reason these flights are limited to six a month. The wing also provided Customs additional surveillance support known as "Customs Watch" during routinely scheduled training flights, incidental to normal mission requirements. During "Customs Watch", Air Force mission crew members pass information on tracks of potential interest to Customs to USCS ground personnel on a non-interference basis.

The operations individual interviewed at Tinker AFB confirmed that the lack of fighter resources in the area of designated Customs flights greatly reduced the value of these flights for the wing. However, the wing was still able to meet its training requirements through the remaining flights scheduled during the month. So, mission readiness was not impacted. Although he could not say with absolute certainty that a seventh flight a month would begin to impact mission readiness, he believed it would because the fighter resources were not readily available.

The respondent did see positive aspects to these support flights. He said the flights gave the crews training in areas (not geographical) that they would not often get otherwise. (He declined to elaborate further on this point due to the sensitive nature of the subject.) He also cited the positive operational impact from the heightened interest and morale of the crews, as a result of the support flights. Considering all factors, he rated the overall impact of the support effort as somewhat beneficial to the unit's operations and readiness!

Eight different B-52 units are reported to have flown sea surveillance missions that included incidental tasking to look for

suspected drug ships (although one of the eight had no record of providing anti-drug support). These units combine their anti-drug support with scheduled Busy Observer training flights and missions flown in response to Navy taskings. Busy Observer missions are undertaken to locate and identify ship traffic in a designated area, making these flights readily adaptable to the anti-drug effort.

Those surveyed from the eight bomb units saw no negative impact on their operations or readiness from the anti-drug tasking, primarily because support was always provided incidental to other mission requirements. (One unit was under the misconception that providing dedicated support was illegal under any circumstances.) The units almost invariably reported the cost of the incidental support as minimal, even though this support may have increased mission planning hours somewhat, consumed flying hours in some cases and occasionally required them to make another copy of photographs and data.

The units surveyed also found few positive operations or readiness impacts from providing the anti-drug support. One respondent said the crews enjoyed the additional tasking because it broke the monotony of the flights, and another indicated the anti-drug tasking had sharpened the crews' techniques, enabling them to find smaller targets. But, the general response of those surveyed was that these anti-drug flights had no net impact on operations and readiness and that the net cost of a support flight was in the range of insignificance, i.e. benefits or costs of \$150 or less.

C-130 and C-141 cargo aircraft transiting the Gulf of Mexico and WC-130 weather reconnaissance aircraft operating in the Gulf have also provided incidental sea surveillance support for the federal anti-drug

effort. (Surveillance has also been requested and provided in the Atlantic but to a much lesser extent.) The crews drop to approximately 5,000 feet along a line between two points or in a specific area identified in intelligence reports from the requesting federal agencies and search for suspected drug ships. RF-4C aircraft also provided surveillance support from their home base, Bergstrom AFB TX, and while deployed to Eglin AFB FL for exercise BOLD EAGLE 84.

Individuals were surveyed at each of these units and at HQ Air Force Reserve, which controls participation by AFRes units. None of the respondents identified any negative impacts on operations and readiness since the support to date had all been incidental to scheduled missions. Most also reported no additional cost to the Air Force from this support, while acknowledging the low level flying and additional flight time would increase fuel consumption somewhat. They felt any increased costs were so low when compared to the costs of the whole mission that they were not worth trying to compute.

These units did identify some operational benefits from the sea surveillance support they were providing federal law enforcement officials. The benefit mentioned most often was the experience these flights provided in procedures that are directly applicable to the search and rescue responsibilities many of the units have. These secondary responsibilities are needed only infrequently, but training in them occurs even less frequently. Several respondents believed the opportunity to stay proficient in search and rescue techniques through their anti-drug support work might benefit their units operationally in the future. Other more indirect benefits mentioned included the increased enthusiasm of the crews for missions with anti-drug tasking

and the intense pride generated within the organizations involved in this national effort. To tap into these morale aspects, HQ AFRes has even set up a "scoreboard" to recognize the Reserve flying units who have contributed to the confiscation of illegal drugs.

The after action report from the support operations during BOLD EAGLE 84 also identified some positive operational aspects of this cooperative operation. It indicated tactical exercises can be an effective way for limited Air Force resources to provide anti-drug support in the Gulf without detracting from the RF-4C unit's primary exercise mission. It further stated that the support flights were "[a]n opportunity for the aircrews to experience practical maritime training" (16:III-3).

Two of the respondents rated the overall impact of the support effort as somewhat beneficial to unit operations and readiness because of the operational benefits mentioned above. The remainder saw no net impact on their units.

Other Aircraft Support. Three aircraft units have provided other types of aircraft support to civilian law enforcement officials. One C-130 unit transported riot control equipment from Dallas TX to Miami FL on a dedicated flight, while two air rescue units provided helicopter support to transport law enforcement officials and to search for a drowning victim. The dedicated airlift mission did require some rescheduling of local training flights but had no significant impact on the unit's operation. The Air Force was reimbursed for the cost of transporting the equipment to Florida, but did have to bear the cost of the return trip. The helicopter flights were readily absorbed into the units' flying schedules, with no disruption or additional cost.



