

Department of the Interior Departmental Manual

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Series: Law Enforcement and Security

Part 446: Law Enforcement

Chapter 4: Emergency Assistance

Originating Office: Office of Managing Risk and Public Safety

446 DM 4

4.1 **Purpose.** This chapter sets forth policies, procedures, and other guidelines applicable to all Departmental law enforcement programs when a competent authority determines that assistance from other Federal (including intradepartmental agencies) or local law enforcement agencies is necessary to cope with an emergency situation.

4.2 **Policies.** Bureau/office heads with law enforcement responsibilities will implement the provisions of this chapter and promulgate guidelines consistent with their particular law enforcement program to insure compliance with established policies and procedures. The following general policies apply when requesting assistance from another Federal (including intradepartmental) or local law enforcement agency.

A. Cooperative intradepartmental law enforcement assistance is encouraged and authorized when it is determined to be in the best interest of the Department of the Interior (Department).

B. Bureaus with law enforcement responsibilities will carefully restrict the use of enforcement agencies from outside the Department. Use of outside law enforcement agencies will only be considered when appropriate management and law enforcement officials determine that a need exists beyond the capability of the bureau/office law enforcement unit.

C. Mutual aid assistance for law enforcement with another Federal, State, or local agency is encouraged where authorized and should be in writing where practical.

4.3 **Responsibilities.** The head of each bureau/office which administers law enforcement programs will assure:

A. The establishment of adequate guidelines to enable their respective law enforcement administrator and appropriate management personnel to provide or request intradepartmental law enforcement assistance, to include both personnel and equipment, on lands within the jurisdiction of the Department.

B. The development of an emergency operating procedure to be used if it is necessary

to call upon the services of other Federal or local law enforcement agencies to assist in coping with a situation beyond the bureau/office's capability. Requests for information contained in emergency operating plans shall be handled in accordance with Departmental FOIA regulations at 43 CFR 2 and 383 DM 15.

C. The development of procedures to assure strict adherence to the provisions of the Memorandum of Understanding between the Department of the Interior and the Department of Justice, whenever the assistance of the U.S. Marshals Service is necessary (see Appendix 1).

4.4 Contents of the Plan. Such a plan should include, at a minimum, the following items:

- A. List of radio frequencies;
- B. Names and telephone numbers of key management, law enforcement, and support personnel;
- C. Location of control center; and
- D. Telephone numbers for important lines of communications (such as: control center, other law enforcement agencies, hospitals, etc.).

4.5 Procedures.

A. Anytime it is necessary for a Departmental law enforcement bureau/office to utilize another law enforcement agency to quell or restrict a disturbance or to cope with a rumored or confirmed situation, the concerned bureau/office will immediately notify:

- (1) During office hours, Director, Office of Managing Risk and Public Safety (MRPS) Telephone: (202) 208-6319 or (202) 208-4108.
- (2) During non-office hours, Page the Action Officer, MRPS at 1-800-345-8859. The reporting party will receive a telephone call within 15 minutes requesting pertinent information. If no telephone call is received, the reporting party will telephone the Shenandoah National Park Eastern Interagency Coordination Center (EICC) Telephone: (540) 999-3422. The EICC will take the pertinent information, your name and call back number and relay same to a member of the MRPS staff.

B. During non-office hours, the Action Officer or the EICC will notify the appropriate official in the MRPS of the situation/incidents brought to our attention by concerned bureaus/offices.

4.6 Intradepartmental Assistance.

A. Bureau/office law enforcement administrators may, with the concurrence of appropriate management personnel, orally request assistance from another Departmental bureau/office. A written memorandum substantiating the request must follow immediately. A

copy of the memorandum will be forwarded to the MRPS.

B. Throughout the duration of any incident involving intra-departmental assistance, proper channels of communication will be established to ensure the flow of information to appropriate personnel, including the Director, MRPS, who will notify the Assistant Secretary - Policy, Management and Budget (AS/PMB) through the Deputy Assistant Secretary - Policy and International Affairs.

C. A critique of the incident, including assistance required, will be made by the appropriate bureau/office law enforcement official at the termination of the emergency. The critique report, including recommendations for any changes, will be forwarded to the affected bureau/office heads and to the MRPS.

4.7 Interdepartmental or Non-Federal Agency Assistance. Departmental enforcement capabilities will be utilized to their fullest before requesting outside assistance for civil or unusual disturbances. A bureau/office law enforcement administrator who requests the assistance of an outside law enforcement agency because of an emergency situation must immediately notify the Director, MRPS.

