

**APPENDIX 6
COUNTERDRUG OPERATIONS**

APPENDIX 6-1: 10 U.S.C. § 124 – Detection and Monitoring of Maritime Transit of Illegal Drugs: DoD to be Lead Agency

**§ 124. Detection and monitoring of aerial and maritime transit of illegal drugs:
Department of Defense to be lead agency**

(a) Lead agency.

(1) The Department of Defense shall serve as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States.

(2) The responsibility conferred by paragraph (1) shall be carried out in support of the counter-drug activities of Federal, State, local, and foreign law enforcement agencies.

(b) Performance of detection and monitoring function.

(1) To carry out subsection (a), Department of Defense personnel may operate equipment of the Department to intercept a vessel or an aircraft detected outside the land area of the United States for the purposes of--

(A) identifying and communicating with that vessel or aircraft; and

(B) directing that vessel or aircraft to go to a location designated by appropriate civilian officials.

(2) In cases in which a vessel or an aircraft is detected outside the land area of the United States, Department of Defense personnel may begin or continue pursuit of that vessel or aircraft over the land area of the United States.

(c) United States defined. In this section, the term "United States" means the land area of the several States and any territory, commonwealth, or possession of the United States.

APPENDIX 6-2: 10 U.S.C. § 379 – Assignment of Coast Guard Personnel to Naval Vessels for Law Enforcement

§ 379. Assignment of Coast Guard personnel to naval vessels for law enforcement purposes

(a) The Secretary of Defense and the Secretary of Homeland Security shall provide that there be assigned on board every appropriate surface naval vessel at sea in a drug-interdiction area members of the Coast Guard who are trained in law enforcement and have powers of the Coast Guard under title 14, including the power to make arrests and to carry out searches and seizures.

(b) Members of the Coast Guard assigned to duty on board naval vessels under this section shall perform such law enforcement functions (including drug-interdiction functions)—

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- (1) as may be agreed upon by the Secretary of Defense and the Secretary of Homeland Security; and
- (2) as are otherwise within the jurisdiction of the Coast Guard.
- (c) No fewer than 500 active duty personnel of the Coast Guard shall be assigned each fiscal year to duty under this section. However, if at any time the Secretary of Homeland Security, after consultation with the Secretary of Defense, determines that there are insufficient naval vessels available for purposes of this section, such personnel may be assigned other duty involving enforcement of laws listed in section 374 (b)(4)(A) of this title.
- (d) In this section, the term “drug-interdiction area” means an area outside the land area of the United States (as defined in section 374 (b)(4)(B) of this title) in which the Secretary of Defense (in consultation with the Attorney General) determines that activities involving smuggling of drugs into the United States are ongoing.

APPENDIX 6-3: 14 U.S.C. § 89 - Law Enforcement (Coast Guard)

14 U.S.C. §89 (2001)

Coast Guard

Sec. 89. Law enforcement

(a) The Coast Guard may make inquiries, examinations, inspections, searches, seizures, and arrests upon the high seas and waters over which the United States has jurisdiction, for the prevention, detection, and suppression of violations of laws of the United States. For such purposes, commissioned, warrant, and petty officers may at any time go on board of any vessel subject to the jurisdiction, or to the operation of any law, of the United States, address inquiries to those on board, examine the ship's documents and papers, and examine, inspect, and search the vessel and use all necessary force to compel compliance. When from such inquiries, examination, inspection, or search it appears that a breach of the laws of the United States rendering a person liable to arrest is being, or has been committed, by any person, such person shall be arrested or, if escaping to shore, shall be immediately pursued and arrested on shore, or other lawful and appropriate action shall be taken; or, if it shall appear that a breach of the laws of the United States has been committed so as to render such vessel, or the merchandise, or any part thereof, on board of, or brought into the United States by, such vessel, liable to forfeiture, or so as to render such vessel liable to a fine or penalty and if necessary to secure such fine or penalty, such vessel or such merchandise, or both, shall be seized.

(b) The officers of the Coast Guard insofar as they are engaged, pursuant to the authority contained in this section, in enforcing any law of the United States shall:

(1) be deemed to be acting as agents of the particular executive department or independent establishment charged with the administration of the particular law; and

(2) be subject to all the rules and regulations promulgated by such department or independent establishment with respect to the enforcement of that law.

(c) The provisions of this section are in addition to any powers conferred by law upon such officers, and not in limitation of any powers conferred by law upon such officers, or any other officers of the United States.

Source

(Aug. 4, 1949, ch. 393, 63 Stat. 502; Aug. 3, 1950, ch. 536, Sec.1, 64 Stat. 406.)

UPDATE: None

APPENDIX 6-4: 32 U.S.C. § 112 - National Guard Funding

32 U.S.C. §112 (2002)

National Guard

Sec. 112. Drug interdiction and counter-drug activities

(a) Funding Assistance. - The Secretary of Defense may provide funds to the Governor of a State who submits to the Secretary a State drug interdiction and counter-drug activities plan satisfying the requirements of subsection (c). Such funds shall be used for the following:

(1) The pay, allowances, clothing, subsistence, gratuities, travel, and related expenses, as authorized by State law, of personnel of the National Guard of that State used, while not in Federal service, for the purpose of drug interdiction and counter-drug activities.

(2) The operation and maintenance of the equipment and facilities of the National Guard of that State used for the purpose of drug interdiction and counter-drug activities.

(3) The procurement of services and equipment, and the leasing of equipment, for the National Guard of that State used for the purpose of drug interdiction and counter-drug activities. However, the use of such funds for the procurement of equipment may not exceed \$5,000 per item, unless approval for procurement of equipment in excess of that amount is granted in advance by the Secretary of Defense.

(b) Use of Personnel Performing Full-Time National Guard Duty. -

(1) Under regulations prescribed by the Secretary of Defense, personnel of the National Guard of a State may, in accordance with the State drug interdiction and counter-drug activities plan referred to in subsection (c), be ordered to perform full-time National Guard duty under section 502(f) of this title for the purpose of carrying out drug interdiction and counter-drug activities.

(2)(A) A member of the National Guard serving on full-time National Guard duty under orders authorized under paragraph (1) shall participate in the training required under section 502(a) of this title in addition to the duty performed for the purpose authorized under that paragraph. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing duty for the purpose of carrying out drug interdiction and counter-drug activities. The member is not entitled to additional pay, allowances, or other benefits for participation in training required under section 502(a)(1) of this title.

(B) Appropriations available for the Department of Defense for drug interdiction and counter-drug activities may be used for paying costs associated with a member's participation in training described in subparagraph (A). The appropriation shall be reimbursed in full, out of appropriations available for paying those costs, for the amounts paid. Appropriations available for paying those costs shall be available for making the reimbursements.

(C) To ensure that the use of units and personnel of the National Guard of a State pursuant to a State drug interdiction and counter-drug activities plan does not degrade the training and readiness of such units and personnel, the following requirements shall apply in determining the drug interdiction and counter-drug activities that units and personnel of the National Guard of a State may perform:

(i) The performance of the activities may not adversely affect the quality of that training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit.

(ii) National Guard personnel will not degrade their military skills as a result of performing the activities.

(iii) The performance of the activities will not result in a significant increase in the cost of training.

(iv) In the case of drug interdiction and counter-drug activities performed by a unit organized to serve as a unit, the activities will support valid unit training requirements.

(3) A unit or member of the National Guard of a State may be used, pursuant to a State drug interdiction and counter-drug activities plan approved by the Secretary of Defense under this section, to provide services or other assistance (other than air transportation) to an organization eligible to receive services under section 508 of this title if -

(A) the State drug interdiction and counter-drug activities plan specifically recognizes the organization as being eligible to receive the services or assistance;

(B) in the case of services, the performance of the services meets the requirements of paragraphs (1) and (2) of subsection (a) of section 508 of this title; and

(C) the services or assistance is authorized under subsection (b) or (c) of such section or in the State drug interdiction and counter-drug activities plan. (c) Plan Requirements. - A State drug interdiction and counter-drug activities plan shall -

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- (1) specify how personnel of the National Guard of that State are to be used in drug interdiction and counter-drug activities;
- (2) certify that those operations are to be conducted at a time when the personnel involved are not in Federal service;
- (3) certify that participation by National Guard personnel in those operations is service in addition to training required under section 502 of this title;
- (4) certify that any engineer-type activities (as defined by the Secretary of Defense) under the plan will be performed only by units and members of the National Guard;
- (5) include a certification by the Attorney General of the State (or, in the case of a State with no position of Attorney General, a civilian official of the State equivalent to a State attorney general) that the use of the National Guard of the State for the activities proposed under the plan is authorized by, and is consistent with, State law; and
- (6) certify that the Governor of the State or a civilian law enforcement official of the State designated by the Governor has determined that any activities included in the plan that are carried out in conjunction with Federal law enforcement agencies serve a State law enforcement purpose.

(d) Examination of Plan. –

- (1) Before funds are provided to the Governor of a State under this section and before members of the National Guard of that State are ordered to full-time National Guard duty as authorized in subsection (b), the Secretary of Defense shall examine the adequacy of the plan submitted by the Governor under subsection (c). The plan as approved by the Secretary may provide for the use of personnel and equipment of the National Guard of that State to assist the Immigration and Naturalization Service in the transportation of aliens who have violated a Federal or State law prohibiting or regulating the possession, use, or distribution of a controlled substance.
- (2) Except as provided in paragraph (3), the Secretary shall carry out paragraph (1) in consultation with the Director of National Drug Control Policy.
- (3) Paragraph (2) shall not apply if -
 - (A) the Governor of a State submits a plan under subsection (c) that is substantially the same as a plan submitted for that State for a previous fiscal year; and
 - (B) pursuant to the plan submitted for a previous fiscal year, funds were provided to the State in accordance with subsection (a) or personnel of the National Guard of the State were ordered to perform full-time National Guard duty in accordance with subsection (b).

(e) Exclusion From End-Strength Computation. - Members of the National Guard on active duty or full-time National Guard duty for the purposes of administering (or during fiscal year 1993 otherwise implementing) this section shall not be counted toward the annual end strength authorized for reserves on active duty in support of the reserve components of the armed forces or toward the strengths authorized in sections 12011 and 12012 of title 10.

(f) End Strength Limitation. –

- (1) Except as provided in paragraph (2), at the end of a fiscal year there may not be more than 4000 members of the National Guard -
 - (A) on full-time National Guard duty under section 502(f) of this title to perform drug interdiction or counter-drug activities pursuant to an order to duty for a period of more than 180 days; or
 - (B) on duty under State authority to perform drug interdiction or counter-drug activities pursuant to an order to duty for a period of more than 180 days with State pay and allowances being reimbursed with funds provided under subsection (a)(1).
- (2) The Secretary of Defense may increase the end strength authorized under paragraph (1) by not more than 20 percent for any fiscal year if the Secretary determines that such an increase is necessary in the national security interests of the United States.

(g) Annual Report. - The Secretary of Defense shall submit to Congress an annual report regarding assistance provided and activities carried out under this section during the preceding fiscal year. The report shall include the following:

- (1) The number of members of the National Guard excluded under subsection (e) from the computation of end strengths.
- (2) A description of the drug interdiction and counter-drug activities conducted under State drug interdiction and counter-drug activities plans referred to in subsection (c) with funds provided under this section.
- (3) An accounting of the amount of funds provided to each State.
- (4) A description of the effect on military training and readiness of using units and personnel of the National Guard to perform activities under the State drug interdiction and counter-drug activities plans.

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(h) Statutory Construction. - Nothing in this section shall be construed as a limitation on the authority of any unit of the National Guard of a State, when such unit is not in Federal service, to perform law enforcement functions authorized to be performed by the National Guard by the laws of the State concerned.

(i) Definitions. - For purposes of this section:

(1) The term "drug interdiction and counter-drug activities", with respect to the National Guard of a State, means the use of National Guard personnel in drug interdiction and counter-drug law enforcement activities, including drug demand reduction activities, authorized by the law of the State and requested by the Governor of the State.

(2) The term "Governor of a State" means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(3) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.-

SOURCE- (Added Pub. L. 101-189, div. A, title XII, Sec. 1207(a)(1), Nov. 29, 1989, 103 Stat. 1564; amended Pub. L. 102-25, title VII, Sec. 703, Apr. 6, 1991, 105 Stat. 118; Pub. L. 102-396, title IX, Sec. 9099A, Oct. 6, 1992, 106 Stat. 1926; Pub. L. 104-106, div. A, title X, Sec. 1021, Feb. 10, 1996, 110 Stat. 426; Pub. L. 104-208, div. C, title VI, Sec. 660, Sept. 30, 1996, 110 Stat. 3009-720; Pub. L. 105-85, div. A, title X, Sec. 1031, Nov. 18, 1997, 111 Stat. 1880; Pub. L. 105-261, div. A, title X, Sec. 1022, Oct. 17, 1998, 112 Stat. 2120; Pub. L. 106-65, div. A, title X, Sec. 1021, Oct. 5, 1999, 113 Stat. 746.)-

PRIOR PROVISIONS Similar provisions were contained in Pub. L. 100-456, div. A, title XI, Sec. 1105, Sept. 29, 1988, 102 Stat. 2047, which was set out as a note under section 374 of Title 10, Armed Forces, prior to repeal by Pub. L. 101-189, Sec. 1207(b).

UPDATE: None

APPENDIX 6-5: National Defense Authorization Act of 1991, Pub. L. No. 101-510, §1004 (1991) (as amended)

Pub. L. No. 101-510 (1991) (as amended)

SEC. 1004. ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES

(a) SUPPORT TO OTHER AGENCIES- During fiscal year 1991, the Secretary of Defense may provide support for the counter-drug activities of any other department or agency of the Federal Government or of any State, local, or foreign law enforcement agency for any of the purposes set forth in subsection (b) if such support is requested--

(1) by the official who has responsibility for the counter-drug activities of the department or agency of the Federal Government, in the case of support for other departments or agencies of the Federal Government;

(2) by the appropriate official of a State or local government, in the case of support for State or local law enforcement agencies; or

(3) by an appropriate official of a department or agency of the Federal Government that has counter-drug responsibilities, in the case of support for foreign law enforcement agencies.

(b) TYPES OF SUPPORT- The purposes for which the Secretary may provide support under subsection (a) are the following:

(1) The maintenance and repair of equipment that has been made available to any department or agency of the Federal Government or to any State or local government by the Department of Defense for the purposes of--

(A) preserving the potential future utility of such equipment for the Department of Defense; and

(B) upgrading such equipment to ensure compatibility of that equipment with other equipment used by the Department of Defense.

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- (2) The maintenance, repair, or upgrading of equipment (including computer software), other than equipment referred to in subparagraph (A) for the purpose of--
 - (A) ensuring that the equipment being maintained or repaired is compatible with equipment used by the Department of Defense; and
 - (B) upgrading such equipment to ensure the compatibility of that equipment with equipment used by the Department of Defense.
 - (3) The transportation of personnel of the United States and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating counter-drug activities within or outside the United States.
 - (4) The establishment (including unspecified minor construction) and operation of bases of operations or training facilities for the purpose of facilitating counter-drug activities within or outside the United States.
 - (5) Counter-drug related training of law enforcement personnel of the Federal Government, of State and local governments, and of foreign countries, including associated support expenses for trainees and the provision of materials necessary to carry out such training.
 - (6) Aerial and ground reconnaissance outside, at, or near the borders of the United States.
 - (7) Construction of roads and fences and installation of lighting to block drug smuggling corridors across international boundaries of the United States.
 - (8) Establishment of command, control, communications, and computer networks for improved integration of law enforcement, active military, and National Guard activities.
- (c) **CONTRACT AUTHORITY**- In carrying out subsection (a), the Secretary of Defense may acquire services or equipment by contract for support provided under that subsection if the Department of Defense would normally acquire such services or equipment by contract for the purpose of conducting a similar activity for the Department of Defense.
- (d) **LIMITED WAIVER OF PROHIBITION**- Notwithstanding section 376 of title 10, United States Code, the Secretary of Defense may provide support pursuant to subsection (a) in any case in which the Secretary determines that the provision of such support would adversely affect the military preparedness of the United States in the short term if the Secretary determines that the importance of providing such support outweighs such short-term adverse effect.
- (e) **CONDUCT OF TRAINING OR OPERATION TO AID CIVILIAN AGENCIES**- In providing support pursuant to subsection (a), the Secretary of Defense may plan and execute otherwise valid military training or operations (including training exercises undertaken pursuant to section 1206(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1564)) for the purpose of aiding civilian law enforcement agencies.
- (f) **RELATIONSHIP TO OTHER LAWS**- (1) The authority provided in this section for the support of counter-drug activities by the Department of Defense is in addition to, and except as provided in paragraph (2), not subject to the requirements of chapter 18 of title 10, United States Code.
(2) Support under this section shall be subject to the provisions of section 375 and, except as provided in subsection (d), section 376 of title 10, United States Code.
- (g) **AVAILABILITY OF FUNDS**- Of the amount made available for operation and maintenance under section 1001(1), \$50,000,000 shall be available to the Secretary of Defense for the purpose of carrying out this section.

APPENDIX 6-6: CJCSI 3710.01B, DoD Counterdrug Support

SEE NEXT PAGE.



CHAIRMAN OF THE JOINT CHIEFS OF STAFF INSTRUCTION

Directive current as of 28 January 2008

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DOD COUNTERDRUG SUPPORT

References: See Enclosure B.