Training in search and rescue procedures was cited as an operational benefit of the one helicopter search mission. Otherwise, the units surveyed in this area saw no positive impacts on their operations or readiness. Actual ratings of the net impact on unit operations and readiness varied from "somewhat detrimental" in the case of the airlift mission to "somewhat beneficial" in the case of the search mission, with the estimates of net cost or benefit varying similarly.

#### Security Police Support

Security police units at 46 bases provided support to civilian law enforcement officials during the 15 month research period. In fact, of the 102 different support cases in the research population, 55 involved requests for security police personnel and/or equipment, making this the most requested type of support. (At some installations, the security police unit provided different types of support from different sections of the unit, which is how 55 cases were contained in just 46 bases.) Fifty-three of these 55 cases were surveyed.

Again, for ease of discussion, the instances of security police support will be broken down into the following four categories:

- 1) explosive detection dog teams,
- 2) loan of equipment,
- 3) joint training, and
- 4) other security police support.

Each category will be addressed separately.

Support by Explosive Dog Detection Teams. Support provided by explosive detection dogs (more commonly called bomb dogs) to civilian

law enforcement officials is not new. It is covered by AFR 125-5, USAF Military Working Dog (MWD) Program dated 24 October 1980.

However, since it also constitutes one form of assistance to civilian law enforcement officials, it is now reported under the auspices of posse comitatus as well. In fact, bomb dog support constitutes the type of support most frequently reported under posse comitatus. There were 41 different research cases of bomb dog support covering over 150 separate instances during the research period. In researching most of the cases, the individual interviewed was the NCOIC of the unit's military working dog section, although some training NCO's and security police operations personnel were also interviewed.

Bomb dog support takes two forms: emergency responses to bomb threats in civilian communities and preventive "sweeps" of areas designated by the U.S. Secret Service in advance of the arrival of dignitaries. These two forms have somewhat different impacts on the unit's operations. Emergency responses are, obviously, "no-notice" events that often necessitate pulling a dog team off of patrol duty or recalling the dog handler and spotter from standby duty. In order to preserve order and protect life and property, chapter 10, section D, of AFR 125-5 authorizes local commanders to approve emergency requests from civilian law enforcement officials for bomb dog support (11:10-4). Yet, these events occur infrequently and are of relatively short duration. On the other hand, preventive sweeps are normally requested by the Secret Service through the appropriate Air Force chain of command far enough in advance to be accommodated in the unit's training and duty schedules (although short notice requirements still do occur). In further contrast with emergency responses to bomb threats, support for



the Secret Service often involves duty at some distance from the unit's base, duty that may extend for several days. Despite these potential areas of concern, neither the preventive sweeps nor the emergency response requirements have had a significant negative impact on the operations or training of those military working dog sections involved, according to the people interviewed.

"Flexibility" in scheduling and operating was the often-repeated theme from the NCOICs of the working dog sections. Existing procedures for rapid response to Air Force emergencies proved equally effective in supporting civilian bomb threats. Teams occasionally had to reschedule training sessions or backfill patrol posts, but the disruption of Air Force operations was minimal, in part because most installations have more than one bomb dog team with which to meet mission requirements. In no case did the support for civilian law enforcement officials conflict with Air Force operational requirements or cause a delay in meeting the primary mission responsibilities of the unit. Nor did the workload from either type of bomb dog support ever keep a unit from meeting its training requirements to maintain the certification of its bomb dog teams. But, the potential for conflicts with military readiness or operations still concerned many of the respondents.

Many of the NCOICs of the military working dog sections felt they could support civilian law enforcement officials only if the requested support did not require sending the last (or only) certified bomb dog team or, at most, if this last team were kept within 1/2 hour of the base. Given their choice, they believed firmly in maintaining this basic capability to meet their primary mission requirements on base. Yet, in at least one case at Scott AFB IL, higher headquarters directed

the release of the unit's only two bomb dog teams for support of the Secret Service quite some distance from the base (8:7). This action called into question the proper extent to which units should support requests from civilian law enforcement officials. Maintaining a reserve for mission contingencies no longer appeared to be an acceptable decision criteria. As one respondent said when discussing his viewpoint on supporting civilian requests, "If the media ever found out we had a dog that could have found a device before it exploded . . . ." In view of the uncertainty in defining an appropriate level of response, the NCOICs felt fortunate the final decision rested with the base commander (or higher).

All survey respondents estimated the average cost of supporting civilian law enforcement officials at less than \$150 per incident. These costs were minimal because of the short duration and proximity to the base in the case of most emergency responses and because the Secret Service pays the costs for their support. So, while all of the negative aspects of supporting civilian law enforcement officials were minimal and easily managed, those individuals surveyed saw many operational benefits the Air Force was receiving from this work.

Virtually all of those surveyed in the area of bomb dog support cited aspects of this support that increased the capability of their units to perform their primary Air Force mission. They cited most often the increased proficiency of their dogs and handlers and the higher morale of their sections, benefits that more than offset the time and resource costs of providing support off base. Specifically, the respondents mentioned the benefits of working their dogs in new, unfamiliar areas, rather than in the same few buildings they have access

to on base. The dogs were exposed to new scents, while the handlers had to control their dogs through the commotion that often accompanies an actual bomb threat. Sweeping a building or outside area in a "real", unknown situation (as opposed to a prepared training scenario), gave the handlers a feeling of confidence in the ability of their dogs and in the value of the training received on base. One respondent mentioned a renewed sense of urgency handlers felt toward their routine training program after returning from these off base support efforts. Another, citing his unit's first place finish in a security police competition, said it was the opportunities to work off base in support of civilian law enforcement officials that have given his people the extra edge.

