

# Support to Civil and Military Authorities

## CAP Officer Basic Course

### Introduction

Support from CAP to organizations and government agencies, including the military could range from staging a simple Color Guard presentation to thousands of members participating in a major disaster relief operation.

As CAP members we must be sure we follow policies put in place to protect our members and Civil Air Patrol as we serve America.

With this in mind, for all activities, proper authorization must be obtained from the appropriate level of command. When you complete this presentation, you will understand the benefit of obtaining authorization for all functions that CAP may be asked to participate in as well as how to follow the Chain of Command to obtain the needed permissions.

### 1. State common types of civil and military aviation missions and how those authorities request support from CAP

Civil Air Patrol assistance to Civil Authorities, including airborne imagery and communications support for counterdrug, homeland security, and disaster operations; and Support to Military Commanders, including low level surveys and range support, are coordinated by the National Operations Center.

When a CAP member is asked for assistance, they should contact the next person up the chain of command to obtain proper authorization and approval to support.

As an auxiliary of the Air Force, CAP priority for employing CAP resources is first, the Air Force, then other DoD departments and agencies, other federal departments and agencies, state civil agencies, and finally, local agencies.

#### SEARCH AND RESCUE

CAP may - CAP is known for its Air Search capabilities and is most often called upon to search for missing aircraft. However, CAP is also well qualified and often called upon to search for missing children, hikers, boats, hospital patients or others believed to be lost and in potential danger. This can be a rewarding experience. You are encouraged to become involved in this type of CAP mission.

CAP may not - Search for missing or suspected criminals, runaways, suspected murder victims or other persons or objects that are likely to result in criminal prosecution.

How CAP gets involved - The search and rescue coordinator (SC) ensures SAR operations are coordinated with federal, state, local, and private agencies, as provided by law in each jurisdiction. Generally speaking, the Air Force Rescue Coordination Center (AFRCC) commander is the responsible Search Coordinator for search and rescue of the Inland Region of the Continental United States. For other areas see CAPR 60-3. When the AFRCC commander wants to access CAP resources they call a CAP Incident Commander (IC) in the search area. A list of ICs is provided to them annually by each wing. The IC is to manage a SAR mission for CAP. For CAP, the on-scene commander is commonly the IC. An on-scene commander conducts the SAR mission on location using available resources and resources made available by the IC and/or SC. The final decision to use CAP resources remains within

the CAP at all times. (CAPR 60-3) You will notice that we can not volunteer our services; those services must be requested.

## DISASTER RELIEF

CAP often responds to a peacetime disaster resulting from manmade or natural conditions including floods, storms, tornadoes, drought, fire, earthquakes, loss of control over radioactive or hazardous materials, oil spills, toxic release of materials, or similar catastrophes. As used here, the term does not include emergencies resulting from enemy attack or unlawful violence by civilians.

CAP may provide air lift of vital personnel, equipment, and supplies. During 9/11, CAP airlifted blood from around the northeast to New York City. They also airlifted sensitive listening devices during the recovery period and provided photography. CAP can provide aerial communications relay, search and rescue, damage assessment, and transmit live video to various agencies. On the ground CAP can control landing zones, fill sandbags, search door to door for people in distress, help run shelters, provide communication, serve meals and many other services. This is an exciting and rewarding mission you are encouraged to become involved in.

CAP may not go beyond those disaster relief duties and into law enforcement duties. (See the Support to Law Enforcement section of this lesson.) CAP may not volunteer its services for law enforcement operations.

How CAP gets involved : According to CAPR 60-3 "The primary responsibility of alleviating the conditions created by a peacetime disaster rests with individuals, families, private industry, local and state governments, the American Red Cross, and various nonmilitary federal agencies having resources available. However, when civil resources are inadequate, inappropriate, or unavailable to cope with the disaster, military resources may be used to assist local authorities in their efforts to save lives, prevent starvation and extreme suffering, and to minimize damage and property loss.

The Federal Emergency Management Agency (FEMA) is responsible for coordinating all federal resources in the event of a disaster. They may request support from the Department of Defense (DOD). Federal statutes under Military Support to Civil Authorities (MSCA) rules govern DR operations.