1. Purpose. This instruction promulgates Secretary of Defense (SecDef) delegation of authority to approve counterdrug (CD) operational support missions. It also provides, in accordance with (IAW) the National Defense Authorization Act for 2002, as amended, instructions on authorized types of DOD CD support to law enforcement agencies (LEA), other government agencies, and foreign nations.
2. Cancellation. This instruction cancels CJCSI 3710.01A, 30 March 2004.
3. Applicability. This instruction is applicable to Military Departments and combatant commands and subordinate organizations conducting and supporting CD operations.
4. Policy. See Enclosure A.
5. Definitions. See the Glossary. Abbreviations and acronyms are established throughout the text in Enclosure A.
6. Responsibilities. See Enclosure A.
7. Summary of Changes. Pursuant to SecDef discretion, this instruction:
 - a. Provides authority and guidance to CDRUSSOUTHCOM for domestic CD/law enforcement activities as a result of the 2006 Unified Command Plan expanding USSOUTHCOM's area of responsibility to include Puerto Rico and the US Virgin Islands.
 - b. Promulgates SecDef authority to Military Department Secretaries to

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relinquish forces to CDRUSNORTHCOM to exercise TACON to conduct CD operational support to US LEAs for missions that have combatant commander approval delegation.

8. Releasability. This instruction is approved for public release; distribution is unlimited. DOD components (including the combatant commands), other federal agencies, and the public may obtain copies of this instruction through the Internet from the CJCS Directives Home Page-- http://www.dtic.mil/cjcs_directives. Copies are also available through the Government Printing Office on the Joint Electronic Library CD-ROM.

9. Effective Date. This instruction is effective upon receipt.

For the Chairman of the Joint Chiefs of Staff:



WALTER L. SHARP
Lieutenant General, USA
Director, Joint Staff

Enclosures:

- A - DOD Counterdrug Operational Support
- B - References
- GL - Glossary

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ENCLOSURE A

DOD COUNTERDRUG OPERATIONAL SUPPORT

1. General

a. This instruction supersedes CJCSI 3710.01A, 30 March 2004, "DOD Counterdrug Support." The Secretary of Defense has delegated authority, as specified in CJCS message 190050Z Dec 91 (hereby superseded) (reference r), to the geographic combatant commanders (GCCs) to approve requests for DOD CD support to the following agencies:

(1) Domestic LEAs, including US federal, state, territorial, tribal, and local agencies.

(2) Other US government departments or agencies with CD responsibilities.

(3) Foreign law enforcement agencies with CD responsibilities, including foreign military forces with CD responsibilities pursuant to requests from US federal LEAs or other US government agencies with CD responsibilities.

b. The Secretary of Defense retains approval authority for all CD support not specifically delegated and outlined in this instruction. The Secretary of Defense expressly reserves approval authority for:

(1) All DOD support requiring the transfer of operational control (OPCON) of forces between combatant commanders, except as otherwise described and delegated herein.

(2) Requests for listening and observation posts and mobile patrols.

(3) Requests (pursuant to reference b, section 1004(b)(6) (as amended), or otherwise) to target or track suspicious buildings, vehicles, vessels, or persons in the United States to provide their continuing coordinates to LEAs or to conduct systematic and deliberate observation on a continuing basis, unless the activity is a proper continuation of an approved ground, aerial, or maritime detection and monitoring mission under provisions of 10 USC 124 (reference a). The restriction against these types of activities (see reference c and 18 USC 1385) is not intended to preclude approval of continuing visual observation from a fixed point on the ground as a part of otherwise approved military training missions but may limit it.

(4) Requests (pursuant to reference b, section 1004(b)(6) (as amended)) for the monitoring of suspected illegal drug air, sea, and surface traffic bound

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for the United States (for handoff to an LEA) first detected outside the boundary of the United States to within 25 miles of US territory (including 25 miles from the 12 nautical mile territorial sea limit).

2. DOD Support Not Covered By This Instruction. This instruction does not apply to the following activities:

a. Detection and Monitoring (D&M). D&M operations are military missions conducted to detect and track the aerial and maritime transit of illegal drugs into the United States, under the authority of 10 USC 124. Although not conducted at their request, D&M operations support the CD enforcement efforts of federal, state, local, and foreign LEAs. GCCs are delegated the authority to conduct D&M within their AORs with theater-assigned forces. However, D&M missions conducted under the authority of 10 USC 124 (reference a), using forces not assigned to the GCC, are addressed in separate execute orders and not covered by this instruction.

b. Request from law enforcement to use DOD equipment without operators or to use DOD buildings or facilities. Requests for this support will be processed IAW departmental and agency regulations and procedures.

c. Military working dog support (reference p).

d. Sensitive support to special activities (reference q).

3. DOD CD Support. This instruction applies only to DOD CD support specifically requested by LEAs provided by or involving DOD personnel in connection with CD missions, including training and associated technical and administrative support (as described in reference b, section 1004(a) (as amended)). Types of CD support include the following:

a. Maintenance and repair of loaned defense equipment to preserve the potential future utility or to upgrade to ensure compatibility of that equipment (reference b, section 1004(b)(1) & (2) (as amended)).

b. Transportation support (reference b, section 1004(b)(3) (as amended)).

c. Establish and/or operate bases or training facilities (includes engineer support) (reference b, section 1004(b)(4) (as amended)).

d. CD-related training of law enforcement personnel (reference b, section 1004(b)(5) (as amended)).

e. Detect, monitor, and communicate the movement of air and sea traffic within 25 miles of and outside United States borders (reference b, section 1004(b)(6)(A) (as amended)).

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- f. Detect, monitor, and communicate the movement of surface traffic detected outside US borders for up to 25 miles within the United States (reference b, section 1004(b)(6)(B) (as amended)).
- g. Engineering support (roads, fences, and lights) at US borders (reference b, section 1004(b)(7) (as amended)).
- h. Command, control, communications, computer, and intelligence (C4I) and network support (reference b, section 1004(b)(8) (as amended)).
- i. Linguist support (reference b, section 1004(b)(9) (as amended)).
- j. Intelligence analyst support (reference b, section 1004(b)(9) (as amended)).
- k. Aerial reconnaissance support (reference b, section 1004(b)(10) (as amended)).
- l. Ground reconnaissance support (reference b, section 1004(b)(10) (as amended)).
- m. Diver support (10 USC 371).
- n. Tunnel detection support (10 USC 371).
- o. Use of military vessels for LEA operating bases by Coast Guard personnel (10 USC 379).
- p. Technology demonstrations (10 USC 380).

4. CD Support – General

a. Aerial Reconnaissance Support. GCCs may authorize the use of the following:

- (1) Radar and sensors, including synthetic aperture radar, forward-looking infrared, and electro-optic devices.
- (2) Unmanned aerial vehicles.
- (3) Aerial visual and photographic reconnaissance, and national overhead and aerial imagery.

b. Ground Reconnaissance Support

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(1) GCCs may authorize the use of the following:

- (a) Unattended ground sensors.
- (b) Ground surveillance radar.

(2) Initial detection and reporting of the presence or movement of buildings, vehicles, vessels, or persons within surface areas is permitted.

c. Tunnel Detection Support. GCCs may approve missions to support LEA tunnel detection operations IAW provisions within this instruction. DOD personnel may not search, enter, or otherwise participate directly in law enforcement operations.

d. Diver Support. During missions approved to conduct subsurface hull inspections and training, divers may visually inspect and report to LEAs any unusual physical hull configurations. Divers may not attempt entry or search, or alter features detected.

e. Linguist Support and Intelligence Analyst Support. GCCs may approve requests for support under the authority of reference b, section 1004(b)(9) (as amended), subject to the requirements outlined in references c and d (for intelligence analysts only) and concurrence by the Military Department or DOD Component General Counsel. This delegation does not include the authority to approve cryptologic support, real-time translation of oral or wire intercepts, direct participation in interrogation activities, or the use of counterintelligence assets for CD purposes.

f. Transportation Support

(1) GCCs may approve requests for CD activity-related transportation support under the authority of reference b, section 1004(b)(3) (as amended), subject to the policy guidance outlined in reference e. USTRANSCOM concurrence is required for use of its assets for Special Assignment Airlift Missions (SAAM) when inadequate airframes exist for equivalent priority DOD missions. This delegation is constrained by subparagraph (4) below.

(2) GCCs may approve requests for transportation support under the authority of 10 USC 374, pursuant to the procedures outlined in reference f and the policy guidance outlined in reference e. Such transportation requests must be coordinated with the Attorney General and, if the transportation is to or from foreign locations, the Secretary of State. GCCs approving transportation requests under this authority will provide notification to the DOD Office of General Counsel (OGC). This delegation is constrained by subparagraph (4) below.

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(3) Except for extradition requests, federal LEA requests for transportation support will be submitted to the supported GCC (or as further delegated IAW this instruction) in whose area of responsibility the mission is to originate. The responsible federal LEA, through its parent or national headquarters, must forward extradition requests to the DOD Executive Secretary, who will forward approved requests to the Joint Staff for action.

(4) GCCs are **not** authorized to approve transportation support in direct tactical support of the operational portions of ongoing LEA or foreign LEA operations, or of any activities where CD-related hostilities are imminent. If criminal evidence or prisoners seized by LEAs are brought aboard DOD aircraft, vehicles, or vessels being used to provide transportation support, such evidence and/or prisoners will remain solely within the control and custody of the LEAs.

g. Use of Military Vessels for LEA Operating Bases. The use of military vessels as a base of operations for LEAs, except when approved under reference b, requires SecDef and Attorney General approval. The Secretary of Defense has not delegated authority to approve use of military vessels for LEA operating bases in the territorial waters of a host nation (HN). Such approval coordination will be pursued in the same manner as for linguist support described in subparagraph 4.e. above and include prior notification to DOD OGC.

h. Equipment Maintenance and Operation Support. Authority is delegated to approve maintenance and operation support IAW references b and f but does not include the cost of parts or equipment to be funded under reference b or other sources.

i. Command, Control, Communications, Computer, and Intelligence (C4I) and Network Support. Assistance in establishing and maintaining C4I and networking support to provide improved integration of law enforcement, active military, and National Guard activities will be IAW reference b, section 1004(b)(8) (as amended).

j. Technology Demonstrations. Technology demonstrations may be conducted in coordination with the DOD Counternarco-Terrorism Technology Program Office, and technology requirements may be developed based on stated LEA needs (10 USC 380).

5. CD Support – Domestic

a. General Delegations. With regard to the general delegations in paragraph 4 above and the delegations contained in this paragraph, the Secretary of Defense has delegated approval authority to CDRUSNORTHCOM, CDRUSSOUTHCOM, and CDRUSPACOM, as appropriate, for the following:

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- (1) CD support involving no more than 400 personnel for any one mission.
 - (2) CD support not exceeding 179 days for any one mission.
 - (3) DOD personnel are not authorized to accompany LEAs on actual CD field operations nor may they participate in activities where CD-related hostilities are imminent.
 - (4) CDRUSNORTHCOM/CDRUSSOUTHCOM/CDRUSPACOM will first determine if the state (and/or territory) National Guard (title 32 forces) can provide the requested support. If the state (and/or territory) National Guard cannot provide the forces, CDRUSNORTHCOM/CDRUSSOUTHCOM/CDRUSPACOM will determine if the request is feasible, supportable, and consistent with DOD policy IAW reference g.
 - (5) GCCs/Military Departments may approve the transfer of their units, personnel, and equipment to support Joint Task Force-North (JTF-N)/USNORTHCOM CD missions. GCCs/Military Departments may delegate approval authority. When approving support to JTF-N/USNORTHCOM, the GCC/Military Department will determine whether or not the proposed mission satisfies the readiness and military training value requirements of reference g.
- b. CD-Related Training of Law Enforcement Personnel. CDRUSNORTHCOM/CDRUSSOUTHCOM/CDRUSPACOM may approve training for LEA personnel in the United States. Per reference g, no advanced military training will be provided to LEA personnel. However, the US Army Military Police School may continue to train LEA personnel in the Counterdrug Special Reaction Team Course, Counterdrug Field Tactical Police Operations Training, and Counterdrug Marksman/Observer Course (reference g). On an exceptional basis, CDRUSSOCOM may approve such training by special operations forces (reference n).
- c. Engineering Support. CDRUSNORTHCOM/CDRUSPACOM may approve engineering support in the United States. Per reference g, military engineering support is limited to the southwest border and defined as mobility and countermobility (fences, lights, roads) efforts. This includes approval of materiel purchases necessary to support DOD mission personnel but does not include military construction or provision of other materials. See reference b, section 1004(b)(7) (as amended).

6. CD Support – Foreign

- a. General Delegations. With regard to the general delegations in paragraph 4 above and the delegations contained in this paragraph, the

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Secretary of Defense has delegated approval authority for CD support outside the United States; the Secretary of Defense has delegated approval authority for CD support to GCCs for:

(1) Planning and Coordination Visits. Planning and coordination visits to American Embassies (contingent on Embassy approval) may be conducted with theater-assigned

(2) Intelligence Analyst Support. Intelligence analyst support may be provided to US Ambassadors using theater-assigned forces (consistent with references c and d). This approval is subject to DoD Component General Counsel concurrence when military intelligence component and/or Military Department personnel are used in support of LEAs, per reference c and component's implementing directives:

(a) At respective US Embassies or consulates.

(b) At US regional analysis centers.

(3) Planning and Coordination Visits. Planning and coordination visits of 10 personnel or less for 60 days or less to HN headquarters (contingent on American Embassy approval) may be conducted with theater-assigned or allocated forces to accomplish the GCC's D&M mission or to support the US Ambassador's CD effort with expert advice or assistance to the US Country Team.

(4) Linguist Support. Includes translator and interpreter support consistent with reference c. This approval is subject to DoD Component General Counsel approval when military intelligence components and/or personnel are used to support LEAs, as defined in reference c and component implementing directives. This delegation does not include authority to approve cryptologic support, real-time translation of oral or wire intercepts, direct participation in interrogation activities, or the use of counterintelligence assets for CD purposes. Linguist missions to locations outside American Embassies will be limited to short-duration visits (not to exceed 30 days) of no more than 10 persons to primary HN and US C4I headquarters for the express purpose of accomplishing the mission of supporting the Ambassador's CD effort.

(5) CD-Related Training of Law Enforcement Personnel

(a) GCCs may approve CD-related training of foreign law enforcement personnel requiring no more than 50 theater-assigned personnel for no more than 45 days with HN and Country Team approval and notification.

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(b) GCCs may approve CD-related technical and administrative support team deployments requiring no more than 25 personnel for no more than 179 days with HN and Country Team approval and notification.

b. Transportation Support. Transportation, consistent with the provisions of subparagraph 4.f., may be provided. Delegated authority does not authorize supported GCCs to approve transportation support of personnel in direct tactical support of the operational portions of ongoing LEA or foreign law enforcement agency operations. If transportation support is provided to foreign law enforcement agencies IAW reference b, additional notification to the Office of the Secretary of Defense – Special Operations & Low-Intensity Conflict (Counternarcotics), IAW subparagraph 8.k.(4.) of this CJCSI, will be sent in order to facilitate required congressional and other notifications.

7. SecDef Pre-Approved CD Operational Support Plans. Supported GCCs may approve LEA requests for operational support that are part of SecDef pre-approved operations, subject to the following:

a. Supported GCCs must gain approval of the overall concept of operations from the Secretary of Defense prior to commencing operations. Supported commanders (CDRs) will provide the concept of operations to the Joint Staff/J-3/JOD for review and DOD and interagency staffing at least 90 days prior to the scheduled start date.

b. Proposed activities must be consistent with policy, fiscal, and legal constraints.

c. Foreign CD operational support must have HN and US Ambassador approval.

d. Supporting GCC and/or Military Department coordination concerning resource availability, deployment times, and dates are required prior to forwarding plan for approval.

e. SecDef approval of the overall plan authorizes the supported GCCs to issue deployment and execute orders and to approve participants' travel for coordinating mission details.

f. Requests for location changes, mission changes, and mission extensions to the approved plan that exceed the authority of the GCCs delegated in this instruction will be forwarded to the Joint Staff/J-3 for action.

g. The supported GCC must provide notification IAW subparagraph 8.l., within the required timeframes (whenever feasible), prior to executing each specific support activity that is a part of pre-approved operations plan (whether involving one or several countries).

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h. Requests to conduct planned reconnaissance support will be submitted IAW reference h, if applicable.

8. Coordinating Instructions

a. DOD Support Requests. Requests for DOD CD support to a department or agency of the federal government must originate with an appropriate department or agency official responsible for CD activities. Request for DOD CD support to a state or local government agency must come from an appropriate official of the state or local government agency. Support to foreign law enforcement agencies must be requested by an official of a department or agency of the US federal government who has CD responsibilities and must have the concurrence of the US Ambassador of the HN in which the mission will be conducted as well as concurrence of an appropriate HN CD authority. See reference b, section 1004(a) (as amended).

b. LEA Support Request Processing

(1) Domestic LEA requests for DOD operational and other types of CD support will be submitted through JTF-N (or IAW CDRUSNORTHCOM policy) for the continental United States and Alaska; CDRUSSOUTHCOM for Puerto Rico and the US Virgin Islands (or IAW CDRUSSOUTHCOM policy); CDRUSPACOM for Hawaii (or IAW CDRUSPACOM policy); or the appropriate state National Guard (NG) CD coordinator.

(2) Foreign requests for DOD operational and other types of CD support should be submitted directly to the appropriate joint interagency task force or supported commander for consideration.

(3) IAW references g and i, the following criteria must be met before requests for DOD support are approved.

(a) The requested support must have a valid CD activities nexus.

(b) Each request for domestic CD operational support and other types of CD support must originate with a federal, state, or local government agency that has responsibility for CD operations. Support to foreign LEAs must originate with a US federal LEA or federal agency with CD responsibilities per reference b, section 1004(a) (as amended).