Some of those units surveyed described problems with their dogs that were only identified when the dogs were used in these real situations. Included were problems with the dog's stamina or with the dog getting skittish in the relatively uncontrolled civilian environment. These units were then able to modify their training programs to overcome the weaknesses. Other units found their civilian counterparts had training devices or methods that were unavailable through military channels. Through their work in the community, these units were able to open new lines of communication with local authorities and gain access to their unique training devices, thereby expanding the capabilities of their military bomb dogs.

Most people mentioned an improved Air Force image, community relations or a better rapport with local law enforcement officials as collateral benefits of this support program. However, they were asked to disregard community-related benefits and focus on the more direct impacts on their ability to perform their primary Air Force mission.

Even when limited to considering only those benefits having a fairly direct impact on their units, over 75% of the people surveyed rated the net impact of their support efforts as somewhat beneficial or significantly beneficial to their unit operations and readiness. None rated the net impact as detrimental to their unit. When asked to place a dollar value on the net cost or benefit of a typical support instance, the median response was a net benefit valued between \$150 and \$1,000. In other words, those surveyed felt the value of the increased operational readiness their dog teams gained through the support of civilian law enforcement officials exceeded the costs to the Air Force of providing that support by a significant amount. In essence, the Air Force can pay the costs of supporting civilian requests for bomb dog support and still come out ahead, in the estimation of those currently providing that support.

Loan of Equipment. The second area of security police support for civilian law enforcement officials was the temporary loan of specialized equipment to local police departments, authorized under section 372 of the new law (27:372). Four cases were reported during the research period. Two of these cases involved the loan of Peacekeeper vehicles, while the other two involved flack vests, starlight scopes and portable radios. The Air Force units loaning the equipment also provided limited training on the proper use of the equipment to the civilian officials making the requests, as authorized by section 373 of the law (27:373). Homestead AFB FL elected to black out the Air Force marking on their Peacekeeper vehicle before loaning it to the Dade County Police Department to avoid the appearance of direct Air Force involvement. Repainting these markings represents the only

real cost to the Air Force in any of these four cases. In each case, the loan was for a very limited period of time, and the equipment was not needed to meet Air Force mission requirements during that period. All equipment was returned without damage, so there were no negative impacts on the units' operations or readiness.

Unlike the area of bomb dog support, there were no positive impacts on the units' operations or readiness either. Each respondent cited only community relations or improved communications as perceived benefits to the Air Force, and each indicated there was no net impact on the unit from the loan of equipment.

Joint Training. Strict interpretation of the new posse comitatus regulations only requires units to report training of civilian law enforcement officials on equipment loaned to them, as mentioned in the section above (27:373). However, units are including in their reports instances of training in other areas, primarily joint training exercises involving Air Force Emergency Service Teams (EST) and their civilian counterparts. Of the four cases of security police training with civilian law enforcement officials, three involved joint EST training and one involved extensive training of, and with, civilian bomb dog teams. In none of the four cases did the respondents identify any negative impacts of these joint training sessions on their unit's operations or readiness. Their experiences were all very positive.

The Air Force EST personnel gained significantly from the joint training exercises according to the three team chiefs surveyed. They were able to exchange tactics with their civilian counterparts, examine the often superior civilian equipment and draw on their broader experience. Air Force team members were especially grateful for the

opportunity to talk with their counterparts who had participated in actual operations, to find out how they felt, what they had tried and what had worked. Experience in emergency situations is very limited on Air Force ESTs, but the level of preparedness is higher now on these three teams as a result of the joint training exercises.

The one military working dog section that reported training with civilian counterparts also received similar positive benefits. The security police unit at Keesler AFB MS sent an individual to New Orleans to help train as many dog teams as possible before the opening of the World's Fair. This one-way exchange of information was not of significant benefit to the unit, but it opened the way for the joint training opportunities that followed. Since the initial three-month training session, Keesler AFB has reaped the benefits of the strong working relationship established with the New Orleans police. They have received training films and FBI reports on new explosives, as well as the opportunity to take their dog teams to train in areas of New Orleans. The unit feels they have expanded their training horizons and "come up with a better dog", in the words of the individual surveyed.

The four security police supervisors interviewed for these joint training cases rated the net impact on unit operations and readiness as somewhat beneficial in two cases and significantly beneficial in the two others. Their estimate of the net value of the increased readiness achieved through these joint training sessions fell in the \$150-\$1,000 category in three cases and in the \$1,000-\$10,000 category in the fourth case! None of the units incurred costs beyond those normally incurred for training except for Keesler AFB, and they were expecting reimbursement for the costs of their initial training session.



Other Security Police Support. The final section under security police support covers six varied cases. Two cases involved searches for lost children; two covered use of a parking ramp and runway clear zone for vehicle pursuit training; one was for help with traffic control following accidents near the base; one covered expert assistance provided to a community program to stop drunk driving. According to those interviewed, in none of these cases was there a negative impact on operations. Costs to the Air Force were minimal to nonexistent. And, only in the case involving one of the searches, did the respondent feel his unit gained operationally from providing the support. In this one case, the individual surveyed felt his young airmen, in particular, had gained by seeing a wide area search set up and properly executed in an area involving snakes, rough terrain, brush and tall grass. As he pointed out, you cannot find grass above 8" tall on base to train in, so the actual experience off base was far more valuable than any routine training session could have been. Generally, though, these six cases were seen as being somewhat benign: no real costs, no negative operational impacts and no positive effects on unit readiness.