DoD Directive 3025.1 assigns the primary responsibility for MSCA within the CONUS to the Department of the Army, who delegated duties to the other branches. Air Force Disaster Relief (DR) operations is the purview of the Air Force National Security Emergency Preparedness (AFNSEP) office located at Ft. McPherson GA. Any of these agencies may request support of CAP. When done this way it is considered to be an Air Force mission and is conducted under Air Force-assigned mission numbers. In certain cases, a CAP wing commander, after obtaining approval from the region commander, may authorize use of CAP resources in a state or local disaster situation when no Air Force mission number is available or an existing Air Force authorization has expired. (More on why AF mission numbers are important later.)

Local authorities (city, county, etc.) should direct their initial request for assistance to the appropriate state civil authority (emergency management office). The state civil authority then contacts AFNSEP to request Air Force mission authorization.

## ASSISTANCE TO LAW ENFORCEMENT OFFICIALS

CAP may provide passive assistance to law enforcement officers and agencies; according to CAP 900-3 "Civil Air Patrol units and CAP members engaged in CAP activities may provide

passive assistance to law enforcement officers and agencies." CAP assistance to law enforcement agencies which may lead to criminal prosecution is restricted to patrol, reconnaissance, and reporting only. Assistance may also be a by-product of the normal conduct of the CAP mission. In some instances, such as during an airborne search, CAP members may observe suspicious activities and as concerned citizens, should report those activities to proper authorities. When requested by proper authorities, CAP members may provide crash site surveillance and/or crowd control duties during an emergency/disaster situation. When on such a mission, the senior CAP member present will ensure the above restrictions are understood and will contact the nearest law enforcement officer if assistance is required.

CAP may not- CAP members may not be deputized nor may they take an active part in arrest or detention activities and have no authority to restrict persons by means of force, actual or implied. CAP members may not carry firearms. (Exceptions for Law Enforcement Officials and survival gear may be found in CAPR 900-3)

How CAP gets involved: Requests for such assistance, unless of an emergency nature, must be approved in advance by the Wing and Region Commanders and coordinated with HQ CAP/DO through the National Operations Center. All CAP flights will be in accordance with CAPR 60-1.

## COUNTER DRUG

Because of the impact drugs have had on the US, Congress has authorized the DoD to provide support for counter-drug operations. However CAP cannot become involved directly in law enforcement because of the Posse Comitatus Act. The Posse Comitatus Act directly limits CAP's support to civilian law enforcement. There are statutory exceptions that provide for limited indirect support to civilian law enforcement agencies that are charged with implementing the anti-drug laws. (CAPR 60-6)

CAP may provide detection, monitoring and communication of movement of air and sea traffic. CAP may perform aerial reconnaissance of property but not surveillance of people. CAP may operate equipment to facilitate communications in connection with counterdrug law enforcement operations. CAP may provide repeater aircraft, operate CAP radio equipment in support of counterdrug activities, and transport civilian law enforcement agents in support of counterdrug operations (CAPR 60-6). To participate in this type of operations requires additional applications, training and background checks. Contact your group or wing CDO.)

"CAP may not give direct law enforcement assistance to civil authorities and may not be used to execute the laws of, or to perform civilian enforcement functions within, the United States directly, such as in arrest, search and seizure, stop and frisk, or interdiction of vessels, aircraft, or vehicles. CAP may not conduct surveillance or pursuit of individuals. CAP personnel may not act as informants, undercover agents, or investigators." (CAPR 60-6)

How CAP Gets involved - CAP has established relationships with DEA, Customs and other agencies through Memorandums of Understanding (MOUs) discussed below. Each MOU details how a mission is activated and who is to be involved. Generally speaking only those actually on the mission and the Operations Officer and Wing Commander will know about a mission.

## CHAPLAIN CORPS

CAP chaplains may supplement, or replace DoD chaplains in non-combat areas. A base chaplain may be deployed and a CAP chaplain may fill in for them. CAP chaplains can provide services, visitations, advice to the commander and all the normal chaplain duties to

the base personnel and their families. During this time CAP chaplains wear their CAP uniform, clerical vestments or other clothes as appropriate for the situation.

CAP Chaplains may not perform any duties for which they are not normally qualified (counseling for example) or duties outside those normally provided by the chaplain or which are against their religious vows.

How a chaplain becomes involved - Technically the DoD contacts the CAP Chief of Chaplains that "assigns" a chaplain. Most of the time the base or unit chaplain knows a CAP chaplain and they contact them. The CAP chaplain then walks through the steps and volunteers to be assigned to the task. The chaplain is typically not compensated for this service but can be provided with meals, lodging, and transportation.