(c) Each request must solicit support that the Department of Defense is authorized to provide pursuant to law and subject to the provisions of this instruction.

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(d) Support must clearly assist the requesting agency with the CD activities of the agency.

(e) Support must be consistent with DOD implementation of the National Drug Control Strategy.

(f) All approved CD operational and other types of CD support must have military training value to the supporting unit or be consistent with DOD policy.

(g) Active duty (Title 10) forces will not be used for continuing, ongoing, long-term operational support commitments at the same domestic location.

c. LEA Fixed-Winged Transportation Support Requests. The supported GCC has approval authority, with USTRANSCOM and Deputy Assistant Secretary of Defense for Counternarcotics concurrence, for use of USTRANSCOM assets for SAAM missions, for fixed-wing transportation support to federal LEAs (reference e).

(1) DOD policy is to support Federal, state, and local LEA transportation requests to the maximum extent possible. State and local LEAs requesting fixed-wing transportation support must first submit requests to their state NG CD coordinators. If the NG cannot provide the support, state or local LEAs should coordinate with a Federal LEA to sponsor and forward their request to the Department of Defense for consideration. Federal LEA requests and Federal LEA-sponsored requests for controlled deliveries and other personnel and equipment movements should be submitted in writing by the national/Washington, D.C., headquarters of the requesting department or agency and should be signed by the national-level director of operations or other equivalent authority.

(2) Requests should include required date, time, and location of pickup and delivery points; detailed cargo and passenger descriptions; detailed rationale for DOD support; and a 24-hour point of contact at the on-load and off-load location.

(3) Priority of support is listed below and is IAW reference e.

(a) The first priority will be controlled delivery requests that involve on-going, real-time, time-sensitive operations, and a significant amount of drugs, or the disruption of a major organization.

(b) The second priority will be to support other personnel and equipment movements that are directly linked to ongoing CD operations. To the maximum extent possible, these missions will be supported with regularly

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scheduled channel aircraft. When necessary, because of mission requirements and size of the load, dedicated aircraft (SAAM sorties) may be used to support these missions. DOD will not support administrative-type movements, such as conferences, routine personnel and equipment deliveries that can be accomplished with commercial aircraft and other similar missions.

d. Intelligence Support Processing

(1) Information relevant to a violation of federal or state law that may be incidentally collected by DOD in the United States during the normal course of military training or operations in support of LEA per 10 USC 371 will not constitute collection of intelligence if provided solely to the requesting LEA. When the request for support to a civilian LEA, IAW DODD 5525.5 and this CJCSI, involves foreign intelligence or counterintelligence support, it is an intelligence activity, subject to intelligence oversight, and will be processed in accordance with Procedure 12 of DOD 5240.1-R. When the request for DOD intelligence component capability support to civilian LEAs, IAW DODD 5525.5 and this CJCSI, does not involve foreign intelligence or counterintelligence, retention must be consistent with DODD 5200.27. Retention by the Department of Defense beyond 90 days is only authorized if collected and retained IAW ref c.

(2) If DOD is collecting and retaining the information IAW ref c, Defense Intelligence Agency (DIA) has responsibility for validating, registering, assigning, recommending priorities for, and monitoring DOD collection activities by DOD intelligence components conducting intelligence activities for the Department per reference j. DIA retains responsibility for maintaining and operating facilities for DOD imagery indexing, processing, duplication, evaluation, exploitation, and central repository services in support of the Department of Defense and other authorized recipients. DIA point of contact is DIA Counter-Narcotics Trafficking Office, 703-602-3212 (STU III).

(3) Any requests for support involving cryptologic resources must be approved by the Director of Crime and Narcotics (DCN) and National Security Agency (NSA). Also, the Department of Defense, including the Department of Defense General Counsel, must concur in such requests. Notify DCN of any requests for cryptologic support outside the United States or its territories. NSA point of contact is the Office of the DCN, 301-688-0080 (commercial/STU III)(DIRNSA FT GEORGE G MEADE MD//DCN//).

e. Operations on Private Property. Any requests involving DOD personnel operating on domestic private land without the written permission of the landowner must be forwarded to the Joint Staff/J-3 for action.

f. DOD Participation in LE Activities. Supported GCCs will ensure that DOD personnel do not directly participate in law enforcement activities such as

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search, seizure, arrest, or other similar activities unless otherwise authorized to do so by law.

g. Redelegation of Authority

(1) Supported GCCs may further delegate approval authority (subject to the limitations of paragraphs 4 through 6) to general/flag officers within their chains of command. Supported GCCs will provide instructions (within the limitations of this instruction) with any delegation of approval authority to their delegates. Instructions will include a requirement for legal review of all proposed support before it is approved. Initial denial authority rests with the first general/flag officer in the support request process. Supported GCCs will make final disposition on appeals.

(2) Delegation or redelegation of approval authority neither constitutes nor implies tasking authority over forces not under the OPCON of the supported CDR. Supported GCCs and their delegates, when so specified in the delegation, are authorized direct liaison with Military Departments and other CDRs to coordinate use of non-theater-assigned forces. In situations involving individual augmentation, the provisions of references g and i also apply.

h. CD Operations in Another CDR's AOR. When performing CD support missions, forces may temporarily cross combatant commander AOR boundaries. When this situation occurs, the combatant commander whose boundary is crossed must be immediately notified. All efforts should be made prior to operations to obtain concurrence from the combatant commander whose AOR could be crossed during missions. Minor missions of limited duration may be telephonically coordinated and followed-up with a message.

i. Minor Changes to SecDef-Approved Missions. For minor changes to CD operational and other types of support missions already approved by the Secretary of Defense:

(1) The supported GCC may approve minor changes in dates for deployment (up to 30 days after, but not earlier than, the date approved by the Secretary of Defense) and minor changes in redeployment (plus or minus 30 days from the date previously approved). Dates of deployment (vice execution) and redeployment are defined as the dates of travel. This subparagraph does not authorize the supported GCC to extend the duration of the employment or mission support phase; however, it does authorize the supporting CDR to deploy an advance party to prepare for mission execution. This subparagraph authorizes the supported GCC to make only minor changes to the dates of travel. When dates of deployment or redeployment slip more than 7 days, supported GCC will provide such information to all concerned via record message to addressees listed in original request for deployment order (RDO),

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with the RDO as reference (a) and the approved deployment order (DEPORD) as reference (b).

(2) The supported GCC may approve minor changes in numbers of deploying or deployed personnel (plus or minus 5 persons but not more than 10 percent of the approved deployment number; and the total mission number is not to exceed 400 persons for domestic support and 50 for foreign support). Supporting CDR concurrence is required when non-theater personnel are involved.

(3) For change of locations within the country in which a deployment is taking place, the supported CDR is authorized to approve location changes when the HN and/or the US Embassy requests the change to enhance the security of US personnel. The supported GCC will notify via record message the Chairman, Secretary of Defense, and all addressees listed in note 19 using the original request for RDO as reference (a) and approved DEPORD as reference (b).

j. Significant Changes to SecDef-Approved Plans. SecDef approval is required for changes to a SecDef-approved plan when:

(1) Changes in deployment or redeployment dates are more than 30 days or changes increase the duration of the mission.

(2) Numbers of deploying or deployed personnel exceed that reported in the initial notification by 5 persons or 10 percent of the total approved deployment number (whichever is greater).

(3) The change would cause a CDR-approved mission to exceed authorities delegated to the supported CD CDR.

k. GCC Procedures for Approving CD Operational Support Missions

(1) Whenever a request for operational and other types of CD support is received by a supported GCC, that GCC will either take the request for action (approval or disapproval) or forward it to the Joint Staff/J-3¹ for action.

(2) Requests for SecDef approval will be forwarded to the Joint Staff/J-3 at least 45 days prior to execution date with information specified in subparagraph 8.o. below.²

¹ Use J-3/ROD for reconnaissance assets, J-3/SOD for special operation forces, J-3/DDIO for PSYOP assets, J-3 AT/HD for USNORTHCOM missions, and J-3/JOD for all other missions.

² Message address should include the following as applicable: Joint Staff(J3/SOD/JOD/ROD/DDIO/ATHD), OSD(DASD-CN), OSD(ISA), DUSD(PS), State Department (PM-ISO/INL/applicable region (ARA, EAP, etc.)), the applicable DLEA headquarters, and appropriate Military Department points of contact (Army—HQDA WASHINGTON DC//DAMO-ODD/SAGC/SAILE//, Air

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(3) When mission requests or changes to missions are approved under delegated authority, GCCs will notify the Joint Staff at least 15 calendar days before execution (whenever feasible) with information specified in subparagraph 8.o. below and indicate the specific provision of this instruction under which support was approved. An information copy of the deployment order is appropriate. Expeditious notification of activities near the US-Mexican border is especially important. Approving GCC will verify receipt by Joint Staff/J-3.

(4) A notification of intent to support foreign LEAs under reference b, clearly labeled as support to foreign LEAs and containing the same information required by subparagraph 8.o., will be sent to OSD (DASD-CN) and OGC, information to Joint Staff/J-3, not less than 5 working days in advance of execution.³

l. Public Affairs. When supported GCCs or their delegates take requests for action, they will also issue related public affairs guidance. Include this guidance in the notification process (subparagraph 8.p.(15)).

m. Requests Received by Non-GCCs. When a CDR not authorized IAW subparagraph 1.a. or paragraph 4 to approve CD missions, OSD, a Defense agency, or a Military Department receives a request for DOD operational and other types of CD support directly from a LEA or other government agency, forward the request to the Joint Staff/J-3 for action.

n. Human Rights Verification. IAW with references i and k, GCCs will obtain verification that Department of State possesses no credible information of gross violations of human rights regarding the HN units or their members with whom DOD intends to train.

o. Required Information for Mission Approvals or Changes. When SecDef approval and deployment order are required or when notifying SecDef of a CDR-approved mission or change, IAW references g and i, provide the following information:

(1) Origin of the request (include name, title, and requesting LEA point of contact and mission of the supporting unit detailed and the unit sourced).

(2) Concept of operations, including a description of command relationships, an explanation of the CD activities nexus for the mission, an

Force—HQ USAF WASHINGTON DC//XOFI//, Navy—UNSECNAV WASHINGTON DC//OGC-OPA//, CNO WASHINGTON DC//N515//, and Marine Corps—CMC WASHINGTON DC// POS/JA/CL//).

³ This notification may be the same as the notification required in subparagraphs 8.k.(2)&(3) but must be clearly marked and contain the required message addresses. Requester must verify receipt with OSD(DASD-CN/DEP-LPC) when combined with notification in subparagraphs 8.k.(2)&(3).

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explanation of how the requested deployment is related to CD, and information relating to the benefit to the DOD War on Terrorism; security cooperation objectives; readiness; or national security.

(3) Citation of the statutory authorities for providing the support, analysis of the pertinent legal issues, and the name of the judge advocate who reviewed the request for legal sufficiency.

(4) Deployment, mission execution start/stop, and redeployment dates. Include dates arriving and departing HN (if applicable).

(5) Staging and operations location (specifically including the proximity to the US southwest border, if applicable).

(6) Type (composition), size, and force component of supporting unit or deploying force.

(7) Required number of personnel.

(8) Military Occupational Specialty, Naval Designators, or Air Force Specialty Code of intelligence component specialty personnel, if any, and intelligence oversight guidance, as applicable.

(9) Type and amount of equipment.

(10) Transportation arrangements, coordination, and priority.

(11) Whether or not personnel will be armed and applicable rules of engagement or, in the case of domestic CD support missions, rules for the use of force policy.

(12) Status protections afforded to deploying forces (legal status applying to personnel outside the continental United States). Note: If legal protections (e.g., a status of forces agreement) do not exist, requesting agency should provide a risk assessment and justification for conducting the mission.

(13) Force protection measures and responsibilities.

(14) Source of DOD funding (including specific project code) and estimated amount, if applicable.

(15) Proposed public affairs guidance.

(16) Name or specific position of official granting host government and US Ambassador approval, if applicable.

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(17) For supported CD CDR-approved missions, extensions, or changes involving non-theater assigned personnel, provide the name, rank (O-6 minimum), office, and telephone number of the person providing the supporting CD CDR or Military Department concurrence.

(18) Country or theater clearance and passport requirements.

(19) All requests for deployment orders in which foreign forces will be trained will include the following statement: "Embassy verifies that the Department of State possesses no credible information of gross violations of human rights by the (name of designated unit), or a member of that unit, as of this date." This certification must be made within 270 days of the starting date of the proposed training.

(20) Miscellaneous administrative or logistics requirements (immunizations, special or required training, uniforms, interpreter or language requirements, special equipment, and billeting).

(21) Explanation of why existing title 32 resources cannot execute the mission (domestic requests only).

(22) Explanation of why the Department of Homeland Security cannot provide the requested support (domestic requests only).

(23) Status of approval of the deployment by the host country (name and specific position of the HN official granting approval), US Chief of Mission, and appropriate commander.

p. Command and Control Relationships

(1) Transfer of forces from a supporting CDR to a supported CDR requires SecDef approval and a deployment order. Secretary of Defense will designate the command authority to be relinquished and exercised in the deployment order.

(2) The Secretary of Defense authorizes CDRUSJFCOM, CDRUSPACOM, and CDRUSSOCOM to transfer forces to CDRUSNORTHCOM and to relinquish TACON over those forces, and for USNORTHCOM to exercise TACON over those forces. The Secretary of Defense also authorizes Military Department Secretaries to provide forces to CDRUSNORTHCOM, and USNORTHCOM to exercise TACON over those forces to conduct CD operational support to US LEAs for missions that have combatant commander approval delegation.

(3) The Secretary of Defense authorizes CDRUSJFCOM, CDRUSPACOM, and CDRUSSOCOM to provide tactical control of combatant commander assets

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to CDRUSSOUTHCOM to conduct CD operational support to US LEAs for missions that have combatant commander approval delegation.

q. Standing Rules of Engagement/Standing Rules for the Use of Force (SROE/SRUF) for US Forces. SROE apply to US forces during all military operations and contingencies outside of the territory of the United States, unless otherwise directed. Reference 1 provides SROE-related policy and guidance on use of force by DOD personnel in CD support operations outside the territory of the United States. During CD support missions in the United States, SRUF-related policy and guidance is governed by reference 1, unless otherwise directed.

9. Funding and Reimbursement

a. It is imperative that DOD CD funds be obligated only for the specific activity for which appropriated and transferred. Coordinate with the Military Department that has the fiduciary funding responsibility for the proposed activity as required. Support provided must be IAW reference b or other statutory authority. Unless support is provided pursuant to reference a, the requesting LEA must reimburse the Department of Defense (Economy Act) unless the mission is provided pursuant to Chapter 18 of 10 USC and satisfies the conditions of reference f (10 USC, section 377(b)) below:

(1) Support provided in the normal course of military training or operations.

(2) Support is substantially equivalent to that which would otherwise be obtained from military operations or training.

b. LEA reimbursement is not required for support provided to an LEA under reference b as long as the support is consistent with a specific project that has been approved for funding, is available to the CDR or Military Department with fiduciary funding responsibility IAW subparagraph 8.a above, or as long as funds have been specifically transferred and made available for that type of support.

c. If reimbursement is required for the support to the LEA and the requesting agency is either unwilling or unable to reimburse the Department of Defense, the applicable commander, or Military Department with fiduciary funding responsibility will forward the request through the Joint Staff for OSD review and decision.

d. Questions involving funding propriety or availability should in all cases be referred in comptroller channels, through the Military Department to the Office of the Deputy Assistant Secretary of Defense for Counternarcotics (DASD-CN, ATTN: DIR, PR&A, COMM 703-697-5606).

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10. Corrections, Modifications, and Additions. Corrections, modifications, and additions to this delegation of authority will be necessary from time to time to ensure it accurately reflects the authority delegated and operational needs of DOD activities involved in CD support. Recommendations for changes should be directed to the Joint Staff/J-3/JOD.

11. Guidance on Conflicting Policy. For CD operational support to US federal, state, and local (including territorial and tribal) LEAs, where this guidance is inconsistent with reference m, this instruction constitutes interim SecDef guidance modifying or revising reference m.