#### Miscellaneous Support

Aircraft and security police support are the two largest groups of support but by no means the only two types of support the Air Force provided civilian law enforcement officials during the 15 month research period. Other types of support included the exchange of radar data, use of Air Force facilities, explosive ordnance disposal (EOD) and the loan of Air Force personnel and equipment. Because of the relatively few number of cases in each of these areas, they have been grouped together



for purposes of discussion under the heading of miscellaneous support. This heading is not meant to indicate that the 26 cases of support encompassed herein are of little importance, only that each type is less common than aircraft or security police support.

Radar Data Support. Information from the Air Force's air defense radar network and from one approach control radar has been used by civilian law enforcement officials in their anti-drug campaign. The research data base included seven cases of radar support to civilian law enforcement officials of which five were surveyed. (The two cases not surveyed related to support provided from air defense control centers replaced and deactivated in 1983 as part of a modernization program.) Customs personnel have been stationed at several of the air defense control centers from time to time and, at other times, the Air Force personnel in these control centers have passed information on incoming tracks (flights) of interest to Customs operations centers. The Customs control center in Miami also received information on air and sea traffic from the two aerostat borne radars in south Florida, and Coast Guard personnel have manned a radar scope at one of these aerostat radar sites on an irregular basis. Finally, on at least two occasions, the Louisiana State Police have used the approach control radar at England AFB LA to track suspect aircraft. In each of these cases information was supplied to the civilian law enforcement officials incidental to normal Air Force operations.

None of those interviewed in the radar support cases identified any negative impacts their support efforts had had on unit operations, readiness or training. The primary reason for the lack of problems was the fact that support was provided incidental to, and on a non-

interference basis with, the units' primary Air Force missions. In fact, support was denied or discontinued on occasion because of Air Force operations or exercise requirements.

All of the respondents also indicated there were no costs to the Air Force from providing the support to civilian law enforcement officials. Costs for items unique to the requirements of those officials, such as the data circuits to the Customs control center in Miami, were paid for by their agencies. While showing no additional costs may be technically true, it tends to mask such costs as the \$10+ million spent by the Air Force to activate the Cape Canaveral AFS aerostat radar site when no validated military requirement existed for this facility. These costs were not listed as additional costs since the site is also contributing to an Air Force mission as part of the air defense network.

The respondents differed on their assessment of any positive operational impacts their units may have gained from the support they provided. Those interviewed at England AFB and one air defense control center saw no benefits to their units from their support efforts. On the other hand, those surveyed at one aerostat radar site and at the air defense control center at March AFB CA firmly believed significant operational benefits had been achieved through the opportunities the support requests presented. They were among the strongest advocates for the support program, one calling it a "godsend" because of the operational benefits it provided.

In support of the anti-drug effort, personnel in the March AFB control center were tracking aircraft for Customs that they would otherwise have classified as not being a threat (speed less than 180

knots) and, therefore, would not have tracked. Yet, the operators found some of these tracks behaved most like what they expect of hostile military aircraft in a time of war. Although these tracks were relatively slow, they flew extremely low to avoid radar detection and used terrain screening to further conceal their route. As a result, the operators' tracking skills were fully taxed, since radar coverage of these aircraft would drop in and out. By their evasive maneuvering, these tracks also broadened the operators' knowledge of the capabilities and limitations of the air defense radar system, information that could prove extremely valuable in actual Air Force operations.

The radar scope operators at the aerostat radar site at Cudjoe Key AFS FL were kept more alert and more proficient through the added responsibility of supporting the anti-drug effort, according to the individual surveyed. Morale was higher and the personnel also enjoyed the satisfaction from helping catch a drug smuggling ship or aircraft.

The respondents' assessments of the net operational impact of their support efforts varied between no net impact and a significantly beneficial impact on unit operations and readiness. Unfortunately, those who identified these efforts as beneficial were unable to estimate the approximate value of the benefits. Those who saw no net impact on unit operations or readiness estimated the net benefit or cost at \$150 or less.

Facilities Support. The Air Force authorized civilian law enforcement officials to use base facilities at eight different locations during the research period. Of these eight different cases, four essentially involved installing a Customs' Air Support unit as another tenant unit on the base and providing them host-tenant support

in a variety of areas, including supply support, aerospace ground equipment, vehicle support, and office and hangar space in base buildings. One of the four bases, Davis-Monthan AFB AZ, also provided storage services at the Military Aircraft Storage and Disposal Center (MASDC) for aircraft confiscated by Customs. These arrangements for long-term support were negotiated with the appropriate Air Force offices at these bases and documented in standard interagency support agreements. One other case involved a host-tenant agreement with the California Highway Patrol and the Sacramento Sheriff's Department for similar base support. Another case involving Customs and the California Department of Forestry provided for secure overnight parking facilities for three helicopters over an eight week period. The final two cases involved the use of a detention cell and a classroom by civilian law enforcement officials.

