

Emergency Support Function #13 – Public Safety and Security Annex

ESF Coordinator:

Department of Justice/Bureau of Alcohol, Tobacco, Firearms and Explosives

Primary Agency:

Department of Justice/Bureau of Alcohol, Tobacco, Firearms and Explosives

Support Agencies:

Department of Defense
Department of Homeland Security
Department of State
Department of the Interior
Department of the Treasury
National Guard Bureau
Other Departments with Federal Law Enforcement Officers

INTRODUCTION

Purpose

Emergency Support Function (ESF) #13 – Provides Federal public safety and security assistance to local, state, tribal, territorial, and Federal organizations overwhelmed by the results of an actual or anticipated natural/manmade disaster or an act of terrorism.

Scope

ESF #13 resources include those from all Federal law enforcement departments or agencies and may provide a wide array of Federal law enforcement capabilities, personnel, and equipment to assist local, state, tribal, territorial, insular area, and Federal authorities to accomplish the core mission of public safety and security.

This annex does not supersede or override the policies or mutual aid and assistance agreements of any local, state, tribal, territorial, insular area, or Federal jurisdiction, government, or agency. Federal law enforcement departments and agencies retain all specific responsibilities accorded to them by statute, regulation, policy, or custom.

All ESF #13 support is managed by a Bureau of Alcohol, Tobacco, Firearms, and Explosives ESF#13 primary representative at coordination and operations centers, including the National Response Coordination Center (NRCC), the activated Regional Response Coordination Centers (RRCC), National Coordination Center (NCC), ESF #13 Field Coordination Center (FCC), Joint Field Offices (JFO) and active state Emergency Operations Centers (EOCs).

For Stafford Act incidents, ESF #13 support is obtained through the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) mission assignment process.

Terrorism. ESF #13 is a support mission function and separate from the law enforcement mission outlined in the Terrorism Incident Law Enforcement and Investigation Incident Annex to the National Response Framework (NRF). ESF #13 will not impede or conflict with the Federal Bureau of Investigation's (FBI) responsibilities to prevent and investigate acts of terrorism.

ESF #13 activations in response to an act of terrorism will focus on support to the impacted local, state, tribal, territorial, insular area, and Federal law enforcement

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departments and agencies and their ability to provide public safety and security within their jurisdictions. If needed, the FBI may, but is not required to, call upon ESF #13 to assist as with terrorism investigation and prevention efforts.

ESF #13 missions generally fall into two categories:

- 1) Missions that require ESF #13 Federal Law Enforcement Officers (FLEO)¹ to use existing or an expanded Federal law enforcement authority. This category normally applies to ESF #13 resources supporting other Federal departments and agencies.²
- 2) Missions that require ESF #13 FLEOs to possess the authority to enforce state laws. This category applies when FLEOs are supporting local or state law enforcement departments and agencies.

In order for FLEOs performing ESF#13 missions to support local, state, tribal, territorial, and/or insular area law enforcement departments and agencies, the FLEOs must have express statutory authority, including arrest authority to enforce the local, state, tribal, territorial, and/or insular area laws. If such authority is absent and executive authority, such as an order from the governor, is being relied upon instead, then concurrence must be granted by the Department of Justice (DOJ).

Notwithstanding the granting of local, state, tribal, territorial, or insular area law enforcement authority to ESF #13 FLEOs, either as a matter of law or granting of authority by the appropriate official, the ESF #13 deployed FLEOs will still be considered to be performing their Federal duties and will be entitled to all appropriate privileges and immunities.

RELATIONSHIP TO THE WHOLE COMMUNITY

This section describes how ESF #13 relates to other elements of the whole community.

Local, State, Tribal, Territorial, and Insular Area Governments

Local law enforcement responsibility and authority rests with local, state, tribal, territorial, and insular area law enforcement departments and agencies. During disasters or acts of terrorism, when these departments and agencies are overwhelmed and unable to fulfill their public safety and security missions, additional resources should be obtained through mutual aid and assistance agreements, such as the Emergency Management Assistance Compact and/or activation of the state National Guard. Once these means of support are exhausted or unavailable, Federal public safety and security needs can be requested through ESF #13.

In a catastrophic incident, a state governor may also choose other options to restore order and ensure public safety. These actions may include:

- Requests for Federal law enforcement assistance under the Emergency Federal Law Enforcement Assistance Act coordinated through the Attorney General (AG) or the AG's designee.