As you can imagine these things do not happen without a great deal of coordination ahead of time. CAP interacts with communities, state and federal agencies and USAF, through agreements and Memorandums Of Understanding (MOUs). Most agreements have been arranged at the National HQ level. Some agencies and groups with which CAP has MOUs include:

- American Red Cross
- Salvation Army
- Federal Emergency Management Agency (FEMA)
- Federal Aviation Administration (FAA)
- USCG Auxiliary
- Drug Enforcement Agency (DEA)/ US Forest Service (USFS)
- US Customs Service
- Dept. of the Interior
- Dept. of Transportation

The MOU is an agreement signed by officials from both sides (usually the National Commander for national MOUs and the Wing Commander for state and local MOUs.) stating what each will provide, what the chain of command is, how often the organizations will train together, what training will be provided by both sides, who will pay for what and how it will be processed and who is providing insurance.

MOUs need to be reviewed regularly for currency; reviews also provide an opportunity to authorize more support for each other. It is also a good opportunity to brief local officials on new capabilities and keep CAP in their mind.

To assist with the process CAP has produced a book and DVD called Civil Air Patrol's CAPABILITIES HANDBOOK. This publication provides the members from an agency with a need for help with the necessary contact information for all of the emergency mission activity that CAP can provide. It does not include information for local service needs like Color Guards, Honor Guards, or presentations.

MOUs may take as long as a year to complete. If your unit is not covered by local MOUs with the above agencies or other local agencies you should suggest that your squadron commander contact your wing Government Relations Officer, Legal Officer, Operations Officer, Commander or State Director and ask for advice on how to begin the process in your wing. If you have a relationship with people in federal, state or local agencies that CAP has, or would like to have an MOU with, you should tell your squadron commander that as well.

Notice that in each of the above missions CAP must be requested to participate by the appropriate agency. If local or state agencies want CAP to participate as the USAF Aux they must go through that agency. If there is a local Memorandum Of Understanding in place they may request CAP participate in a mission under that MOU but the only person who can commit CAP is a corporate officer. In your wing the only corporate officer is the wing commander. Should an agency contact you directly, your task is to help them get in touch with the people authorized to give a mission number.

## **2. State the benefits of being properly authorized to support civil and military authorities and state the possible consequences if done incorrectly.**

In general terms, while on an AF authorized mission adults (senior members and cadets over the age of 18) are covered by the Federal Employees Compensation Act (FECA). Should a member be injured or killed while on an Air Force-authorized mission, they or their survivors can be eligible for benefits. Should there be an accident while on an AF authorized mission, you, the AF and CAP are protected by the Federal Tort Claims Act (FTCA), which limits liability. You may also be protected by CAP Corporate insurance.

As an instrumentality of the federal government (on an Air Force-assigned mission) you can continue the mission outside your home wing without permission of the state you are entering. (If a search that started in OK expands into TX you do not have to get permission from the State of TX to enter. As a federal resource you may also travel to another state in support of that state's government or a federal agency). When operating under an AF mission number you may be reimbursed for authorized expenses.

When operating under a Memorandum of Understanding (MOU) you would be protected and reimbursed in accordance with the MOU but would also have access to CAP Corporate insurance. On corporate missions (those that are in support of a CAP mission), such as an AE trip, unit field trip or while attending some ES training, as well as missions authorized by a competent authority (such as a wing commander) you would be covered by CAP insurance and may even be reimbursed. However, you would not be covered under FECA/FTCA unless it is an Air Force-authorized mission.

Should you not be on a recognized CAP mission or on a AF authorized mission, which has been authorized by a competent authority you have no protection beyond your personal insurance, you may be liable to CAP and you should not expect reimbursement. For example, you decide to take three cadets to your local rifle range in a CAP van and don't get permission. On the way back you fall asleep at the wheel and hit a pole. Since this is not an authorized CAP activity, you would be personally liable for any injuries to the cadets, the damage to the van (and pole) and you would not be eligible for reimbursement. There is a chance that you are also in violation of several other regulations. In addition to the financial costs, your membership is likely to be terminated.

## **3. Describe what support the Air Force may (vs. must) give to CAP.**

AIR FORCE INSTRUCTION 10-2701 provides the Civil Air Patrol with information as directed by the Secretary of the Air Force as to what CAP can and cannot do in support of each other. The Air Force is required by law to provide "assistance and oversight" for CAP activities, What does that mean?