The eight cases covering the use of base facilities were the support category least surveyed during this research effort. Only four of the cases were surveyed, and even these evaluations were somewhat limited. The reasons for this were twofold. The first reason for not fully surveying each of the cases in this category was simply the large number of base agencies listed in the agreements as potentially providing support. There were not one or two focal points who could speak for all of these agencies, so each agency would have required a separate survey, an extremely time consuming task. Secondly, the bulk of this type of support was covered by negotiated host-tenant support agreements. It was assumed the various base agencies had negotiated a level of support that they could provide without impacting their primary mission requirements. (These agreements also required the tenant to

reimburse the Air Force for most, if not all, of the significant costs incurred.) Review of the Homestead AFB FL agreement with Customs (17) and interviews with several of the base agencies involved there certainly supported the assumption that the level of support being provided, while quite substantial in some cases, was well within manageable limits under the terms of the agreement. In those cases surveyed, none of the respondents identified any readiness impacts, positive or negative, or any additional costs to the Air Force from these support efforts.

Explosive Ordnance Disposal Support. Explosive ordnance disposal (EOD) support involves recovering and rendering inert explosive devices found in the local area. The Army is the DoD agency with primary responsibility for EOD support to civilian law enforcement agencies, with Air Force units responding only when directed to do so by the Army. With just this secondary responsibility, the Air Force had only seven cases of EOD support in the research data base, although there were indications, again, that a significant number of support instances were not in the quarterly reports. Nevertheless, these seven cases encompassed over two dozen instances of EOD support to civilian law enforcement officials. Each of the seven units was surveyed for this research. Normally, the EOD Branch Chief was interviewed.

Only one of the seven units surveyed identified any negative impacts on their units' readiness or operations. That unit had had four of its six personnel on an extended deployment to New Hampshire to support the Secret Service's protection of presidential candidates in early 1984. The unit fell behind on its training requirements, but the actual impact was apparently not too severe. The unit received an

"Excellent" rating on an Operational Readiness Inspection conducted during that same period. The individuals interviewed at the remaining six units saw no problems from their support efforts. They recalled standby personnel when necessary and then put a second team on standby recall in case of a base emergency. But, no Air Force operations were impacted by the support requests.

All of the individuals surveyed indicated the costs to the Air Force from providing this EOD support had been minimal. The Secret Service picked up the costs of the support provided them in New Hampshire, while the costs for local EOD support were always minimal, certainly less than \$150. Apparently, the bases were even recouping some of these minimal costs from the communities requesting the support.

Six of the seven individuals surveyed cited positive operational impacts from their support work for civilian law enforcement officials. They indicated these off base incidents were often the only chance the units have to use their techniques and equipment for deactivating explosives, since incidents on base were very uncommon. According to those interviewed, the mental preparation as well as the actual experience from these real, unknown situations in the civilian community were necessary to hone the skills of the EOD personnel, especially the younger ones. The opportunities available through routine training certainly provided a sound foundation, but the emergency work off base gave the individuals involved the necessary confidence in that training and in their own abilities.

Six of the seven individuals surveyed felt there was a net positive impact on unit operations and readiness as a result of their support efforts. Specifically, four of these six rated the support effort as



significantly beneficial to unit operations and readiness, while the other two rated it as somewhat beneficial. The seventh individual indicated the support provided civilian law enforcement officials had had no net impact on the unit. Those responding rated the value of these benefits at more than \$150 but less than \$1,000 per support instance.

Loan of Personnel and Equipment. The final area of miscellaneous support to civilian law enforcement officials concerns the loan of personnel and equipment, accomplished under sections 372 and 373 of the new law (27:372,373). Two of these cases were very straightforward. One involved loaning two people and two dozen gas masks for four hours to provide familiarization and confidence training to local police students. The second cases involved the loan of two light units to a local sheriff for six hours to help fight a night fire. Neither of these cases had any impact, positive or negative, on the operations or readiness of the units involved, nor were there any significant costs involved, according to the individuals interviewed. The remaining two cases are somewhat more involved and will be discussed in more detail.

In one of the remaining cases, the Air Force loaned the U.S. Customs Service klystron tubes to use in an undercover operation in the illegal arms market. Since these tubes were in short supply in the Air Force, the Air Force initially could not meet the Customs request. When Customs indicated they did not need working tubes, only ones that appeared capable of working, the Air Force agreed to provide tubes out of the stock that was awaiting repair. These tubes were, in fact, provided, with the stipulation that they could be recalled at any time



should they be needed to meet Air Force mission requirements.

The details of this case are recounted to show that the requested support was provided, but only after negotiations to reduce the readiness impact on the Air Force. Although the tubes are valued at \$48,000 each, the actual cost to the Air Force from this support incident should be minimal, assuming the eventual safe return of all tubes. In any case, the Air Force has placed less equipment at risk by providing reparable tubes, rather than serviceable ones.

Although this was the only incident in the research data base covering the loan of a substantial amount of equipment, the individual interviewed at HQ USAF indicated there had been other instances that, for one reason or another, had not been included in the quarterly reports. Other major support equipment loans that were approved or pending included the loan of F-4 brakes, F-15 radars, and F-16 radars. Unlike the one instance reported, some of these "loans" may end up being actual equipment transfers to the civilian law enforcement agencies. The individual surveyed indicated these requests for major equipment items pose a serious problem to the Air Force because of the Air Force's inability to define readiness and to adequately estimate the impact a support request will actually have on readiness. Nevertheless, negotiations are undertaken to prevent or at least minimize the expected impact.