¹ FLEOs deployed on ESF #13 missions will utilize their parent department or agency's use of force policy.

² The United States Marshals Service, through the Special Deputation Program, will provide ESF #13 FLEOs with the required authority to accomplish the mission when appropriate.

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- Designates members of the National Guard under state control to the extent permitted by state law.

Private Sector/Nongovernmental Organizations (NGO)

Safety and security responsibilities performed by private sector and NGOs are generally limited to requirements at specific locations, such as shopping centers; private sector buildings; locations that house critical infrastructure; special events; and when contracted, local, state, tribal, territorial, insular area, and Federal buildings. However, overall public safety and security responsibility always defaults to local, state, tribal, territorial, insular area, and Federal law enforcement departments and agencies.

During the response to disasters or acts of terrorism, private sector and/or NGO security forces continue to perform assigned safety and security missions to the best of their ability. The local, state, tribal, territorial, or insular area law enforcement department or agency responsible for public safety and security will determine the need for law enforcement resources to assist or augment these private sector/NGOs. Should the responsible local, state, tribal, territorial, or insular area law enforcement department or agency be overwhelmed and unable to provide the needed assistance, ESF #13 may be tasked to provide this support through the DHS/FEMA mission assignment process upon request for Federal assistance.

Traditionally the vast majority of ESF #13 missions require sworn FLEOs armed and trained in the execution of a wide range of law enforcement activities. However, based on the requirements of specific missions, ESF #13 may use non-traditional resources from private sector and/or NGOs to meet the requirements of the missions.

These resources may be in the form of individuals and/or organizations with specific skills or capabilities that are trained, capable, and willing to assist ESF #13 as volunteers or contracted support. The specific skills or capabilities of these individuals or groups must match the requirements of the mission. The identification of these private sector/nongovernmental individuals and organizations will be closely coordinated by the ESF #13 Regional Law Enforcement Coordinator with each state within a DHS/FEMA region.

These non-traditional resources will not be used to fill Federal-to-Federal ESF #13 support missions or other inherently governmental missions (e.g., public safety). Any use of these resources to meet ESF #13 mission assignments will be closely coordinated with the requesting entity before these resources are assigned to fulfill the mission.

Federal

Specific information on Federal Government actions is described in the following sections.

CORE CAPABILITIES AND ACTIONS

The following table lists the response core capabilities that ESF #13 most directly supports along with the related ESF #13 actions. Though not listed in the table, all ESFs, including ESF #13, support the following core capabilities: Planning, Operational Coordination, and Public Information and Warning.

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ESF Roles Aligned to Core Capabilities

Core Capability	ESF #13 – Public Safety and Security
On-Scene Security, Protection, and Law Enforcement	<ul style="list-style-type: none">• Provides general and specialized Federal law enforcement resources to support local, state, tribal, territorial, insular area, and Federal law enforcement departments and agencies overwhelmed by disasters or acts of terrorism. ESF #13 FLEOs can perform a wide array of missions as defined through the DHS/FEMA mission assignment process.• Protects critical infrastructure during prevention activities or disaster response, when requested.• Protects emergency responders.• Determines the role, if any, of private sector/NGOs in the overall public safety and security response.• Assists state law enforcement and government officials in determining the methodology by which FLEOs will be granted state law enforcement authority during ESF #13 responses.• Manages the development of pre-scripted mission assignments to address known and anticipated disaster response public safety and security short falls.• Gives priority to life safety missions first, followed by missions that address security and the protection of infrastructure/property.• Considers the availability of safety and security resources within the requesting Federal department or agency when providing ESF #13 support to other Federal ESFs.