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REFERENCES

- a. Title 10, United States Code, section 124.
- b. Section 1021 of the National Defense Authorization Act for Fiscal Year 2002, Public Law No. 107-107, 115 Stat. 1212, as amended
- c. DOD Regulation 5240.1-R, December 1982, "Procedures Governing the Activities of DoD Intelligence Components That Affect United States Persons"
- d. Title V of the National Security Act of 1947, as amended, Accountability for Intelligence Activities, sections 501 and 502 (50 USC sections 413 and 413a)
- e. OSD OCDEP&S memorandum, 15 November 1994, "Department of Defense Fixed-Wing Air Transportation Support to Federal Drug Law Enforcement Agencies"
- f. Title 10, United States Code, chapter 18, sections 371-374, 377 and 379
- g. DepSecDef memorandum, 2 October 2003, "Department Support to Domestic Law Enforcement Agencies Performing Counternarcotics Activities"
- h. CJCSI 3250.01C Series, "Policy Guidance for Sensitive Airborne and Maritime Surface Reconnaissance Operations (U)"
- i. DepSecDef memorandum, 3 October 2003, "Department of Defense International Counternarcotics Policy"
- j. DOD Directive 5105.21, 19 May 1997, "Defense Intelligence Agency"
- k. Joint Staff message 071300ZJUN04, "Human Rights Verification for DoD - Funded Training Programs with Foreign Personnel"
- l. CJCSI 3121.01B Series, "Standing Rules of Engagement/Standing Rules for the Use of Force for US Forces (U)"
- m. DOD Directive 5525.5, 15 January 1986, "DoD Cooperation with Civilian Law Enforcement Officials" with Change 1, 20 December 1989
- n. DepSecDef memorandum, 31 July 2002, "Department of Defense Training Support to U.S. Civilian Law Enforcement Agencies"

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- o. Title 18, United States Code, chapter 67, Section 1385 (Posse Comitatus Act)
- p. DOD Instruction 5525.10, 17 September 1990, "Using Military Working Dog Teams (MWDTs) to Support Law Enforcement Agencies in Counterdrug Missions"
- q. DOD Instruction S-5210.36, 10 June 1986 with Change 1, 30 July 1987, "Provision of DoD Sensitive Support to DoD Components and Other Departments and Agencies of the U.S. Government (U)"
- r. Joint Publication 1-02, 12 April 2001 (as amended through 20 March 2006), "Department of Defense Dictionary of Military and Associated Terms"
- s. DOD Instruction 5200.27, "Acquisitions and Information Concerning Persons and Organizations Not Affiliated with the Department of Defense"]

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GLOSSARY

Part 1 – Abbreviations and Acronyms

ASD(SOLIC)	Assistant Secretary of Defense (Special Operations/Low-Intensity Conflict)
C4I	command, control, communications, computers, and intelligence
CD	counterdrug
CDR	commander
CDRUSPACOM	Commander, United States Pacific Command
CDRUSNORTHCOM	Commander, United States Northern Command
CDRUSSOUTHCOM	Commander, United States Southern Command
CDRUSSOCOM	Commander, United States Special Operations Command
D&M	detection & monitoring
DCN	Director of Crime and Narcotics
DEPOD	deployment order
DIA	Defense Intelligence Agency
DOD	Department of Defense
GCC	global combatant command
HN	host nation
IAW	in accordance with
JP	Joint Publication
JTF-N	Joint Task Force-North
LEA	law enforcement agency
NG	National Guard
NSA	National Security Agency
OSD (DASD-CN)	Office of the Secretary of Defense (Deputy Assistant Secretary of Defense-Counter Narcotics)
OGC	Office of General Counsel
OPCON	operational control

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RDO	request for deployment order
ROE	rules of engagement
RUF	rules for use of force
SAAM	Special Assignment Airlift Missions
SecDef	Secretary of Defense
SROE	Standing Rules of Engagement
SROF	Standing Rules for the Use of Force
TACON	tactical control

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Part 2 -- Definitions

- area of operations (AO) – An operational area defined by the joint force commander for land and naval forces. Areas of operation do not typically encompass the entire operational area of the joint force commander but should be large enough for component commanders to accomplish their missions and protect their forces. (Joint Publication (JP) 1-02)
- arrival zone (AZ) – In counterdrug operations, the area in or adjacent to the United States into which illegal drugs are smuggled and from which their initial domestic distribution begins. By air, an airstrip; by sea, an offload point on land or transfer to small boats. (JP 1-02)
- controlled delivery – The use of DOD fixed-wing aircraft for counterdrug transportation support to domestic law enforcement agencies. Support involves the acquisition and funding of aircraft to transport contraband (e.g., illegal drugs, money), agents, cooperating defendants, and commercial/private vehicles required for counterdrug operations that are time-sensitive or ongoing.
- counterdrug (CD) activities – Those measures taken to detect, interdict, disrupt, or curtail any activity that is reasonably related to drug trafficking. This includes, but is not limited to, measures taken to detect, interdict, disrupt, or curtail activities related to substances, materiel, weapons, or resources used to finance, support, secure, cultivate, process, or transport illegal drugs.
- counterdrug (CD) non-operational support – Support provided to law enforcement agencies and host nations that includes loan or lease of equipment without operators, use of facilities (such as buildings, training areas, and ranges), training conducted in formal schools, transfer of excess equipment, or other support provided by the Military Departments from forces not assigned or made available to the combatant commanders. (JP 1-02)
- counterdrug (CD) operational support – Support to host nations and law enforcement agencies involving military personnel and their associated equipment and provided by the geographic combatant commanders from forces assigned or attached to them or made available to them by the Military Departments for this purpose. Operational support does not include support in the form of equipment alone nor the conduct of joint

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law enforcement investigations with cooperating civilian law enforcement agencies. (JP 1-02)

deployment date – The date a unit or an individual leaves home station to execute a mission. Deployment may be ordered by a military deployment order or temporary duty order.

execution date – The date a unit or an individual begins the mission. Execution can be ordered by a military deployment order, an execute order, or a temporary duty order.

force protection (FP) – Security program designed to protect soldiers, civilian employees, family members, facilities, and equipment, in all locations and situations, accomplished through planned and integrated application of combating terrorism, physical security, operations security, personal protective services, and supported by intelligence, counterintelligence, and other security programs.

ground-based radar (GBR) – Land-based fixed or mobile asset that provides primary or augments existing radar coverage and is capable of long-range searches up to 240 nms and height finding up to 95,000 feet. Communications available from the unit include HF, VHF, UHF, and SATCOM.

host nation (HN) – A nation that receives the forces and/or supplies of allied nations, coalition partners, and/or NATO organizations to be located on, or to operate in, or to transit through its territory. (JP 1-02)

host-nation support (HNS) – Civil and/or military assistance rendered by a nation to foreign forces within its territory during peacetime, crises or emergencies, or war based on agreements mutually concluded between nations. (JP 1-02)

law enforcement agency (LEA) – Any of a number of agencies (outside the Department of Defense) chartered and empowered to enforce laws in the following jurisdictions: the United States, a state (or political subdivision) of the United States, a territory or possession (or political subdivision) of the United States, or to enforce US laws within the borders of a host nation. (JP 1-02)

mobile training team (MTT) – A team consisting of one or more US military or civilian personnel sent on temporary duty, often to a foreign nation, to give instruction. The mission of the team is to train indigenous personnel to operate, maintain, and employ weapons and support systems, or to develop a self-training capability in a particular skill. The

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President and Secretary of Defense may direct a team to train either military or civilian indigenous personnel, depending upon host-nation requests. (JP 1-02)

operational control (OPCON) – Command authority that may be exercised by commanders at any echelon at or below combatant command. Operational control may be delegated and normally provides full authority to organize commands and forces and to employ those forces as the commander in operational control considers necessary to accomplish assigned missions. Operational control should be exercised through the commanders of subordinate organizations and does not, in and of itself, include authoritative direction for logistics or matters of administration, discipline, internal organization, or unit training. (JP 1-02)

Posse Comitatus Act – Prohibits direct participation by the Army and the Air Force in law enforcement activities such as search, seizure, arrest, or similar activities except in cases and under circumstances expressly authorized by the Constitution or Act of Congress (Title 18, United States Code, Section 1385 “Use of Army and Air Force as Posse Comitatus”) (reference o). Applied to the Navy and Marine Corps as a matter of DOD policy (see reference m).

rules of engagement (ROE) – Directives issued by competent military authority that delineate the circumstances and limitations under which US forces will initiate and/or continue combat engagement with other forces encountered.

rules for use of force (RUF) – Fundamental policies and procedures governing the use of force by US commanders and their forces during all DOD civil support, including military assistance to civil authorities

tactical control (TACON) – Command authority over assigned or attached forces or commands, or military capability or forces made available for tasking, that is limited to the detailed and, usually, local direction and control of movements or maneuvers necessary to accomplish missions or tasks assigned. Tactical control is inherent in operational control. Tactical control may be delegated to, and exercised at, any level at or below the level of combatant command. (JP 1-02)

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APPENDIX 6-7: NGR 500-2/ANGI 10-801 - NATIONAL GUARD COUNTERDRUG SUPPORT

**National Guard Regulation 500-2/
Air National Guard Instruction 10-801**

**Emergency Employment of Army and Other
Resources**

National Guard Counterdrug Support

Departments of the Army and the Air Force
National Guard Bureau
Arlington, VA 22202-3231
29 August 2008

SUMMARY of CHANGE

NGR 500-2/ANGI 10-801
National Guard Counterdrug Support

This publication is a revision.

- o Reflects the growth and changes in the responsibilities of the Full-Time National Guard Counterdrug Program
- o 1-5.b. updated
- o Added: 1-5.c. Section 1004 (Additional Support for Counterdrug Activities), National Defense Authorization Act (NDAA) of 1991 (Public Law (PL) 101-510), as amended provides CD support authority for the NGCSP.
- o Para 2-1.e. (1) changed to read: Exigent circumstances are situations, in which the utilization of any step in the Force Continuum is necessary to protect police officers, military personnel, or other persons from death or serious injury. Personnel may use an appropriate level of force to prevent the loss or destruction of evidence; or to prevent the escape of a suspect already in custody.
- o Para 2-5.g. Changed to read: Carriage of lethal or non-lethal weapons.
- o Para 2-7.b. (2) added: Focus on four core competencies: Link Analysis, document exploitation, commodity-financial analysis, and case construction.
- o Para 2-7.b. (2) changed to read: approved Criminal Analyst duties in support of drug law enforcement or counter-terrorism agencies, assistance in the design, development, and appropriate or coordinated dissemination of criminal intelligence information.
- o Added to para 2-7c (2): Provide transportation and controlled deliveries (aerial, ground, or maritime) of LEA personnel/equipment, persons in LEA custody.
- o Para 2-7.d. changed to read: train Federal, State, and local LEA, CBO, and military personnel.
- o Para 2-7.d. changed to read: per diem expenses if not provided.
- o Para 2-7.e.(1) deleted: Surface, changed to Ground
- o Para 2-7.f changed to read: authorized missions for Drug Demand Reduction Programs
- o Para 2-9.a, b and c changed to read: a. A (MOU) or (MOA) between the state and any supported LEA/CBO is required by the state and the LEAs/CBOs concerned, and must comply with all applicable federal/state laws and regulations/instructions. b. The state AGR JAG or competent legal authority will review. The JAG's review may be in the form of a memorandum for record. c. The agreement must be approved and signed by the TAG, CDC, and LEA/CBO concerned before support is provided.
- o Para 2-9 Interstate Agreements (MOUs/MOAs) is now para 2-10.
- o Para 2-10 from NGR 500-2/ANGI 10-801 dated 31 March 2000 is now a separate chapter, see Chapter 6 Counterdrug Funding and Fiscal Policy Overview

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- Para 3-3.a. changed to read: This paragraph contains federal guidelines that cannot be broadened. Each state must develop rules on the use of force that are in compliance with state Use of Force Continuum, and this regulation.
- Added to the end of para 3-3.3b. If approval is delegated, the CDC must either be the approving official or in the approval chain.
- Para 3-3.c. changed to read: qualification training and testing with their permanently assigned, by serial number, CD weapon IAW current regulations, Training will include security, weapons retention.
- Para 3-3.k changed to read: National Guard members will be thoroughly briefed on the Rules for Use of Force as approved by the state attorney general and the policies of the agency they are supporting IAW that agency's academy or in-service defensive tactics training program before the commencement of any operation
- Para 3-3.l. changed to read: Personnel authorized to carry firearms will wear body armor while carrying a firearm and actively engaged in a CD mission, unless waived by the CDC, based on the mission risk assessment.
- Para 3-15 Aviation Counterdrug Mission Support complete update
- Para 5-10, SPIES, FRIES, HELOCAST, Rappelling and Paratroop Operations updated
- Para 5-11 Training and Qualification of Sensor Equipment Employment (Ground and Aviation) updated
- Para 5-12.a., b., and c. changed to read: a. CD program personnel will qualify on their CD assigned weapon(s) to (STRAC) standards. IAW Counterdrug standards and tables in DA Pam 350-38. b. The CD program will submit ammunition requirements through (STAM) to (NGB-ART-S). A (UIC) and (DODAAC) will be identified so training ammunition authorizations can be sub-authorized and the DA Form 581 completed. c. Operational load ammunition requirements using the DA Form 581, using the event code "OPN". HQDA may begin managing operational load ammunition with TAMIS-R authorizations through NGB. ANG members are responsible for requesting training ammunition and operational load through their ANG providers. State programs are not authorized to conduct 5a operations without a NGB qualified trainer.
- Chapter 6-Counterdrug Funding and Fiscal Policy Overview entire chapter updated
- Chapter 7- Acquisition and Logistics Management, entire chapter updated
- Chapter 8- Personnel and Administration, entire chapter updated
- Chapter 11- National Guard Counterdrug Schools Program (NGCSP) new chapter

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APPENDIX 6: COUNTERDRUG OPERATIONS

Departments of the Army and the Air Force
National Guard Bureau
Arlington, VA 22202-3231
29 August 2008

*NGR 500-2/ANGI 10-801

Emergency Employment of Army and Other Resources

NATIONAL GUARD COUNTERDRUG SUPPORT

By Order of the Secretary of Defense:

H STEVEN BLUM
Lieutenant General, USA
Chief, National Guard Bureau

Official:

GEORGE R. BROCK
Chief, Strategy and Policy Division

History. This printing publishes a revision of NGR 500-2/ANGI 10-801. The original was published 1 March 1993 with subsequent revisions dated 30 September 1993, 27 October 1997, and 31 March 2000.

Summary. This regulation/instruction prescribes policies, procedures, and responsibilities governing the utilization of National Guard and Department of Defense (DoD) resources in the National Guard Counterdrug (CD) Support Program. It also provides guidance pertaining to program and budget management of the Joint National Guard Substance Abuse Program (JNGSAP), referred to collectively as Substance Abuse (SA) programs. It also prescribes policy, procedures, and responsibilities governing the utilization of National Guard and Department of Defense (DoD) resources in the National Guard Counterdrug Schools Program (NGCSP).

Applicability. This regulation/instruction applies to the Army and Air National Guard of the 50 States, the Commonwealth of Puerto Rico, the Territory of Guam, the United States Virgin Islands, and the District of Columbia, hereafter referred to as states, while performing counterdrug missions when not in Federal Service.

Proponent and Exception Authority. The proponent of this regulation is the National Guard Bureau (NGB) J3 Counterdrug Division. The proponent has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation.

Management Control Process. This regulation/ instruction incorporates guidance from AR 11-2, AFI 65-201, and OMB Circular A-123. The Federal Managers' Financial Integrity Act, OMB Circular A-123, and DoD Directive (DoD) 5010.38 apply to all DoD activities and programs. This regulation contains management control provisions, but does not identify key management controls that must be evaluated.

Supplementation. Supplementation of this regulation/instruction is prohibited without prior approval from the Chief, National Guard Bureau, ATTN: J3 Counterdrug Division, 1411 Jefferson Davis Highway, Arlington, VA 22202-3231.

Suggested Improvements. Users are encouraged to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Chief, National Guard Bureau, ATTN: NGB J3 Counterdrug Division, 1411 Jefferson Davis Highway, Suite 6500, Arlington, VA 22202-3231.

Distribution: B/F

* This publication supersedes NGR 500-2/ANGI 10-801, 31 March 2000.

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Chapter 1 Introduction

1-1. Purpose

This regulation/instruction:

- a. Prescribes policies, procedures, and responsibilities governing the utilization of National Guard and Department of Defense (DoD) resources in the National Guard Counterdrug Support Program for drug interdiction demand reduction, and narcoterrorism activities.
- b. Provides program management and budget guidance for the Joint National Guard Substance Abuse Program (JNGSAP).
- c. Prescribes policy, procedures, and responsibilities governing the utilization of National Guard (NG) and DoD resources in the National Guard Counterdrug School Program (NGCSP).
- d. Does not address National Guard Counterdrug (CD) activities performed under authority of Title 10, United States Code.
- e. Does not apply to military technician assistance programs established pursuant to the Technician Personnel Regulation.

1-2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

1-3. Explanation of Abbreviations and Terms

Abbreviations and terms used in this regulation/instruction are explained in the glossary.

1-4. Responsibilities

- a. The SECDEF, in accordance with (IAW) 32 USC § 112, may provide resources through the Chief, National Guard Bureau (CNGB), to states receiving SECDEF approval of the Governors' State Plans for National Guard Counterdrug Support. The SECDEF, IAW with Section 1004, NDAA of 1991, as amended may provide funds through the CNGB, to a state receiving SECDEF approval of a CD school execution plan for National Guard Training Support.
- b. The National Guard Bureau (NGB) is the official channel of communication between the states, SECDEF and the Departments of the Army and Air Force as well as other federal agencies.
- c. The National Guard Bureau J3 Counterdrug Division (NGB J3-CD) has responsibilities as follows:
 - (1) Primary responsibility for the development and execution of National Guard Counterdrug Support Program policies, procedures, and regulations/instructions. Submit questions on Counterdrug Support Program policy to the Chief, NGB J3-CD.
 - (2) The Chief, NGB J3-CD, is the NGB Program Manager for the Joint National Guard Substance Abuse Program (JNGSAP), providing guidance to the states IAW NGR 600-85/ANGI 44-120.
 - (3) NGB J3-CD is the single point of contact within NGB for all issues pertaining to the JNGSAP and for program management/budget issues pertaining to the JNGSAP.
 - (4) NGB J3-CD is the single point of contact within NGB for all issues pertaining to the Counterdrug Support Program and for program management/budget issues pertaining to the program.
 - (5) NGB J3-CD funds a full-time Title 32 Active Guard/Reserve (AGR) Counterdrug Coordinator (CDC) position in each state for administration and management of the state CD program. (See paragraph 9-6 of this regulation/instruction.) The Chief, NGB J3-CD, will approve any selection for rank greater than the rank of (O5-LTC/Lt Col).
 - (6) Primary responsibility for the development and execution of NGCSP policies, procedures, and regulations/instructions. Submit questions on NGCSP policy to NGB J3-CD.
 - (7) The NGB J3-CD is the single point of contact within the NGB for all issues pertaining to NGCSP, program management, and budget issues.
- d. The Governor is the Commander-in-Chief of the state's National Guard (NG) units not in federal service. The District of Columbia National Guard serves under the Commanding General, who performs the function of a Governor with respect to state plans IAW paragraph 2-5.
- e. The Adjutants General are responsible for:
 - (1) The selection of a CDC and determining the chain of supervision for the Counterdrug Support Program.
 - (2) Establishing a Joint National Guard Substance Abuse Program (JNGSAP) and identifying state program managers for the JNGSAP. All designations must be IAW AR 600-85 and AFI 44-120. The JNGSAP will be managed within the Counterdrug Program.