The final support case involves the loan of Air Force personnel to the National Narcotics Border Interdiction System (NNBIS) and the Office of the Vice President of the United States. The NNBIS was established by President Reagan on 23 March 1983 to coordinate the activities of federal agencies participating in the anti-drug effort (22). For the

purpose of this discussion, the important parts of the NNBIS organization are the six regional centers where many federal anti-drug activities are coordinated and controlled. It is to these six centers that Air Force personnel have been loaned to provide expert advice on the capabilities of the Air Force to provide anti-drug support, under the guidelines of section 373 of the new law (27:373).

Air Force personnel were initially assigned to a precursor of NNBIS, the South Florida Task Force. In support of this anti-drug organization, three Air Force personnel were assigned to temporary duty in the U.S. Coast Guard Interdiction Operations Information Center in Miami in October 1982. These three positions, originally authorized for 30 days, remained filled through the formation of NNBIS, becoming Air Force representatives to the NNBIS Southeast Region. On 23 June 1983, the Air Force assigned one individual to the Vice President's staff and to each of the other five NNBIS regional centers on a temporary duty basis. In August of 1983, the Secretary of Defense authorized the Air Force to permanently assign personnel to these positions (20).

Certainly, the assignment of these nine people to permanent positions supporting civilian law enforcement officials represents a drain on limited Air Force manpower resources. Unfortunately, the monitor at the Air Force Military Personnel Center for one of the career fields involved would not say what the current manning situation was in that career field. Consequently, an assessment of the impact of these assignments could not be made. (Those in the career field estimated the current strength at only 75-80% of the number authorized.) In any case, the loss of these people from existing Air Force positions represents the most significant negative impact on Air Force operations from this

type support case. However, the individuals involved did see many parallels between their current jobs and their more traditional Air Force jobs. They felt the knowledge they were gaining about various Air Force capabilities and organizations as well as the experience of coordinating activities with numerous other federal organizations would transfer readily to subsequent Air Force assignments. The assignment of these people to NNBIS did have its positive aspects.

Individuals at three of the NNBIS centers were interviewed to gain some insight into the support they were providing and the impact on Air Force operations. The primary support these individuals have provided has been the coordination of aircraft flights to meet the surveillance needs of the other agencies involved. The Air Force NNBIS representatives indicated they have become well acquainted with the Air Force units that potentially could provide support in their region, and they have established procedures to readily query these units for support when needed. The representatives have also begun visiting these units to better publicize the NNBIS and explain how the field units can best support the national anti-drug effort. As a result of their efforts, the Air Force has been better able to identify aircraft assets to meet the surveillance needs of the other agencies. In fact, virtually all of the individuals surveyed concerning the aircraft support cases indicated their support requests were now coming via the Air Force NNBIS representatives.

The aspect of incidental support versus dedicated support is one of the areas of greatest contribution to Air Force operations from the assignment of the Air Force NNBIS representatives. By scouring available units to find one capable of providing incidental support,

these individuals have helped avoid the manhour costs associated with processing the more difficult requests for dedicated support as well as the normally higher costs of the dedicated support itself. In other words, these individuals have enabled the Air Force to fill more of the support requests, yet at a lower overall cost. Whether this cost avoidance exceeds the cost of assigning the individuals to NNBIS was not determined. Nevertheless, the NNBIS representatives appear to be the primary reason the Air Force has become progressively more adept at meeting the needs of civilian law enforcement officials through the use of incidental aircraft support.

#### IV. Conclusions and Recommendations

##### Conclusions

The 252 instances of support in the 15 month research period represent a willingness on the part of the Air Force to commit resources to the support of civilian law enforcement officials. (Only eight requests were disapproved during the research period.) The fact that this support came from over 100 units at 65 different installations indicates the commitment is nationwide. The Air Force policy of supporting requests for assistance whenever possible is, in fact, being applied at all levels of command, and the varied types of support provided indicates that almost all Air Force resources are available in some measure to civilian law enforcement officials.

The cost of supporting civilian law enforcement officials, in terms of men, money and materiel, is certainly one way this support program could affect Air Force operations and readiness. As a rule, though, the costs of responding to the many support requests from civilian law enforcement officials were estimated as being minimal by the individuals directly involved in providing that support. The research results would indicate the Air Force did not experience a significant drain on its mission resources from the support cases reported during the 15 month period, although some unprogrammed costs such as those for activation of the Cape Canaveral aerostat radar site and for the additional fuel consumed on sea surveillance flights did not show up in the reported costs. Still the costs are less than may have been anticipated, with some exceptions.

The \$2.3 million cost for the first 11 months of Operation BAT may not be terribly significant when viewed in the context of the overall Air Force or federal budget, but in absolute terms, it does represent a significant commitment of Air Force resources to this new, unprogrammed effort. The cost in human lives lost during this operation is something that is coldly estimated only for the purposes of the accident report. These individuals represent the ultimate commitment to this national, even international, anti-drug effort.

The nine people assigned to support NNBIS can be viewed in much the same manner as the Op BAT costs. These nine people represent less than .002% of the total Air Force manpower. But at the same time, anyone who has tried to get additional manpower authorizations to meet primary mission requirements knows just how difficult it is to get them and, therefore, what a significant commitment the NNBIS positions represent.