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Agency Actions

Primary Agency	Actions
<p>Department of Justice (DOJ)</p>	<ul style="list-style-type: none"> • The Attorney General (AG) may appoint a Senior Federal Law Enforcement Official (SFLEO) during an incident requiring additional coordination of all Federal law enforcement, public safety, and security operations with intelligence or investigative law enforcement operations directly related to the incident. <ul style="list-style-type: none"> – If appointed, the SFLEO shall also oversee the activities of FLEOs deployed as a result of this annex. – If appointed, the SFLEO serves as a member of the Unified Coordination Group (UCG) and as such, is responsible for ensuring that allocation of law enforcement requirements and resource allocations are coordinated as appropriate with all other members of the group. – If the AG does not appoint an SFLEO as set forth above, the AG may, if appropriate, appoint an SFLEO to oversee the activities of FLEOs deployed as a result of this annex. • The AG maintains a cadre of trained individuals to serve as the SFLEO when appropriate. <p>Bureau of Alcohol, Tobacco, Firearms, and Explosives</p> <ul style="list-style-type: none"> • Functions as the ESF #13 Coordinator. • Coordinates all ESF #13 activities at the national level and across all 10 DHS/FEMA Regions. • Holds regular ESF #13 Stakeholder Committee and Advisory Board meetings for all ESF #13 partners. • Attends the ESF Leaders Group on behalf of DOJ and ESF #13. • When activated, mobilizes and deploys ESF #13 Field Support Teams (FST) to the affected areas of responsibility to accomplish public safety and security situational assessment/awareness. • Activates the ESF #13 NCC to coordinate all ESF #13 operations. • Deploys liaison personnel to staff the NRCC, RRCCs, JFO, and/or state EOCs during activations. • Deploys liaison personnel to other operations centers when required. • Staffs state and Federal staging areas to coordinate the reception and assignment of ESF #13 resources to their missions. • Provides general and specialized resources to assist in the ESF #13 response. <p>Drug Enforcement Administration</p> <ul style="list-style-type: none"> • Assists in the national and regional coordination functions of ESF #13 and participates in the ESF #13 Stakeholder Committee and Advisory Board. • Provides general and specialized resources to assist in the ESF #13 response.

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Primary Agency	Actions
DOJ (continued)	<p>Federal Bureau of Investigation (FBI)</p> <ul style="list-style-type: none"> Assists in the national and regional coordination functions of ESF #13 and participates in the ESF #13 Stakeholder Committee and Advisory Board. Provides general and specialized resources to assist in the ESF #13 response. Coordinates the FBI's prevention and investigative efforts with ESF #13 activities as appropriate during terrorist events. <p>Federal Bureau of Prisons</p> <ul style="list-style-type: none"> Assists in the national and regional coordination functions of ESF #13 and participates in the ESF #13 Stakeholder Committee and Advisory Board. Provides general and specialized resources to assist in the ESF #13 response. Provides Federal Corrections Officers to assist state departments of corrections during ESF #13 responses. <p>United States Marshal Service</p> <ul style="list-style-type: none"> Assists in the National and regional coordination functions of ESF #13 and participates in the ESF #13 Stakeholder Committee and Advisory Board. Provides general and specialized resources to assist in the ESF #13 response. Manages the Special Deputation Program to provide expanded Federal law enforcement authority to FLEOs assisting in the ESF #13 response when required.

Support Agency	Actions
Department of Homeland Security	<ul style="list-style-type: none"> Provides Federal law enforcement resources to support an ESF #13 response through its member departments and agencies, including Customs and Border Protection, Immigration and Customs Enforcement, Federal Protective Service, United States Secret Service, Office of the Inspector General, United States Coast Guard, Transportation Security Administration, and Federal Air Marshals. Assists in staffing the FSTs if required. Participates in the ESF #13 Stakeholder Committee and Advisory Board.
Department of Defense (DOD)	<ul style="list-style-type: none"> Participates in the ESF #13 Stakeholder Committee and Advisory Board. Provides liaison personnel to ESF #13 during activations to determine the role of DOD in ESF #13 support.
Department of the Interior	<ul style="list-style-type: none"> Participates in the ESF #13 Stakeholder Committee and Advisory Board. Provides general and specialized resources to assist in the ESF #13 response. <p>Bureau of Indian Affairs Emergency Management</p> <ul style="list-style-type: none"> Coordinates ESF #13 liaisons with Federally recognized Native Indian tribes.

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Support Agency	Actions
Department of State	<ul style="list-style-type: none">• Participates in the ESF #13 Stakeholder Committee and Advisory Board.• Provides general and specialized resources to assist in the ESF #13 response.
Department of the Treasury	<ul style="list-style-type: none">• Participates in the ESF #13 Stakeholder Committee and Advisory Board.• Provides general and specialized resources to assist in the ESF #13 response.
Other Federal Departments or Agencies with Law Enforcement Resources	<ul style="list-style-type: none">• Participates in the ESF #13 Stakeholder Committee and Advisory Board.• Provides general and specialized resources to assist in the ESF #13 response.

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