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(3) The administrative and logistical support for the NGCSP in a state.

f. The CDC serves as the focal point for all CD mission validations, approval authority, and the prioritization for CD mission tasking in accordance with appropriate policies, instructions, and directions. The CDC is responsible for all management control aspects of the Counterdrug Support Program within his/her state to include the JNGSAP. As the point of contact for CD programming matters, the CDC will ensure that programs and functions are conducted effectively and efficiently. The CDC will communicate issues affecting the Counterdrug Support Program with NGB J3-CD to ensure the program meets management control requirements.

g. Each CD School Director/Commandant, or designated representative, is responsible for all management control aspects of his/her respective counterdrug school. The CD School Director/Commandant or designated representative will ensure that programs and functions are conducted effectively and efficiently. The Director/Commandant, or designated representative, will communicate issues affecting the CD school with the NGB J3-CD to ensure the CD school program meets management and control requirements. Financial issues affecting a counterdrug school will be coordinated with the CD school's host state United States Property and Fiscal Office (USPFO), Base Comptroller, and the NGB J3-CD through the CDC or the military liaison.

1-5. Statutory Authority and Policy

a. Section 112, Title 32, United States Code (32 USC § 112) is the authority for the Counterdrug Support Program.

b. Public Law 92-129 (PL 92-129) as implemented by Army Regulation and Air Force Instruction (AR 600-85/AFI 44-120). AR 600-85 and AFI 44-120 are the authority for the Army National Guard (ARNG) and Air National Guard (ANG) Joint National Guard Substance Abuse Program.

c. Section 1004 (Additional Support for Counterdrug Activities), National Defense Authorization Act (NDAA) of 1991 (Public Law (PL) 101-510), as amended provides CD support authority for the NGCSP.

1-6. Regulatory Structure

All of the programs described in this regulation/instruction are operated within the existing National Guard and state regulatory structures. Unless otherwise directed by proper authority, all existing rules, regulations, instructions and procedures applicable in general to the National Guard are also applicable to the programs described in this regulation/instruction.

Chapter 2

Counterdrug Support Program

2-1. Legal Considerations and Requirements

a. National Guard role. The National Guard provides CD support to federal, state, and local law enforcement agencies (LEAs), Community Based Organizations (CBOs), educational, and government organizations that request assistance. National Guard personnel engaged in CD support activities for which federal funding is provided by 32 USC § 112 must be acting in support of LEAs, CBOs, educational, or government organizations, hereafter referred to as organizations. National Guard CD programs will only provide support to operations whose primary purpose is counterdrug/counternarcotics or counternarcoterrorism (CNT), with the exception of internal National Guard drug prevention education activities. When using 32 USC § 112 funds, states may execute only those missions that have been approved by the SECDEF within the Governors' State Plans, in conformity with the mission definitions in this regulation/instruction.

(1) Requests to perform missions that are on the SECDEF approved mission list but were not included in the original annual state plan execution memorandum must be submitted to SECDEF thru NGB J3-CD for approval. Such requests must include certification by the Governor, or the Commanding General, District of Columbia, as appropriate, and the state attorney general, or the United States Attorney for the District of Columbia, as appropriate. (See paragraph 2-5.)

(2) Requests to perform missions that are not on the SECDEF approved mission list must be submitted through NGB J3-CD to the SECDEF for approval. Requests must include certification by the Governor, or the Commanding General, District of Columbia, as appropriate, and the state attorney general, or the United States Attorney for the District of Columbia, as appropriate. (See paragraph 2-5.)

(3) Counterdrug Coordinators may support National Guard unit commanders/designees and/or Joint Substance Abuse Program coordinators requests for Drug Demand Reduction support for the purpose of unit drug prevention education activities.

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b. Requests for support. LEAs and CBOs will request CD support through the Adjutant General, ATTN: Counterdrug Coordinator. Support requests that are beyond the capability of the state National Guard will be forwarded to the NGB Counterdrug Office, ATTN: Regional Coordinator. The National Guard *will not* support CD operations without a request validated by the CDC or designated representative. Requests must originate with an LEA or CBO, be in writing, signed by a responsible official, and specify the length of required support. An annual signed written request on agency letterhead is required when the requesting agency desires continuation of support for a full fiscal year (FY). Software generated electronic signatures are acceptable on web based requests.

c. Verbal requests. A verbal request must be followed by a signed, written request as soon as possible for all support.

d. Federal/state law. The authority to provide CD support is defined by federal law if federal funds are expended to support a mission, and by state law if state funds are used to support a mission. CD activities in support of a Federal LEA can not violate State law.

e. Arrests, searches, and seizures. The Posse Comitatus Act (18 USC § 1385) does not apply to National Guard personnel on duty under authority of Title 32. As a matter of policy, however, National Guard personnel on 32 USC § 112 CD orders will not, except for exigent circumstances or as otherwise authorized in this regulation/instruction, directly participate in the arrest of suspects, conduct searches which include direct contact of National Guard members with suspects or the general public, or become involved in the chain of custody for any evidence. State law may impose additional restrictions.

(1) Exigent circumstances are situations, in which the utilization of any step in the Rules for Use of Force (RUF) is necessary to protect police officers, military personnel, or other persons from death or serious injury. Personnel may use an appropriate level of force to prevent the loss or destruction of evidence; or to prevent the escape of a suspect already in custody.

(2) Supported LEAs are responsible for obtaining warrants required for searches or for determining the need for searches, inspections, and observations that do not require warrants. This responsibility includes the determination of any potential legal restrictions upon the use of thermal imaging or sense enhancing systems.

f. Responsibility/liability. Responsibility/liability for the actions of National Guard personnel involved in CD support activities is as follows:

(1) Federal protection for personal injury, death, or property damage caused by National Guard personnel, acting within the line of duty, in Title 32 status, is governed by the Federal Tort Claims Act (FTCA) (28 USC § 2671-2680).

(2) Responsibility and liability for actions by National Guard personnel on State Active Duty (SAD) are IAW state law. The Federal Tort Claims Act does not cover personnel in a SAD status.

(3) Responsibility and liability for loss and damage to National Guard equipment will be determined by a Report of Survey, IAW applicable regulations.

(4) Personnel on Title 32 duty in a non-pay status pursuant to written orders, when acting within the line of duty, are considered employees of the United States for purposes of the FTCA.

(5) Volunteers (military or civilian) not on orders are not employees of the United States for purposes of the FTCA or the Federal Employees Compensation Act (FECA).

g. Environmental and/or historical landmark restrictions. All operations will be conducted IAW federal and state environmental and/or historical landmark laws and regulations.

h. Mission support. The role of the National Guard in CD supply or demand reduction is to support LEAs and educational and government organizations. The CDC, and leaders at all levels, should implement internal controls to ensure that National Guard personnel perform only approved CD activities within the parameters of applicable law, regulation, and policy

i. Records retention.

(1) Organizational records of CD training, to include letters of instruction and course materials, will be maintained by the CDC for six years.

(2) Individual records of CD training, including LEO- provided certifications of training of LEO personnel, will be maintained by the CDC for six years.

(3) Regulations, policy letters, directives, and instructions issued by NGB-CD will be maintained by NGB-CD for 50 years. Regulations, policy letters, directives and instructions issued by the CDC shall be maintained by the CDC for 50 years.

(4) AARs and mission briefings will be maintained for six years..

2-2. Subpoenas and Requests for Information

a. The National Guard, and its current and former members and employees, may receive subpoenas, orders or other requests for the appearance or testimony of individuals or requests to produce, disclose or release "official

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information" regarding the Counterdrug Support Program. The state Judge Advocate General (JAG) will be immediately notified in such cases.

b. The provisions of AR 27-40 or AFI 51-301, as appropriate, are applicable when the above situations are related to "judicial proceedings" and "litigation" (as defined in those regulations).

c. The payment of travel expenses, per diem and fees, in response to subpoenas, is governed by AR 27-40 and AFI 51-301. National Guard members under subpoena who are not already serving under Counterdrug Support Program orders will be placed under orders for the period required for preparation and testimony. The CDC will maintain a copy of the subpoena or other documents. If the member is placed on, or serving under, orders by the National Guard, any payments received from the court as compensation for testifying must be forwarded to the USPFO (ARNG) or unit comptroller (ANG).

d. The provisions of AR 25-55 or Air Force Supplement 1 (AFSUP1) to DoD 5400.7-R as appropriate, are applicable when the above situations are related to producing, disclosing or releasing official information (as defined by these regulations/instructions). AR 25-55 and DoD 5400.7-R, AFSUP1, apply when federal records are released to the public.

e. Counterdrug personnel are not precluded from producing analytical products that may cause them to be subpoenaed when acting in support of law enforcement agencies pursuant to a valid, approved support request.

2-3. Special Notification Requirement

The CDC will contact the NGB Chief Counsel (NGB-JA), through the NGB J3-CD, when either of the following circumstances occurs in connection with the Counterdrug Support Program:

a. Possibility of civil liability on the part of a National Guard member, the National Guard, or volunteers.

b. Occurrence of negative judicial rulings based wholly or in part upon the conduct of National Guard members, or volunteers, including the suppression of evidence.

2-4. Tort Liability

a. The FTCA (28 USC § 2671-2680) is applicable to National Guard members engaged in CD support, serving under Title 32 orders. Individuals whose property is lost, damaged or destroyed, or who suffer personal injury or death as a result of the negligent acts or omissions of National Guard members acting within the scope of their duties, may file a claim against the United States under the FTCA. National Guard members acting within the scope of their authority and performing approved support (listed in the Governor's State Plan and approved by the SECDEF) are immune from suit except for certain constitutional torts, i.e., when a negligent act or omission constitutes a violation of the constitutional rights of the injured party, including persons suspected of criminal activity, and certain intentional torts, such as assault and battery, false arrest and imprisonment.

b. National Guard members engaged in CD support activities in a SAD status are entitled to the protections and immunities afforded by state law.

c. There is, at the present time, no protection from liability under the FTCA or coverage under the FECA for volunteers, including National Guard members not on orders or in any other recognized status. Such volunteers will not be utilized in any CD activity without their having been advised beforehand of the foregoing lack of protection from liability and coverage. All National Guard volunteers should be placed, as a minimum, on orders for retirement points only to provide them liability coverage.

2-5. Governor's State Plan

a. For the purpose of this regulation/instruction, the term "state" is inclusive of all 50 states, the Commonwealth of Puerto Rico, the United States Virgin Islands, the Territory of Guam and the District of Columbia, per 10 USC § 10001.

b. Each state will submit for review a Governor's State Plan to the National Guard Bureau, ATTN: NGB J3-CD. The Plan will be approved and signed by the governor and the state attorney general IAW 32 USC § 112(c). The District of Columbia State Plan will be approved and signed by the Commanding General, District of Columbia, and the United States Attorney for the District of Columbia.

c. The State Plan must include a certification by the governor that any activities carried out in conjunction with federal LEAs serve a state law enforcement purpose. The District of Columbia Plan must include a certification by the Commanding General, District of Columbia that any activities carried out in conjunction with federal LEAs serve a law enforcement purpose.

d. The Plan must include a certification by the state attorney general, or the United States Attorney for the District of Columbia, that the missions/activities in the plan are consistent with, and not prohibited, by state law or laws of the District of Columbia, as appropriate.

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e. Certifications and approvals by the governor, or the Commanding General, District of Columbia, and the state attorney general, or United States Attorney for the District of Columbia, cannot be waived.

f. Plans will be prepared IAW instructions published by the NGB J3-CD based on current Deputy Assistant Secretary of Defense for Counternarcotics, Counterproliferation, and Global Threats (DASD/CN, CP & GT) guidance.

g. Carriage of lethal or non-lethal weapons in support of LEAs must be annotated in the Governor's State Plan.

h. The CDC is responsible for the submission of the Governor's State Plan for CD support.

i. The Governor's State Plan will not include plans for the JNGSAP. A separate plan will be developed for the JNGSAP.

j. The CD schools of the NGCSP will submit an annual School Training Plan to NGB J3-CD IAW Chapter 11 of this regulation/instruction.

k. State Counterdrug programs managing other support activities funded through specific project funding codes will submit separate State Plans for those projects as directed through NGB J3-CD.

2-6. Waiver Request

Waiver requests for NGR 500-2/ANGI 10-801 must be submitted through the Chief, NGB J3-CD, to the CNGB for approval. All requests must contain information detailing the reason for the waiver, that it will meet applicable federal, state, and local laws, and how it will affect the program.

2-7. Authorized Missions

Only the following CD missions will be funded by the SECDEF under the authority of 32 USC § 112.

However, all CD missions included in the Governor's State Plan must be consistent with, and not prohibited by, state law. Some states may not authorize the National Guard to perform every SECDEF approved mission. It is the purpose of the certification by the state attorney general, or the United States Attorney for the District of Columbia, as appropriate, to ensure that the Governor's State Plan does not include any missions that are inconsistent with, or prohibited by, state law.

a. Mission Category #1. Program Management. Mission 1. Counterdrug Coordination, Liaison, and Management. Plan and coordinate CD support, establish liaison with supported LEAs and other community organizations, resource and manage personnel and equipment requirements for CD support operations, and prepare operational/financial reports and briefings as required.

b. Mission Category #2. Technical Support.

(1) Mission 2a. Linguist Support (Translator Support). Provide transcription/translation of audio/video tapes, seized documents, and other information media. National Guard personnel will not participate in active/real-time Title III conversation monitoring or directly participate in interrogation activities. The National Guard will not maintain or store final products in National Guard facilities or databases.

(2) Mission 2b. Investigative Case and Analyst Support. Focus on four core competencies: Link Analysis, document exploitation, commodity-financial analysis, and case construction. Other duties include: approved Criminal Analyst duties in support of drug law enforcement or counter-terrorism agencies includes the creation of graphs, charts, maps, and toll analysis of suspected individuals or organizations; assistance in the design, development, and daily maintenance of operational intelligence databases; compilation, review, and input of raw data; preparation of reports necessary for successful investigational and prosecutorial purposes; performance of necessary case research; mastery and daily utilization of analyst specific software and hardware systems; appropriate or coordinated dissemination of criminal information; and conducting strategic and tactical analysis of case information. Additional analyst duties may include, but are not limited to the establishment and conduct of liaison tasks with other analysts or relevant agencies; preparation of statistical information; development and presentation of oral and written briefings; as well as any other analytical duties deemed necessary by the supported agency.

(3) Mission 2c. Operational/Investigative Case Support. Provide assistance to LEAs in developing investigations and cases for prosecution. Activities include, but are not limited to, inputting, reviewing, and analyzing collected LEA information, and providing legal, paralegal, and auditing assistance. Operational support to LEAs is designed to enhance the effectiveness of the supported agency and release law enforcement officers for drug enforcement duties. This category of support excludes such tasks as secretarial, janitorial, or receptionist duties.

(4) Mission 2d. Communications Support. Provide personnel to establish, operate, and maintain communications stations, bases, and equipment in support of LEA CD operations and assist with CBO communications/technical issues.

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(5) Mission 2e. Engineer Support. Provide engineer support to LEAs and community organizations where the project has a counterdrug nexus. This will exclude operations concerning drug laboratories or hazardous materials. Local LEAs and governments must secure the area before arrival of National Guard personnel, take possession of any evidence or materials to be confiscated/destroyed and obtain clearances, court orders, warrants and/or permits for destruction, removal or disposal of materials or other environmental hazards/concerns.

(6) Mission 2f. Subsurface/Diver Support. Conduct subsurface inspections of commercial vessel hulls within U.S. territorial waters or U.S. maritime ports of entry (POE) through the use of sidescan sonar buoys or divers to detect alien devices or containers attached to the vessel hulls, or other underwater activities. Before the use of military qualified National Guard Diver personnel for hull inspection activities, the vessels must be secured by the responsible law enforcement officials. Divers may visually inspect and report to LEAs any unusual physical hull configurations but may not attempt entry, search, removal or alteration of features detected. Divers participating in these operations must be on dive status in approved dive positions. National Guard personnel will not dive in a permissive dive status conducting mission 2f. Permissive diving is strictly a training tool, not an operational status.

c. Mission Category #3. General Support.

(1) Mission 3a. Domestic Cannabis Suppression Operations Support. Support of LEA domestic cannabis suppression and eradication operations. This includes, but is not limited to, aerial support, logistic support, communications support, intelligence, planning support, operational staff coordination, medical support, physical security, ground transportation, eradication and destruction of contraband, and spraying of herbicides, IAW Environmental Protection Agency (EPA) regulations and state laws.

(2) Mission 3b. Transportation Support. Provide transportation and controlled deliveries (aerial, ground, or maritime) of LEA personnel/equipment, persons in LEA custody, seized property or contraband as part of ongoing time-sensitive CD operations, when security or other special circumstances reasonably necessitate National Guard support and there is a counterdrug nexus. Routine administrative aerial transportation is not permitted under this mission nor are missions that compete with private enterprise. LEA officers are responsible for the security of any evidence or persons in their custody. Provide ground transportation of youth, adults, and associated equipment and supplies for community/state demand reduction program activities.