- A. All requests for assistance will be coordinated with the Director, MRPS.
- B. When circumstances require and if time permits, the Director, MRPS, will:
 - (1) Alert the appropriate agency that a situation may require their assistance;
 - (2) Establish liaison with the appropriate agency;
 - (3) Coordinate all requests for assistance from the field through appropriate law enforcement administrators;
 - (4) Establish proper lines of communications to ensure that all pertinent information regarding the situation is received and properly disseminated on a day-to-day basis.
- C. Bureaus/offices will:
 - (1) Assure that local offices are cooperating with the U.S. Attorney in their areas to effect a planned law enforcement response in the event of a civil or public disturbance on lands administered by the Secretary;
 - (2) Assure that the local U.S. Marshals Service is alerted to present and/or potential civil disturbance activities that may create a need for their assistance;
 - (3) Develop a line of communication from bureau field units through area/regional offices to the central office and the MRPS; and
 - (4) Establish procedures to secure the services of all local forces available and

capable of providing support services, including state and local enforcement agencies.

4.8 **Use of U.S. Military Forces.** The provision of the Posse Comitatus Act (18 U.S.C. 1385) restricts the use of military forces for the enforcement of civil law only under the authority of the President. Therefore, emergency plans shall not provide for the use of military units to enforce civil law. However, emergency plans may provide for the use of military support in non-law enforcement duties, such as transportation and logistics.

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APPENDIX 1

Memorandum of Understanding
Between
U.S. Department of the Interior
and
Marshals Service
U.S. Department of Justice

In the past, civil or public disturbances have occurred on lands under the jurisdiction of the Secretary of the Interior that have created conditions that Departmental enforcement agencies could not fully cope with and, because of jurisdictional limitations, State and county enforcement agencies could assist only to a limited degree. In some instances, it was deemed necessary to request the services of the Marshals Service, U.S. Department of Justice. It is not inconceivable that at some time in the future a civil or public disturbance of such magnitude could occur on any of the lands under the Secretary's administration and assistance of the Marshals Service would be necessitated, in accordance with provisions of 18 U.S.C. 3053.

A diffusion of effort relating to decisions on law enforcement problems negates the possibility of a successful, coordinated response and solution to the problem.

Therefore, in view of the foregoing, and to provide for a standard procedure, the following understanding exists between the Marshals Service, U.S. Department of Justice, and the U.S. Department of the Interior as regards to civil disturbance activities on any lands under the jurisdiction of the Interior Department and its bureaus and offices:

A. The Department of the Interior Will.

1. Through its appropriate bureau and office law enforcement administrators, prepare guidelines for local offices in cooperating with the U.S. Attorney in their areas to effect a planned enforcement response to civil or public disturbance.

2. Keep the Marshals Service alerted to present or potential civil disturbance activity

which might create a need for their assistance. Designate Department enforcement officers who will, through their bureau director or designated law enforcement administrator, provide this information to local Marshals Service and to the Office of Managing Risk and Public Safety, Office of the Secretary, who will alert the Washington office of the Marshals Service.

3. Secure the services of appropriate State and local law enforcement agencies available and capable of providing effective support in quelling a disturbance.

4. Request assistance from the Marshals Service, Washington office, in quelling a disturbance at such time as it appears that local forces cannot cope with the situation either because of manpower or jurisdiction limitations. Such request will be made by the Secretary of the Interior, or his designee, to the Attorney General.

5. Reimburse the Marshals Service for the direct costs of such service furnished under B-3 upon presentation of billing on SF-1081 voucher. The billing may include full salary of participating officers, their travel, transportation and such other direct costs as may be mutually agreed upon.

B. The U.S. Marshals Service Will.

1. Through their local offices, assist as requested, to the extent manpower is available, in the planning effort described in A-1. Such participation will be strictly limited to an advisory role in the planning stage.

2. As deemed necessary by appropriate officials of the Marshals Service and the Department of the Interior, make reconnaissance of the area of actual or potential civil disturbance reported to them under A-2, in the event their forces might later be committed.

3. Upon receipt of an approved request from the Attorney general or his designee for assistance under A-4, provide manpower and equipment as determined by the Marshals Service to be sufficient to handle the situation in an effective and timely manner.

4. Bill the Department of the Interior or requesting bureau/office for services rendered under B-3 on a current basis.

This Memorandum of Understanding shall become effective upon execution and shall continue in effect until terminated by mutual agreement of the parties or by either party furnishing 60 days prior written notice to the other.

10/4/00 #3329

Replaces 9/21/93 #446-1