Assist - The AF can assist CAP to receive funding through the AF Budget and Congress. It can assist CAP with purchasing equipment under government contracts. It can assist CAP with establishing, maintaining and growing our relationships with other federal agencies. It can help CAP access federal resources while on AF missions. It administers AF funds assigned to CAP for mission, training and logistics. It also administers USAFR "man-days" (days AF

Reservists get paid/are on duty to support CAP). It does this through the Senior AF Advisor a.k.a. CAP-USAF Commander and his staff as well as members on the BOG (see structure of CAP lesson in this course). CAP-USAF also provides management advice to the national employed and volunteer staff. On the local level this is called a Staff Assistance Visit.

Oversight - The AF must make sure CAP is operating within the law, its regulations and any agreements it has entered into. It also conducts regular audits of CAP's spending of AF dollars. It conducts audits to make sure CAP can account for assets the AF has bought and assigned to CAP. Many of the assets you think of as CAP's (such as most planes, vehicles, radios, computers, etc.) were purchased with AF funds and assigned to CAP. The AF is required to account for all those assets and ensure they are being used only for CAP and AF business. That is why you can not take the CAP van to work or fly your family in CAP aircraft. Oversight also involves conducting inspections and evaluations to ensure compliance and safety.

How does the Air Force do all that across the nation? At HQ CAP there are many CAP-USAF personnel assigned to help with purchases, reimbursement, legal issues and other support which is provided to CAP. At the region level, there are Liaison Region Commanders who represent CAP-USAF to the CAP Region Commander and his staff. They also administer many of the SAR/DR/CD evaluations and conduct inspections and audits of the wings. At the wing level there are State Directors. State Directors are responsible to the CAP-USAF Commander and provide advice and assistance to the CAP wing commander and staff.

Beyond assistance and oversight, what support may the Air Force provide to CAP? A popular support item is airlift. CAP personnel may fly aboard federal aircraft when space, aircraft, crews and funding are available, if they are participating in a CAP function. Typically this takes two forms, orientation rides and airlift. Orientation rides are short round trip rides in federal aircraft for the purpose of the experience and to encourage joining the appropriate service. Orientation flights typically happen at encampments or are otherwise arranged by the wing. Common examples include rides in Blackhawks, C-130s, KC-135, USCG Sea Kings, and various other airlift aircraft. Rare examples have included rides in fighter aircraft, training aircraft, gliders and other vehicles. Airlift is transporting personnel (and on rare occasions vehicles and other heavy equipment) to training or other events. Typical events that get airlift support are encampments, National Special Activities, National Congress on Aviation and Space and National Board meetings.

More often CAP may access base facilities during CAP events hosted by a base. Accessing these facilities requires a Military Support Authorization (MSA). The MSA lists the people who are participating in an authorized CAP activity and the base that has agreed to host it. Frequently this means that we can live and eat on base while we are on an official CAP activity. Examples include encampments, cadet competitions, ES training and alike. Often CAP also makes use of DoD or Guard classrooms and meeting rooms for training such as Squadron Leadership School (SLS).

Base privileges for CAP members does not mean one can stay there on personal or family business. While on MSAs members have access to the base exchange (for necessities), the dining hall, and lodging where available. And of course members can purchase uniform items at any time. If you are injured on a CAP Activity on base you have access to the base hospital or whatever local hospital the base uses. Purchases of gasoline, alcohol, tobacco products or luxury items (electronics, etc) are prohibited. CAP also has standing agreements with many DoD and National Guard bases that allow squadrons to meet on base without producing MSAs for every meeting. MSA are obtained through your State Director.

## **Lesson Summary and Closure**

Civil Air Patrol provides much support to civil and military authorities. CAP's local emphasis, breadth of units across the country, access to resources and a highly-trained membership provide agencies at all levels with an important force-multiplier and a great value.

The key to employment of CAP to civil and military authorities is the proper use of Memorandums Of Understanding, public awareness of CAP's capabilities, comprehension of procedures used to request CAP assistance, and an understanding of CAP's unique relationship with the USAF.

## **Works Cited**

Squadron Leadership School

2008 Capabilities Handbook

AIR FORCE INSTRUCTION 10-2701

CAPR 900-3

CAPR 60-3

CAPR 76-1

CAPR 147-1

CAPR 60-6

CAPR 265-1

CAPR 900-5

CAPP 265-4

CAPP 50-5