(3) Mission 3c. Maintenance/Logistical Support. Provide maintenance/logistical support of LEA vehicles and equipment to enhance the CD effectiveness of the supported agency and release Law Enforcement Officers (LEOs) for drug enforcement duties. General maintenance/logistics support for non-CD vehicles and equipment is prohibited.

(4) Mission 3d. Cargo/Mail Inspection. Assist LEAs by inspecting cargo and mail. Primary emphasis will be placed on ports of entry (POEs) and functional equivalents. Cargo/Mail includes, but is not limited to, vehicles, containers, commercial cargo, aircraft, watercraft, baggage, and mail. National Guard personnel will not make arrests, conduct searches of individuals, seize property, or enter into the chain of evidence. LEOs must be present at inspection sites, make seizures, maintain custody of evidence, and maintain control of vehicle occupants.

d. Mission Category #4. Counterdrug-related Training and Training LEA/Military Personnel. Train military, LEAs, CBOs, educational and government institutions in subjects and skills useful in the conduct of CD operations or in the operation of military equipment used in CD operations. LEAs, CBOs, educational and government participants are responsible for associated travel and per diem expenses if not provided.

e. Mission Category #5. Reconnaissance/Observation

(1) Mission 5a. Ground Reconnaissance. Reconnoiter or perform area observation by land or water to detect and report illegal drug activities that include, but are not limited to, cultivated marijuana, suspected isolated drug trafficking airstrips, drug drop zones, drug trafficking corridors, illegal drug laboratories, suspicious aircraft, watercraft, or motor vehicles. National Guard personnel will not maintain or store gathered information in National Guard facilities or databases. Information will be reported as designated by the supported LEA. Approved categories of CD activities include, but are not limited to:

(a) Unattended Sensor Support. Personnel will support LEAs in the emplacement, monitoring, and maintenance of unattended sensors in areas where suspected drug activity is occurring.

(b) Visual reconnaissance/observation by mobile patrols and Listening Posts/Observation Posts (LPs/OPs), using binoculars, cameras, night vision devices, and infrared/thermal imagery, including Forward Looking Infrared (FLIR) or lowlight devices. A Law Enforcement Officer (LEO) must be present or in direct contact with the National Guard team.

(c) Ground Surveillance Radar (GSR). Establish and operate ground radar sites using either Army or Air GSR systems. Mission includes site security and may require transportation support.

(2) Mission 5b. Aerial Reconnaissance. Conduct reconnaissance/observation of airspace, maritime or surface areas (land and internal waterways of the US and territories) for illegal drug activities which include, but are not limited to, cultivation of marijuana or delivery of illegal drugs. Reconnaissance may be directed toward suspected

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drug trafficking airstrips/drop zones/corridors or suspicious aircraft/watercraft/motor vehicles. A LEO must be present or in direct contact for all aviation FLIR/IR sensor missions. LEOs are authorized to fly on aircraft during validated and approved missions provided the purpose is to facilitate counterdrug activities. Mission may require site security for aircraft and ground radar. Approved equipment and techniques include, but are not limited to:

- (a) Radars.
- (b) Unmanned Aerial Vehicles (UAVs).
- (c) Aerial visual techniques, including infrared/thermal imagery, and photographic reconnaissance.
- (d) Photo reconnaissance/film processing.

f. Mission Category #6. Demand Reduction Support. The Drug Demand Reduction (DDR) Support mission provides standardized, measurable and evidenced based programs that are intended to gain the commitment of our nation's youth to make healthy, safe and drug-free choices. The DDR mission also provides support to community and state based organizations with the common goal of reducing the demand for illegal drugs. The Demand Reduction Support mission has two distinctive sub-mission categories: DDR Education and Programs, and DDR Support. All DDR activities conducted under mission category #6 shall be listed in Annex A of the Governor's State Plan. All DDR activities shall clearly quantify the amounts of Pay and Allowances, and Operations and Maintenance funds that are expended on all efforts conducted under mission category #6.

(1) Mission 6a. DDR Education and Programs: This mission implements standardized, measurable and evidenced based educational programs. DDR education and programs will use standard methods to measure the desired outcomes and ensure mission fidelity. The role of DDR personnel in this mission is to increase awareness, provide guidance, and facilitate collaboration to motivate our nation's youth to be drug-free. These DDR programs will include:

- (a) Programs designed to increase awareness and motivation towards positive changes in knowledge, attitude and intent. These desired outcomes must be measured to determine mission effectiveness.
- (b) Programs designed to provide guidance and facilitate constructive changes in DDR prevention policy, procedures and practices.
- (c) Programs that motivate our nation's youth and facilitate positive changes in self esteem, increasing their abilities to make drug-free choices.

(2) Mission 6b. DDR Support: The National Guard DDR mission also supports efforts led by community-based organizations that are designed to provide rewards and incentives, alternative activities (countering) and environmental strategies to help our nation's youth make the commitment to be drug-free. These comprehensive support strategies include, but not limited to:

- (a) Facilitating collaboration and increasing the capacity, sustainability, and synergy of coalitions and partnerships.
- (b) Supporting reward and reinforcement events/activities that focus on the implementation of effective incentives, use of motivational methods, and measurement of positive changes toward drug-free behavior.
- (c) Supporting drug prevention activities that focus on the implementation of alternative activities proven to provide positive modeling and motivation which create the opportunity for drug-free experiences leading to a drug free life.
- (d) Supporting community-led efforts to develop environmental strategies that assist in changing written and unwritten community standards, codes, and attitudes, thereby reducing the demand, incidence and prevalence of illegal drug use and the illegal use of prescribed drugs in the general population.

g. Other support. Utilization of ION scanners, Mobile Vehicle and Cargo Inspection Systems (MVACIS) and like equipment in Counterdrug support to LEAs/CBOs will be IAW established policies and procedures. Reporting requirements will be IAW the current Counterdrug Information Management System (CMIS) Handbook.

2-8. Use of Counterdrug Assets for Non-Counterdrug Missions

a. CD-equipped assets, including aircraft and Light Armored Vehicles (LAVs) that are funded by 32 USC 112 appropriations are primarily intended for use in CD operations. On occasion, requests to use CD equipment and personnel for non-CD purposes will be made. Reimbursement will be IAW applicable regulations. Non-CD use is limited to situations where action is being taken in response to requests by civil authorities to save lives, prevent human suffering or mitigate great property damage AND the following criteria are present:

- (1) Equipment and/or personnel are needed to search for a lost person(s), where without this support a high probability exists that the person(s) will not survive inclement weather or other perilous circumstances/conditions.
- (2) Equipment and/or personnel are needed to search for escapees or suspected dangerous felons, who, if not quickly apprehended, will likely endanger the welfare of innocent persons.
- (3) Equipment and/or personnel are needed for support of contingency operations, operations other than war, natural disasters, Military Support to Civil Authorities (MSCA), and National Special Security Events (NSSEs).

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b. Requests must be made to the CDC by an LEA, Office of Emergency Services, or their equivalent. The CDC or the CD School Director/Commandant must request reimbursement for flying hour costs, vehicle costs, fuel costs, and personnel costs from other ARNG/ANG funding or by the agency making the request for support.

c. CDCs will verify requests and ensure that all available alternate sources of support (such as requests through Military Support to Civilian Law Enforcement Agencies (MSCLEA) in the example of escaped felons or search/rescue, or use of SAD for civil disturbances or natural disasters) are considered as possible alternatives to the use of CD assets.

d. CDCs will coordinate with supported agencies to ensure that use does not interfere with CD LEA operations except in valid life/death emergency situations.

e. CDCs may refer situations not meeting the above criteria to NGB J3-CD. NGB J3-CD will consider them on a case-by-case basis.

2-9. Agreements between the State and LEAs/CBOs (MOUs/MOAs)

a. A Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA) between the state and any supported LEA/CBO is required for CD support for more than 30 consecutive days. Agreements will be drawn IAW procedures established by the state and the LEAs/CBOs concerned, and must comply with all applicable federal/state laws and regulations/instructions.

b. The JAG or competent legal authority will review all MOUs/MOAs to ensure compliance with state law before approval by The Adjutant General or, as appropriate, the Commanding General, District of Columbia. The JAG's review may be in the form of a memorandum for record stating the MOUs/MOAs have been reviewed and comply with applicable federal/state laws and regulations.

c. The agreement must be approved and signed by the TAG, CDC, and LEA/CBO concerned before support is provided. The CDC, the CD School Director/Commandant, or a designated representative, will annually document a review of all MOUs/MOAs with the supported LEAs/CBOs to ensure they meet support requirements. If only minor changes are required, an addendum may be added to the MOU/MOA.

d. Agreements will address the following topics, as a minimum, and specify the responsibilities and obligations of both parties.

- (1) Purpose of agreement.
 - (2) Authority (i.e., regulations, statutes).
 - (3) Planned deployment of National Guard personnel and/or equipment.
 - (4) Reporting procedures.
 - (5) Command and control.
 - (6) Scope of operations.
 - (7) Force protection Rules for Use of Force.
 - (8) Public affairs support.
 - (9) Safety.
 - (10) Responsibilities, including acquisition of warrants and permits.
 - (11) Relative liabilities of parties including any hold harmless agreements. No hold harmless agreements are required in agreements between federal agencies. The Federal Government may not hold harmless a state or other jurisdiction.
 - (12) Renegotiation. Agreements must be renegotiated when laws, regulations and/or support requirements change in such a manner that the agreement cannot be executed, e.g., revocation of DoD approval for a particular mission.
 - (13) Termination of Agreement. Agreements will terminate upon such terms as the parties agree, e.g., upon 90 days notice by either party. Inclusion in the agreement of an end date is not required merely because funds are appropriated on an annual basis.
 - (14) Asset forfeiture/sharing, if applicable.
- e. MOUs/MOAs may address support in a general manner but must cover all areas of concern. If a more specific agreement is required, an operations plan with a cover memorandum may augment the MOU/MOA.

2-10. Interstate Operations/Agreements (MOUs/MOAs)

a. States that support operational CD missions within the borders of other states will, to the extent required by and IAW the laws of the involved states, establish written MOUs/MOAs between the involved states unless such agreements are already in force under existing interstate compacts.

b. At a minimum, Adjutants General, through the CDCs, will coordinate notice of the intent to conduct interstate operations before commencing such operations.

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Chapter 3 Counterdrug Support Program Operations

3-1. Support Role

The role of the National Guard in CD supply and demand reduction operations is to support LEAs and CBOs. Requests for support will be IAW paragraph 2-1.b. The CDC will ensure that prudent and reasonable safeguards are in place before performing any mission and those personnel are not placed in situations that are likely to bring them in direct contact with suspects. The CDC will also ensure that National Guard members are not knowingly sent or directed to enter into life threatening situations.

3-2. Force Protection

a. National Guard personnel at all levels will ensure that pre-operation (liaison) coordination and planning with supported LEAs and CBOs address the risk management of personnel and equipment throughout the operation by the performance of mission threat assessments. A risk assessment of potential threats to National Guard members and property will be conducted during the planning stage of all CD missions presenting a potential threat to NG personnel or equipment. DA Form 7566 (Composite Risk Management Worksheet) will be used to determine the threat level and will act as a guide in determining mission acceptance or rejection. The CDC will complete the Risk Management Worksheet and keep it on file IAW paragraph 9-7. All areas of the worksheet are required as a minimum. The worksheet may be customized for specific missions.

b. The CDC or the CD School Director/Commandant, as appropriate, is designated as the focal point for National Guard personnel assigned to CD support and will ensure the coordination of security and clear jurisdictional responsibilities between LEAs and CD mission personnel. CDCs will receive and disseminate time sensitive threat information from law enforcement agencies IAW AR 525-13, paragraph 5-16, and local policy. National Guard personnel will ensure that public affairs efforts, directed at complying with the public's right to know, do not jeopardize the safety of National Guard members and equipment by disclosure of personnel or unit identification in photographs, video recordings or printed articles.

3-3. Arming of Troops and Use of Force

a. This paragraph contains federal guidelines that cannot be broadened. Since the mission is conducted in state status, state law and rules on the use of force apply. Each state must develop rules on the use of force that are in compliance with state law on the Use of Force Continuum (see Section II Terms), and this regulation. Therefore, states will review these rules with the State Attorney General (SAG), or the United States Attorney for the District of Columbia, as appropriate, and add further restrictions as appropriate to comply with state law and/or policy.

b. The National Guard serves in a support role to law enforcement and will not be directly engaged in law enforcement duties; accordingly, Guard members will only be armed in coordination with the supported LEA and IAW the following criteria. A mission risk assessment will be conducted to identify potential threats and evaluate whether Guard personnel should be armed as a force protection issue. The risk management worksheet will act as guide in determining whether troops should be armed. Ultimately, the Adjutant General will determine whether troops will be armed. The Adjutant General's policy, to include procedures for chain of approval, delegation of authority (when applicable), and other guidance as desired, will be published in written form and made known to all CD personnel. The Adjutant General may delegate approval authority to a primary staff officer or the CDC. If approval is delegated, the CDC must either be the approving official or in the approval chain.

c. All personnel authorized to carry firearms must have received qualification training and testing with their permanently assigned, by serial number, CD weapon IAW current regulations. (See paragraphs 5-14 through 5-16).

d. Arms and ammunition will be secured at all times IAW appropriate regulations and policies.

e. Firearms will not be discharged except for training or defend to oneself or other persons in a life-threatening situation IAW the pre-established RUF. Any discharge of a weapon in a non-training situation will require the filling of an Incident Report IAW paragraph 3-14.

f. Pilots In Command (PICs) or Aircraft Commanders (ACs) of aircraft have the authority to override an order to chamber rounds while on board aircraft.

g. Possession or use of non-issued or personally owned firearms and/or ammunition during CD support operations is prohibited. National Guard personnel will not accept offers of weapons or ammunition from LEAs, except for use on LEA operated ranges for training purposes only. National Guard personnel will not provide ammunition to non-military entities. The only weapons used for CD support operations will be federally owned military weapons listed on the USPFO's property book account.

h. Federally owned military weapons will not be secured in private dwellings at anytime.

i. National Guard members may use minimum force (physical hands-on; restrain, detain, subdue) for the following purposes:

- (1) To defend themselves or other persons.
- (2) To protect property, or prevent loss/destruction of evidence.
- (3) To make arrests if they have arrest powers pursuant to state law and exigent circumstances require such action.

j. The discharge of any firearm is always considered to be deadly force.

k. National Guard members will be thoroughly briefed on the Rules for Use of Force and the policies of the agency they are supporting IAW that agency's academy or in-service defensive tactics training program before the commencement of any operation. NG personnel will comply with state laws on the use of force.

l. Personnel authorized to carry firearms will wear body armor while carrying a firearm and actively engaged in a CD mission, unless waived by the CDC, based on the mission risk assessment. The CDC, or a designee, will determine what constitutes active engagement in a CD mission. This does not apply to pilots and aircrew involved in flight operations.

3-4. ARNG Operational Ammunition

a. An ammunition account may be established to support missions within the Counterdrug Support Program, per Common Table Allowances (CTA) 50-909, paragraph 26 (18). Operational munitions are used when performing CD missions in which the bearing of arms has been approved IAW paragraph 3-3 of this regulation/instruction.

b. Operational ammunition must be secured and accounted for IAW AR 710-2, DA Pam 710-2-1, DA Pam 710-2-2 and AR 190-11.

c. The use on non-DoD procured ammunition in a federally owned weapon is prohibited.

3-5. Basis of Issue for ARNG Operational Ammunition

a. NGB J3-CD has determined that the following line item numbers (LIN) and quantities (extracted from MP operational loads, CTA 50-909, Table 62) will be the basis of issue for the CD operational load:

- | | |
|--|-------------|
| (1) C39136 9mm Ball M882 (A363) | 45 rds/wpn |
| (2) D34821 00 Buckshot M19 (A011) | 10 rds/wpn |
| (3) C35041 Ctg. 5.56 Ball M855 (A059) | 120 rds/wpn |
| (4) D34973 5.56 Ball M193 (A071) | 120 rds/wpn |
| (5) J77626 Grenade, Green Smoke (G940) | 24 ea/unit |
| (6) J79133 Grenade, Red Smoke (G950) | 24 ea/unit |

NOTE: LIN D34973 is to be used with the M16A1 rifle. LIN C35041 is to be used with the M16A2 rifle. No substitution is authorized, except as provided herein. C35041 should not be fired in the M16A1 rifle. D34973 can be fired safely and accurately in the M16A2/M16A3, but range is reduced approximately 16 percent, and penetration is also reduced.

b. The number and type of weapons used for computing the operational load will be limited to that necessary to conduct authorized operations.

3-6. Rules of Evidence and Chain of Custody

Rules of evidence in civilian and military courts generally provide that physical objects cannot be accepted into evidence unless a chain of custody can be established. This is especially true for items subject to adulteration such as drugs. To ensure admissibility of such evidence, only LEOs should seize, handle, and/or maintain custody of items that may be considered as evidence, except in exigent circumstances.

3-7. Operational Briefings

In addition to initial training and annual refresher training in Counterdrug Support Program doctrine, Soldiers and Airmen in support of LEAs will be given additional briefings when the nature of operations indicates that reinforcement is advisable. Special briefings on force protection, security, use of force, chain of custody, and/or other basic program provisions outlined in this regulation/instruction may be advisable when contact with suspects seems probable, when conducting multijurisdictional operations, when performing air operations with new personnel, or when conducting operations involving motor convoys, new terrain or contact with civilians. CDCs and supervisors will determine when such additional briefings are appropriate. CDCs and supervisors will document all briefings.