Disruption of scheduled Air Force operations or training is another way this support effort could impact the readiness of the Air Force units involved. But here again, the overwhelming majority of the individuals surveyed saw no negative impacts on their units. The research indicated the Air Force was finding more ways to use incidental support to meet the needs of civilian law enforcement officials. Consequently, mission impacts were usually reported as minimal to nonexistent. In those cases, such as bomb dog support, where dedicated support is the norm, the flexibility or adaptability of the units prevented the support efforts from significantly impacting unit operations. Op BAT and the designated Customs E-3A flights, the two largest support efforts in the research population, did impact the training of the two units involved but not to the point of impacting

their readiness status. Overall, the diversion of Air Force resources to civilian law enforcement efforts has not caused any significant negative impact on the operations of the units involved.

Has the Air Force benefitted operationally from the support of civilian law enforcement officials? According to those interviewed, the answer is generally yes. Aircraft units cited search and rescue training as well as the expanded training of crews in other areas. Radar controllers were getting tracking experience on targets that closely simulated the tactics of hostile aircraft. Bomb dog teams and EOD personnel were building experience and confidence by responding to the real, unknown situations in civilian communities. Other units, however, saw no benefits from the support work they were doing for civilian law enforcement officials. These requests were just another tasking that could be handled without consequence, positive or negative.

Finally, when asked to rate the net impact of their support efforts, weighing both the positive and negative aspects, over 60% of those responding rated their support work as beneficial to unit operations and readiness. Of these 60%, over half actually rated their support work as being of significant benefit to their units' operations and readiness, the highest rating possible! For the remaining respondents, 28% saw no net impact on their units, 2% felt their support work had been somewhat detrimental and the final 10% had no opinion. In other words, the vast majority of the units providing support to civilian law enforcement officials found their support efforts made them better prepared for their primary Air Force missions. The results are a strong indication of the operational benefits potentially available to units supporting civilian law enforcement officials.



The reader is cautioned not to extrapolate the results of this research beyond what the data will support, particularly to new types of support not covered in the research population or to a significantly higher level of support. The data does indicate that the Air Force, in most cases during the research period, was gaining more in terms of increased operational readiness than it was losing in terms of the manpower and materiel costs. But, more instances of support do not necessarily mean more readiness gains. At some point, units will gain less and less from providing additional support, and a point will certainly be reached where additional support requests add nothing and even detract from the unit's operations and readiness. And, the impact of a new type of support, such as the transfer of F-15 radars to Customs, definitely cannot be inferred from this research. The modest readiness gains recorded by many of the units can be quickly negated by sizeable losses in a very few cases. Still, the research results do indicate the Air Force can accommodate an increased level of support before there will be a net deterioration in readiness.

The intent of this research was to focus on the perceived operational costs and benefits associated with Air Force support for civilian law enforcement officials. However, this report would not do justice to the scores of people surveyed if it did not attempt to convey some sense of the enthusiasm many of them had for this program because of its humanitarian benefits. Many of the respondents were glad to have the opportunity to use their "war-fighting" skills in a peaceful way for the good of the communities in which they lived or for the good of the nation as a whole. They talked about how their support work reflects credit upon their personnel, their units and the Air Force. One bomb

dog NCOIC was excited about how his unit's work in the community promoted the image of the Air Force as "something more than just a killer, as a life saver too."

Those surveyed spoke of a sense of accomplishment from actually doing a job, rather than just continuing to train for one. They also mentioned a feeling of satisfaction from helping civilian law enforcement officials catch the "bad guys" in some cases. One individual at a unit involved in the anti-drug effort even thought this work might deter some of her young airmen from using drugs. The humanitarian side of this program was very important to those surveyed even though they were asked to disregard these collateral benefits when assessing the impact of their support efforts on unit operations and readiness.

During the research period, the new posse comitatus law did not create situations that adversely impacted readiness but rather created opportunities that increased the ability of many Air Force units to perform their primary missions. The program was being carefully applied, although with more and more vigor, by civilian law enforcement officials, the Air Force and various elected officials, and it was achieving its objectives. In fact, the posse comitatus changes created a "win-win" situation, something not all that common in today's legal arena. Both the Air Force and civilian law enforcement officials benefitted from the support provided.

#### Recommendations

There are several recommendations the Air Force can implement to better control the impact of this support program on operations and

readiness. First, the Air Force can ensure the quarterly reports are a complete accounting of the support being provided to civilian law enforcement officials. What the Air Force is asked to provide in the way of additional support may depend upon what it is perceived as already providing, the extent to which it is already supporting the program. A more complete accounting of current support would be beneficial in this situation. The appropriate functional offices in HQ USAF should remind their subordinate organizations of the reporting requirements under AFR 55-35. Additionally, units should cross check their quarterly inputs for completeness against any other related reports, such as the reports on bomb dog use generated as part of the reporting requirements of AFR 125-5. The brevity of the individual entries in the quarterly reports also tends to minimize the real impact of Air Force support efforts.