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3-8. Operations Security (OPSEC)

Supply reduction support operations will follow OPSEC procedures of AR 530-1 and DoD 5400.7-R, AFSUP1. OPSEC briefings will be administered as part of operations briefings, where appropriate or separately as required.

3-9. Physical Security

The CDC or the CD School Director/Commandant, or their representative, will ensure that all physical security protective measures and appropriate risk assessments of all National Guard CD controlled offices and/or work areas are conducted LAW AR 190-11, AR 190-13, AR 190-51, and/or AFI 31-101V1, as applicable.

3-10. Communications Security (COMSEC)

Policies and procedures outlined in AR 380-19 and/or AFI 14-201 and AFI 33-211 will be followed to ensure protection of confidential information in information management systems and to determine appropriate methods for transmission or reception of voice and hard copy information.

3-11. Protective Markings

Mark CD plans, operations plans/orders, MOUs/MOAs, school training records, course files, and other sensitive documents, "FOR OFFICIAL USE ONLY," IAW AR 25-55, Chapter 4, and DoD 5400.7-R, AFSUP1. Refer to regulation/instruction for the proper marking of "FOR OFFICIAL USE ONLY" (FOUO) documents. Mark FOUO material sent to authorized persons outside the DoD with the following explanation typed or stamped on the document: This document contains information EXEMPT FROM MANDATORY DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT (FOIA). Exemptions (b)(5), (b)(7)(F), and Title 5 USC § 552(b)(5) and (b)(7)(F). Further distribution is prohibited without the approval of the Office of Primary Responsibility (OPR). The OPR is the office within the state holding ownership of the documents so marked.

3-12. Handling of Sensitive/Law Enforcement Information

- a. Sensitive LEA materials will be treated as classified material protected to the FOUO level IAW Chairman, Joint Chiefs of Staff Manual (CJCSM) 3701.01A and Joint Pub 3-07.4.
- b. There are other types of information that require application of controls and protective measures for a variety of reasons. IAW DoD 5200.1-R (Information Security Program), this information is known as "controlled unclassified information." Since classified information and controlled unclassified information exist side by side in the work environment, often in the same document, AR 380-5 should be reviewed for guidance. To release FOUO information to members of Congress, consult DoD 5400.4, and to the General Accounting Office use DoD 7650.1.
- c. With regard to a student attending a NGCSP CD school and upon written request from an authorized official of the student's agency, the CD School Director/Commandant of the particular CD school will only release individual student information to the student's assigned agency. If student information is requested by court order/subpoena, it shall not be released until reviewed and approved by the state judge advocate. Students may voluntarily participate in the creation and distribution of a student contact list.
- d. The CD School Director/Commandant is the releasing authority for instructional material that is the property of a NGCSP CD school.

3-13. Intelligence Oversight (IO)

- a. References.
 - (1) DoD 5200.1PH
 - (2) DoD 5200.1R
 - (3) DoD 5200.27
 - (4) AR 380-13
 - (5) AR 381-10
 - (6) AFI 14-104
 - (7) NGR 20-10/ANGI 14-101
- b. General
 - (1) The National Guard does not conduct Intelligence activities of its own in Counterdrug Support Program missions. National Guard members support the criminal information analysis activities of LEAs. Criminal information comes into temporary possession of National Guard members supporting LEAs but is not retained by the National Guard.
 - (2) NGR 20-10/ANGI 14-101 provides guidance to National Guard Inspectors General in implementing oversight of intelligence activities. These two publications may aid CDCs in complying with requirements, since they describe procedures used by Inspectors General in reviewing counterdrug activities.

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c. Requirements

(1) National Guard Counterdrug Programs are not required to have formal intelligence oversight programs unless they have specifically requested Military Intelligence Support. They then must follow the procedures outlined in AR 381-10/AFI 14-104.

(2) Intelligence oversight training will be included in doctrinal training given to each member at initial entry, and repeated annually for all personnel. CDCs will ensure that members performing duty such as Missions 2a (Linguist Support), 2b (Investigative Case and Analyst Support) and various operations of Mission Category 5 (including Thermal Imagery in Mission 5b, Aerial Reconnaissance), receive such additional and specialized training as may be appropriate.

(3) CDCs will coordinate with LEAs to ensure that support of intelligence operations is conducted in accordance with applicable directives and in the support role intended by Counterdrug Support Program policy. This will require periodic monitoring of the daily routines and actual duties performed by National Guard members.

d. Documentation

(1) Training records will include documentation of Intelligence Oversight training, to include briefing content used and rosters or statements confirming attendance.

(2) When Intelligence Oversight training is conducted by other than the CDC staff, copies of documentation described in b., above, will be obtained for Counterdrug Support Program files.

3-14. Special Notification Requirements

a. The CDC, the CD School Director/Commandant, or their representative must notify NGB J3-CD when any of the following occurs in a CD operation:

(1) Loss of life or serious injury.

(2) Loss of, or substantial damage to government or private property; this includes loss of a government weapon, ammunition, or secure communication device.

(3) "Exigent circumstance" situation in which any step beyond verbal commands in the RUF is used.

b. This requirement is in addition to reports required by other federal or state regulations/policies.

c. When CD personnel prepare reports IAW AR 190-40 or AFI 10-206, the CDC or the CD School Director/Commandant, or their representative, as appropriate, will notify the Army and Air National Guard Command Posts and NGB J3-CD. If NGB J3-CD is notified of a serious incident directly from a state, this information will be coordinated with the Army and Air National Guard Command Posts immediately by the person receiving the report.

d. Initial reporting will be by telephone call, facsimile message, or electronic mail. A written report will follow if requested by NGB J3-CD. All reporting will be processed through the NGB J3-CD Regional Coordinator or the Training Officer up to the Chief, NGB J3-CD.

3-15. Aviation Counterdrug Mission Support

a. Mission. The National Guard CD Program supports LEA CD operations consistent with law, OSD directives, and regulations. All aviation support provided to LEAs is considered operational. General mission categories are in the respective State CD plan. Aviation support typically falls within mission categories 3, 5, and 6. Both Army and Air National Guard provide aviation assets for missions. LEA "controlled delivery" requests are processed through the NGB J3 Operations Center on a case by case basis.

(1) Approval Process. This is a five step process involving receipt, validation, acceptance, prioritization and execution. A CD mission request from a LEA must be received, validated and prioritized by the respective State's CDC. The CDC validates that the requested mission is consistent with one of the approved mission categories noted in the approved Governors' State Plan for National Guard Counterdrug Support. Once validated, the CDC may accept the mission and establish the priority of the mission within the overall National and /or State counterdrug strategies. Mission execution is coordinated by either the Army or Air National Guard units through the SAAO or the ANG flying unit commander, respectively. Figure (3-1) depicts the mission approval process.

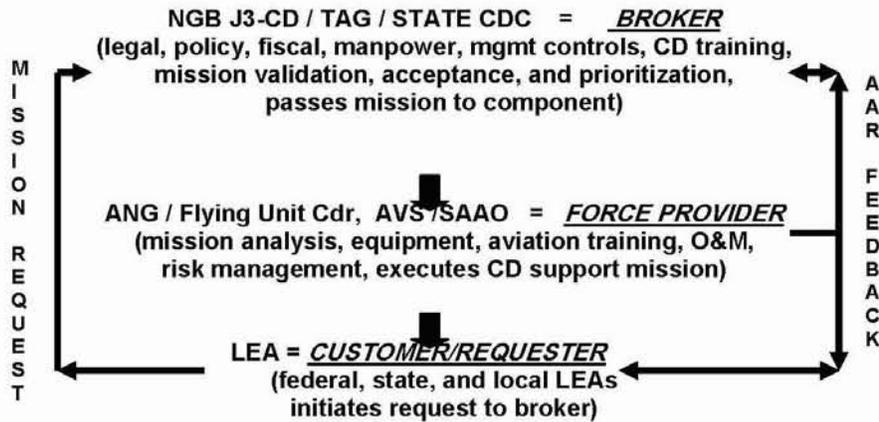


Figure 3-1 Counterdrug Mission Approval Construct / Process

(2) Mission After Action Reports (AARs). AARs will be maintained in the counterdrug mission folders for six years consistent with paragraph 2-1i.

b. Operations

(1) Mission Briefing, preflight planning and briefings shall comply with the requirements of AR 95-1 or AFI 11-202. See para 3-7 for other considerations relating to CD missions.

(2) Counterdrug unique mission briefing requirements are contained in either the NG Supplement 1 to AR 95-1 or appropriate ANG regulations.

(3) PIC / Aircraft Commander (AC). Pilots who are FTNGDCD shall serve as the PIC or AC during all aviation support to LEA CD operations. Pilots augmenting seasonal operational support may act as the PIC or AC provided they have completed training noted in para 3-15 c (1) below.

(4) LEA personnel: Under Section 1004 (b) (3), National Defense Act for Fiscal Year 1991 federal, state, and local law enforcement personnel are authorized transport on DoD aircraft when it is for the purposes of facilitating counterdrug activities.

c. Training

(1) Pilot training (general). Aviation training is the responsibility of the SAAO/aviation unit commander or the ANG flying unit commander. CD unique doctrinal training is the responsibility of the CDC.

(a) Initial pilot qualification in rotary or fixed wing aircraft shall be conducted under the authority of NGB-AVS or appropriate ANG proponent.

(b) CD doctrinal training listed in para 5-5 of this regulation must be completed before serving as a PIC or AC IAW 3-15 b (4) above. Beginning in FY 2010 ARNG FTNGDCD pilots performing PIC duties hired after FY 2006 must complete advanced CD doctrinal training conducted by a regional school.

(c) Counterdrug pilot training in thermography noted in para 5-12 is required, as is FLIR/IR sensory mission equipment factory schools.

(d) It is highly recommended that ARNG pilots attend aircraft power management training at the High Altitude Mountain Training Site.

(2) LEA personnel training. The CDC is responsible for validating all LEA training requirements for which ARNG or ANG personnel, equipment, or resources are required. The SAAO/aviation unit commander or the respective flying unit commander is responsible for providing LEA aviation unique training. As a minimum, a detailed passenger briefing IAW appropriate aircraft operator's manuals or Aircrew Training Manual (ATM) is required. For LEA personnel that participate in CD aviation missions as an observer, familiarization training noted below must have been completed before flight. Refresher training will be conducted annually. Familiarization

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flights should be one hour in length and conducted in conjunction with academic training. In that LEA training is a CD operational mission actual flight must be conducted by a FTNGDCD pilot. Records of LEA personnel training shall be maintained by the CDC and readily available to the SAAO or flying unit commander and flight operations personnel.

- (a) Recognition of hazards to safe aircraft operations
- (b) Aircrew coordination considerations
- (c) Internal aircraft communications systems
- (d) Aircraft safety and emergency considerations
- (e) Night flight, visual illusions, light conservation

(3) Aerial Observer/Marijuana Training for LEAs. LEA personnel shall be instructed in the aerial observation and reconnaissance techniques noted in FM 3-04.119. Records of such training shall be maintained by the CDC and SAAO consistent with paragraph 2-1 i. The SAAO is responsible for the conduct of aviation unique training that must be requested by an LEA through the CDC.

d. Risk Management. Risk management must be an integral part of the mission approval process. The safety of flight crews, ground, and supported LEA personnel must be fully considered at every step. The LEA (Customer), CDC (mission proponent), and Aviation (force provider) must work collaboratively and with a unity of purpose to ensure all risks (hazards) are identified, assessed, countermeasures are developed, controls are implemented, and then supervised and evaluated. Because of the liability and crew risk, the risks noted below may require special emphasis:

- (1) Landing zone clearance (both authority to use and hazards)
- (2) Clearing areas of potentially hostile persons before landings.
- (3) Hazards to National Guard, LEA, and civilian personnel during air and potential ground operations.
- (4) Known and suspected hostile personnel actions.
- (5) Aircraft and the security of passenger and crews.
- (6) Crew, observer, and passenger briefings that may be unique to LEA support operations.
- (7) Aircraft safe operating distance from known or suspected hostile areas.

e. Logistics.

(1) FHP. Beginning with FY 2009 planning processes the Governor's State Plan for counterdrug must contain an estimated flying hour requirement for counterdrug operational support. The estimate must reflect aircraft mission, design, and series (example: CH-47D, C-130, UH-72, etc.) and project the expected obligation plan on a quarterly basis. The Annual NGB J3- CD State Planning Guidance for FY 2009 will detail the FHP requirements format to be used for ARNG and ANG CD support. The ARNG will sustain the average historical flying hour operational support provided by the former RAID detachments with the UH-72.

(2) FHP Resourcing.

(a) FHP Requirements. NGB J3-CD will determine flying hour requirements from the Governor's State CD Plans and provide those requirements to either the NGB-AVS or ANG/A3 for incorporation in the annual FHP program guidance.

(b) OPTEMPO funding is currently issued through the respective services and is managed by either NGB-AVS or ANG/A3. Authority for and accountability of CD FHP operational support OPTEMO hours is the responsibility of NGB J3-CD.

(c) The State CDC and SAAO and/or ANG flying unit commander must coordinate the FHP requirements in the annual State CD Plan before submission for approval.

(d) FHP execution reports. See paragraph f below.

(3) CD flying hours allocated for will be used only for:

- (a) Counterdrug support missions.
- (b) Essential transportation for planning counterdrug operations
- (c) Training personnel (aircrews and LEAs) for counterdrug operations
- (d) Emergency situations that necessitate the use of CD procured aircraft systems

f. Evaluation and Reporting Requirements.

(1) National Guard Bureau CD Program Evaluation (CPE). The CPE is an evaluation conducted by the NGB J3-CD office to ensure compliance with 32 USC §112 and AR 11-2. Each state is evaluated on a forty-two month cycle. State CDCs are required to complete a self assessment every year and provide a copy to NGB J3-CD Regional Coordinator and the CPE Coordinator. The CPE schedule is published annually and is made available to all State CDCs. CD aviation operations and safety are part of the CPE and have specific checklists. The CPE aviation functional area checklist considers other evaluations such as DES and the FORSCOM Aviation Resource Management Survey (ARMS) to avoid inspection redundancy.

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(2) CD Management Information System (CMIS). Requirements for CMIS reports are noted in Chapter 9 of this regulation and the CMIS Operational Manual. CMIS serves as the primary management control system for the CD Program. Monthly FHP reporting dates in CMIS will coincide with the DA 1352 or the ANG monthly flying hour reporting periods. SAAOs will ensure missions flown and flying hours executed are reported to the CDC for inclusion in cyclic CMIS reporting.

(3) OPTEMPO Reports. OSD requires quarterly and annual OPTEMPO reports on planned and executed flying hours for CD operation support. Each state must submit this OPTEMPO report in the format contained in the Annual CD Planning Guidance Memorandum beginning in FY 2009. Quarterly reports will be due the 20th of the month following the end of each fiscal quarter (December, March, June, September). Quarterly FHP reporting dates will coincide with the DA 1352 (Army Aircraft Inventory, Status, and Flying Time Report) or the ANG monthly flying hour reporting periods.

g. Memorandum of Agreement (MOA). The CDC and SAAO or ANG flying unit commander shall develop a MOA that articulates the staff and/or command relationships/functions in the following areas and responsibilities that are consistent with 1-4f above. A sample MOA is included at appendix B.

(1) FTNGDCD personnel management. The CDC must be the rating chain of all FTNGD-CD personnel and be responsible for all personnel employment (hiring and dismissal) actions.

(2) FHP and OPTEMPO funds planning, programming an execution accounting to include coordination of the annual Governor's State DCD plan development.

(3) Flight training and Standardization responsibilities.

(4) Use of CD personnel in non-CD missions and training.

(5) Coordination and cooperation in operational and safety inspections

(6) Ground and aviation mishap responsibilities and reporting

(7) Chain of Command

(8) Use and status of traditional ARNG or ANG personnel to perform CD mission.

(9) Appointment of the CD aviation operations officer for either the ARNG or ANG CD operations

(10) Operational Security (OPSEC)

(11) Public Information releases

(12) Other functions that may be determined by internal State command and staff management.

(13) Aviation school quotas

h. Manning. The full-time structure of a State's FTNGD-CD is determined by the CDC. Manning recommendations for CDAAV are established based on minimum CD Aviation mission support requirements, and are not intended to reduce higher existing manning levels in cases where that situation exists. Optimal CD Aviation manning requirements are dependent upon unique state circumstances such as operations tempo, geography, stationing, and other factors. CD aviation operations must be manned accordingly to ensure timely, adequate, and safe operations that are resourced to fully execute support requirements and flying hour programs. The recommended minimum manning requirements are:

(1) Minimum of one CD Aviator on FTNGD-CD orders annually for each 250 flying hours per the State Plan.

(2) Minimum one MOS qualified crew chief (CE) on FTNGD-CD orders annually for each 500 flying hours per the State Plan.

(3) Minimum of one qualified Technical Inspector (TI) on FTNGD-CD orders annually qualified in an appropriate aircraft.