Secondly, the reporting requirement should be expanded to include the actual readiness impacts of a support effort. These inputs would augment the readiness assessments made before approval of the operation, and either confirm or refute the initial decision. As a minimum, any reports on support efforts that had a negative impact on unit readiness should include a concise statement of the impact. And, those reports on continuing operations, such as Op BAT or the designated E-3 flights, should also include information on mission impact. The senior officials who approved these operations based on pre-operation estimates of the readiness impact should have the opportunity to see periodic reports of the actual impacts. We, the Air Force, should be able to face the realities of the situation and openly discuss the actual impacts of our support work, within the limits of national security requirements. The

quarterly reporting system already in existence is an ideal vehicle for gathering and publishing this information.

Reporting only the negative impacts tells only half of the story, though. The operational benefits available under this program should be known as much as the pitfalls. In order for the Air Force to adequately assess the overall impact of the program, units should be encouraged to include in their quarterly reports the positive operational impacts of their support efforts. Functional offices in HQ USAF could distribute this information to subordinate units as a form of "lessons learned" from posse comitatus.

Finally, the Air Force should actively look for ways to selectively increase the support it is providing civilian law enforcement officials. The information from this research and from the recommendation above would indicate where the Air Force should expand its effort for the most positive readiness impact. Many units reported these support opportunities as the best possible means available for preparing their units to execute their primary Air Force missions. The Air Force should capitalize on these opportunities to the maximum extent possible. Supporting civil law enforcement can be the ultimate training experience, the "Red Flag", for a great many units. For some, it is the only game in town.

Appendix A: Sample Entry, RCS DD-M(Q) 1595 Report

Location: Carswell AFB, TX

- a. Requesting Agency: National Narcotics Border Interdiction System (NNBIS), 2 Feb, 8 Mar 84
- b. Type of Assistance Requested: Intelligence information sea surveillance.
- c. Extent of Assistance Requested: Four B-52 aircraft for four hours to report on ships sighted in designated area. Information copies of Rainforms also sent to NNBIS Regions.
- d. Final Action Taken: Approved by Commander as assistance incidental to aircrew mission training.
- e. Reimbursement: None
- f. Information Provided to El Paso Intelligence Center: N/A

Source: Air Force DD-M(Q) 1595 Report, 1 Jan - 31 Mar 84, page 13.

Appendix B: Interview Questionnaire

NAME AND RANK \_\_\_\_\_

UNIT AND LOCATION \_\_\_\_\_

DUTY TITLE \_\_\_\_\_

RELATIONSHIP TO INDIVIDUALS PROVIDING SUPPORT \_\_\_\_\_

AUTOVON \_\_\_\_\_

1. Describe the support your unit provided to civilian law enforcement officials, in terms of the men and/or materiel involved, including the duration of the support effort.

2. Estimate the cost of the support provided.

3. Did the support effort conflict with scheduled operations or training? If so, please describe the extent of the conflict and what arrangements had to be made to reschedule the preempted events.

4. Did the support effort detract from your unit's readiness or operations? If so, please describe how.

5. Did the support your unit provided to civilian law enforcement officials give you any new insights into the capabilities or limitations of your unit to accomplish its Air Force mission? If so, please describe what you learned.

6. Did you benefit in any other way from this support effort? If so, please describe how?

7. Assess the overall impact of the support effort on your unit's operations and readiness using the following five-point scale:

- a) support effort significantly benefitted unit ops and readiness
- b) support effort was somewhat beneficial to unit ops and readiness
- c) support effort had no net impact on unit ops and readiness
- d) support effort was somewhat detrimental to unit ops and readiness
- e) support effort had a significant negative impact on unit ops and readiness

Response \_\_\_\_\_

8. Estimate the net cost or benefit of the support effort using the following seven-point scale:

- a) benefits valued at more than \$10,000
- b) benefits valued at more than \$1,000 but less than \$10,000
- c) benefits valued at more than \$150 but less than \$1,000
- d) benefits or costs of \$150 or less (range of insignificance)
- e) costs of more than \$150 but less than \$1,000
- f) costs of more than \$1,000 but less than \$10,000
- g) costs in excess of \$10,000

Response \_\_\_\_\_

ADDITIONAL COMMENTS: (on reverse)



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In 1981 Public Law 97-86 relaxed the restrictions on military participation in civil law enforcement. As a result, the Air Force is now receiving an increasing number of requests for support from civilian law enforcement officials at all levels. One of the constraints in the new law, however, is that the Air Force may not provide support if doing so would adversely impact readiness. This research surveyed those units that provided support in 1983 and the first quarter of 1984 to determine the perceived impact of these support efforts on the units' operations and readiness and to identify the costs and benefits of providing this support.

Over 60% of the individuals interviewed felt their units were better prepared for their primary Air Force missions as a result of experience gained during support efforts for civilian law enforcement officials. In other words, the operational benefits the units accrued through participation in a real operation (as opposed to a training exercise) exceeded any negative operational impacts, in many cases by a significant amount. In only two percent of the cases was there a perceived net operational loss as a result of support efforts. Costs to the Air Force were cited as minimal in all cases but one. That one case, an extended helicopter support operation in the Bahamas, cost the Air Force \$2.3 million for the 11 months of the research period that the operation was underway.

The results indicate the diversion of Air Force resources to civilian law enforcement efforts has not caused a significant negative impact on Air Force operations. In fact, because of the gains accrued, the Air Force could accommodate an increased level of support before a net deterioration in readiness would occur.

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