3-16. Light Armored Vehicle (LAV) Program

a. The primary role of the LAV is to support LEA supply interdiction operations and to support CBO demand reduction operations. IAW paragraph 2-8, the secondary role of the LAV is support to contingency operations such as natural disasters, Weapons of Mass Destruction (WMD) incidents, and Antiterrorism /Force Protection (AT/FP requirements). In the event of a verifiable threat or an actual event related to these operations, and with TAG's approval, the secondary role will take priority over CD operations. The Adjutant General designates responsibility for WMD and AT/FP operations to a member of the Joint Forces Headquarters (JFHQ) staff. In the event of a WMD/AT/FP requirement for the LAV, the CDC will transfer operational control of the LAV and its crew to the designee. The CDC must request reimbursement for associated costs from other ARNG/ANG funding or the agency to which the support is provided. The requirement for reimbursement of CD personnel costs is waived if the LAV crew operates the LAV in a funded status other than under the authority of 32 USC § 112.

b. NGB J3-CD is the Office of Primary Responsibility (OPR) for National Guard LAV utilization. The NGB J3-CD Program Manager (PM) will provide overall program oversight functions to include, but not be limited to: training, operations, maintenance, budget, and future program expansion. All LAV operations must be IAW this

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regulation/instruction and local, state, and federal statutes. The NGB J3-CD PM should be contacted for assistance and/or clarification with regards to operations/actions not addressed in this regulation.

c. The LAV assigned to a state will be added to that state's JFHQ Table of Distribution and Allowances (TDA). The TAG maintains control of the LAV assigned to the state CD program through the CDC. Delegation of authority to the CDC includes mission validation and approval authority, as well as supervisory authority over the personnel assigned to operate the system. The CDC is responsible for all program management requirements and for coordinating with the NGB J3-CD PM for driver training, depot level maintenance, calibration, or other specialized service requirements.

d. States with a LAV will develop a State Annex to include CD support operations, and contingency operations, addressing, at a minimum, the following items:

- (1) Command and Control Guidance.
- (2) Force Protection and Use of Force.
- (3) Public Affairs guidance.
- (4) Safety.
- (5) Reporting procedures.
- (6) Responsibilities regarding acquisition and maintenance of licenses and permits.
- (7) Relative liability of parties.
- (8) Training guidance.

e. The LAV, although assigned primarily to specific states, may be requested to support interstate operations on a regional basis. When LAV support is required, a written request will be made from TAG to TAG and a copy of the request will be forwarded to, and acknowledged by, NGB J3-CD. The LAV operators will transport the LAV to, and operate the equipment in, the requesting state. Interstate operations will be IAW an agreement between the participating states as required by the laws of the participating states.

f. LAV Operations

(1) CD LAV operations will be conducted IAW the NGB J3-CD LAV SOP, the local annex, and this regulation/instruction.

(2) All LAV operators are responsible for operating the equipment within its capabilities and the scope of mission employment.

(3) All LAV operators must be properly trained on the LAV and possess a valid LAV operator's license.

g. Reporting Procedures. All CD missions, resource expenditures, and mission results supported by the LAV will be reported through CMIS.

3-17. Counterdrug Program Evaluations

a. NGB J3-CD will periodically send several personnel to conduct a Counterdrug Program Evaluation (CPE) of the state, or as appropriate, NGCSP, compliance with laws, regulations, instructions, management controls, and NGB Counterdrug Support Program policies. The evaluation team will assist the states and NGCSP in achieving and maintaining compliance. They will provide the NGB J3-CD and state leadership with insight and information to familiarize their staff with the successes, issues, problems, and perspectives of state and/or school CD personnel.

b. NGB J3-CD will develop an annual evaluation schedule based upon recommendations from the NGB J3-CD staff. Priority will be given to states/schools not evaluated within 42 months, states/schools where problems may exist, and states/schools with a new CDC or Director/Commandant. Evaluations will be approximately three days in length except when the size of the program or traveling time dictates an extended stay.

c. NGB J3-CD will send a final report, identifying the results, to the CDC or NGCSP/Commandant through the Adjutant General. It will include areas of non-compliance, corrective actions required, remarks, commendations, and recommendations for each applicable section of the CPE checklist. NGB J3-CD requires the CDC or the NGCSP Director/Commandant to respond concerning intended corrective actions to all non-compliant items within 30 days of receipt of the final report.

d. The CDC or the NGCSP Director/Commandant will conduct an annual self-assessment of their program using the current CPE Checklist. Short-falls and the Courses of Action(s) (COAs) necessary to be compliant must be submitted to NGB J3-CD utilizing the DA Form 11-2-R (Management Control Evaluation Certification Statement).

e. Although evaluations endeavor to ensure compliance with all applicable rules and regulations, the Regional Coordinator or the Training Officer is the primary specialist for providing support and guidance concerning normal business.

3-18. Public Affairs

a. Information about National Guard Counterdrug Support is subject to the following provisions:

- (1) DoD 5122.5

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- (2) AFI 35-101
- (3) AR 360-1
- (4) AR 360-5
- (5) NGB Pam 360-5/ANGP 35-1
- (6) DoD 5410.18
- (7) DoDD5410.19
- (8) NGB-J3 Counterdrug Standard Operating Procedures for Public Affairs

b. Public Information Principles. It is the National Guard Counterdrug Programs' objective to keep the public fully informed of its unclassified activities. In meeting this objective, the following principles apply:

(1) National Guard Counterdrug Programs should provide unclassified information about the National Guard and its activities to the public. Prompt and maximum disclosure of information is required by the Department of Defense. Propaganda has no place in DoD Public Affairs programs.

(2) All National Guard Counterdrug officials will avoid public discussion of matters which are the responsibility of other governmental agencies, LEAs and CBOs (e.g., let law enforcement discuss their own roles in counterdrug operations). Counterdrug personnel should only discuss their subject matter expertise and work with their state Public Affairs Officer when releasing information to the public.

(3) Information classified in the interest of national security pursuant to DoD Directive 5200.1-R will not be disclosed.

(4) Information will not be classified or otherwise withheld to protect the government from criticism or embarrassment.

(5) Avoid requiring journalists to submit Freedom of Information Act (FOIA) requests to obtain information that is releasable according to the Act. Unnecessary FOIA requirements only add delay to the process and often are counterproductive to the practice of effective public affairs programs.

c. Responsibilities. The Chief of the National Guard Bureau is the release authority for all media activities and issues that have national or international implications. The senior commander is responsible for releasing information to the public. The PAO must clear and release information at the state level in compliance with the Secretary of Defense's principles of public information and "full disclosure/minimum delay" standards; assuring rapid, accurate and continuous flow of information to the public. The State PAO or their designated representative is the release authority for all National Guard Counterdrug Programs' articles, press releases, photographs and other published items.

d. Purpose of Media Relations. Media relations is one of the primary means for achieving the Public Affairs core competencies of Soldiers and Airmen morale and readiness, public trust and support and global influence and deterrence. National Guard Counterdrug Media relations programs are used to link Soldiers and Airmen and their leaders, link the military to the community and inform American audiences about Counterdrug capabilities. Articles and information released to the public may be done through the state PAO or Chief, Command Information at NGB. Info copy the NGB J3-CD Multimedia Section Chief.

e. Travel Aboard Military Carriers. NGB PAM 360-5 outlines procedures for travel aboard National Guard military carriers (both aviation and ground assets) by civilians to include but not limited to news media, state and federal legislators, and civic leaders.

(1) State PAOs are required to coordinate travel requests with NGB Public Affairs for all non-local travel and all news media representatives. Allow sufficient amount of time for the coordination process, using NGB PAM 360-5 for guidance.

(2) Counterdrug Programs requesting news media travel should coordinate all logistics between the state CDC, CD school director/commandant, as appropriate, the LEA/CBO and the state PAO, before the state PAO coordinates with NGB-PA.

f. Public Announcements of National Guard Counterdrug Participation in all Counterdrug Missions. National Guard Counterdrug Soldiers and Airmen are deployed to support real-world operations, both domestically and abroad in addition to their daily counterdrug responsibilities. Respond to queries IAW the appropriate Public Affairs Guidance (PAG), the following general guidelines should be followed:

(1) Operational security (OPSEC) and troop safety should always be observed. Counterdrug Programs may comment on involvement in Counterdrug operations and/or traditional Guard requirements after coordination through their state PAO. Counterdrug spokesman may confirm what is readily observable, but common sense, OPSEC and the exercise of sound judgment are the ultimate determinant factors.

(2) Topics that may be discussed include authorized, not actual, troop strength, types of equipment and authorized, not actual, numbers of equipment on hand, Counterdrug Program state and national histories, missions, capabilities and chain of command information. (The Privacy Act of 1974, 5 USC §552a may apply. See appendix D of NGB Pam 360-5, AR 360-1 appendix K, or AFI 35-101 paragraph 6-4 for further guidance.) Counterdrug

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spokespersons should not discuss specific mission(s), dates, times, destination(s) or any other aspect beyond their current operations without regard to OPSEC.

(3) At CDC's discretion, PAOs may provide media with photo opportunities of Counterdrug missions such as Drug Demand Reduction events. When dealing with members of the press, personnel should be open, honest and forthright. CDCs are encouraged, when possible and practical, to allow news media opportunities to cover DDR and other Counterdrug activities within the confines of OPSEC and COMSEC.

(4) Allow common sense and operational security to guide media activities. For example, PAOs, CDCs and staffs should allow the media access to information, troops, leaders, and facilities consistent with OPSEC.

(5) CDCs are authorized to support efforts that demonstrate to the public, through the media, the United States' resolve and capabilities.

(6) Freedom of Information Act (FOIA) and Privacy Act. Federal statute, DoD and National Guard policy requires prompt and accurate disclosure of information to the public. The FOIA (Title 5, United States Code, Section 552) explained in AFI 37-131, and the Privacy Act of 1974 FOIA (Title 5, United States Code, Section 552a), AFI 37-132, are important to public affairs. The FOIA directs maximum release of information. This means full disclosure, subject to lawful exemptions, including the Privacy Act.

(7) The Privacy Act was designed to protect individuals. It often prevents the military from disclosing information to the news media even though an individual may have already chosen to voluntarily discuss Privacy Act matters.

(8) The Privacy Act, and the privacy exemption of the FOIA, do not protect the personal privacy of deceased persons. Records about the deceased, however, may be withheld under FOIA or the Privacy Act to protect the privacy of living relatives and associates if the records contain private, personal information about the family or other background of person still living. Use good judgment.

3-19. Uniforms

CDCs and the NGCSP Director/Commandant, as appropriate, will ensure that National Guard CD personnel wear the appropriate military uniform while on duty. Exceptions must be approved by the CDC, NGCSP Director/Commandant, or a designated representative. Exceptions will be based on operational security issues that might place CD personnel in a hostile environment or compromise undercover LEA missions. National Guard CD personnel will not wear apparel that could potentially misrepresent them as LEAs.

3-20. Websites

a. All National Guard CD websites must post a disclaimer statement. Suggested language for the disclaimer statement is as follows: The pages within this World Wide Web site are provided by the "State" National Guard Counterdrug Program as a service to the public. They do not necessarily reflect the views or opinions of the "State" National Guard and are not guaranteed to be correct, complete, or up to date. Some links within the site may lead to other sites. The "State" National Guard Counterdrug Program website does not incorporate any materials appearing in such linked sites by reference, nor does the "State" National Guard Counterdrug Program necessarily sponsor, endorse, or otherwise approve of such linked material.

b. All National Guard CD websites must post a security notice. Suggested language for the security notice is as follows: The Chief, National Guard Bureau Counterdrug Office, provides the Counterdrug Office Website as a public service. Information presented on the NGB J3-CD Website is considered public information and may be distributed or copied for non-commercial purposes. Use of appropriate byline/photo/image credits is requested. This government computer system uses software programs to create summary statistics, which are used for website planning and maintenance, determining technical design specifications, and analyzing system performance. For security purposes, and to ensure that this service remains available to all users, this government computer system employs software programs to monitor network traffic, to identify unauthorized attempts to upload or change information, to cause damage, or to deny service to authorized users. Except for authorized law enforcement investigations, no other attempts are made to identify individual users or their usage habits. Server logs are scheduled for regular destruction IAW National Archives and Records Administration General Schedule 20. Unauthorized attempts to upload information or change information on this service are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and the National Information Infrastructure Protection Act.

3-21. Secret Internet Protocol Router Network (SIPRNET) Initiative

a. References.

- (1) Titles 10, 18, 32, and 50, United States Code
- (2) Executive Order 12958

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b. General.

(1) An initiative to install SIPRNET capable computers at each High Intensity Drug Trafficking Area (HIDTA) Intelligence/Information Support Center (ISC) was established by the Office of the Deputy Secretary of Defense for Counternarcotics (ODASD-CN), the Defense Information Systems Agency (DISA), the Office of the National Drug Control Policy (ONDCP), and the National Guard Bureau Counterdrug Division (NGB-J3/CD).

(2) The terminals with SIPRNET connectivity for the Antidrug Network (ADNET) will provide the HIDTAs the ability to share command, control, intelligence, and interdiction capabilities. They will also allow the HIDTAs to participate effectively in national security operations with DoD and other federal agencies.

(3) The initiative further responds to the statutory requirement (Public Law 101-189) that the SECDEF shall integrate into an effective network that is dedicated (in whole or in part) to the interdiction of illegal drugs.

c. Requirements

(1) The minimum clearance required to manage and work at the terminals is SECRET. Personnel with already established clearances will be used to perform this duty. Non-cleared NG or LEA personnel will not be allowed to access SIPRNET terminals. In most cases, guardsmen within the HIDTA Intel Cells have already been cleared by LEAs to accomplish their Intelligence/Information duties. LEA personnel would require authorization from the certifying entity prior to accessing the terminals.

(2) Terminals located in facilities controlled by the Federal Bureau of Investigation (FBI) will require a TOP SECRET clearance.

(3) ONDCP requires that at least three NG personnel be assigned to support the HIDTA.

(4) CDCs are required to coordinate with other staffs of the state NG to ensure their support of the initiative. As a minimum, this would include the J2, J6, COMSEC Custodian, and Physical Security Manager.

(5) CDCs are required to budget for personnel TDY costs (travel, per diem, and incidentals) required to maintain enough individuals trained on the use of these terminals.

d. Duties. Initial requirements are that NG CD personnel perform the following tasks:

(1) Guard personnel assigned to HIDTA ISCs will manage SIPRNET terminals by maintaining Access Control Lists (ACLs) to ensure that NG and other U.S. cleared personnel can gain full access to all information, protocols, and system services necessary to perform the mission.

(2) National Guard personnel at each site will coordinate with the HIDTA Director to identify an existing crypto custodian or to formally train a new custodian for each site.

(3) Each NG SIPRNET HIDTA site will control individual system access to the network by identifying authorized U.S. users with secret or higher clearances.

Chapter 4**Safety and Accident Prevention****4-1. General**

a. The safety of National Guard CD personnel is the primary concern of the CD staff and will be emphasized in planning and during all operations. Accident prevention in CD activities is based upon the philosophy that accidents can be prevented. Accident prevention is everyone's responsibility and an inherent function of leadership. CDCs and the NGCSP Director/Commandant will ensure that safety baselines are incorporated throughout the Counterdrug Standing Operations Procedures (SOP), and that the SOP incorporated the use of risk management tools for all missions. The CDC, the NGCSP Director/Commandant, or their representative, will ensure establishment of a Safety Program customized to local needs and circumstances. All CD personnel will be informed of the responsibilities, instructions, goals, and methods outlined therein. The SOP will conform to DoD, Army, Air Force and National Guard regulations/instructions and state policies/procedures.

b. The successful accomplishment of all CD support missions and activities with the minimum of risk will be the main thrust of the program. The safety goals of the Counterdrug Support Program are:

(1) To enhance the total CD mission effectiveness by eliminating/minimizing risks.

(2) To provide a safe and healthy environment for all CD personnel and others exposed to CD activities at all times.

c. The safety goals will be achieved through the following safety program objectives:

(1) Preventing injuries on or off duty.

(2) Detecting and eliminating the causes of accidents.

(3) Identifying and controlling risks.

(4) Complying with all federal, state, and local safety/environmental requirements.

4-2. Air National Guard Mishap Prevention Program

a. This program, as described in DoD Instruction (DoDI) 6055.1 (AFI 91-202 and AFI 91-202/ANGSUP), complies with the intent of this regulation/instruction. ANG units will continue to abide by established ANG directives and procedures when conducting CD operations, with the exception that reporting procedures will be amended to include the CDC as an information copy addressee on all CD-related matters. The Counterdrug Safety Officer will coordinate with each ANG unit Chief of Safety to ensure the CD SOP and related directives do not conflict with the ANG Mishap Prevention Program. Published ANG directives and procedures take precedence for ANG units.

b. See also AFI 91-301/ANGSUP 1 AFI 91-204/ANGSUP 1, and AFI 91-213.

4-3. Responsibilities

a. CD accident prevention and reporting is everyone's responsibility. Policies, objectives, and standards must be established, supported by the CDC or NGCS Director/Commandant, and understood by everyone to ensure effective accident prevention.

b. The CDC and the NGCS Director/Commandant, as appropriate, have the overall responsibility for the health, welfare, and safety of CD personnel and therefore the state CD accident prevention program. Special attention will be given to all aspects of CD Program. Careful consideration of the unique requirements of each state (i.e., weather, geography, legal matters, etc.) should be considered. The CDC or the NGCSP Director/Commandant, as appropriate, will coordinate with appropriate safety and environmental officers/agencies to ensure that the SOP conforms to legal and regulatory requirements. The CDC or the NGCS Director/Commandant, as appropriate, will ensure that:

(1) A Counterdrug Safety Officer and NCO are appointed on orders and trained. Training provided through the NGB J3-CD Safety Course. Additional safety training and personnel may be required, especially in cases of remote duty locations.

(2) Risk assessments are conducted to ensure that the appropriate controls are utilized, that assignments are within personnel and equipment capabilities and that the most appropriate assets, consistent with operational success and safety goals, are utilized IAW FM 100-14. DA Form 7566 will be used to mitigate risk factors.

(3) Risk management principles and standardized procedures are followed for all operations regardless of mission urgency.

(4) A risk assessment is completed for all missions. Mission briefings will include the controls that will be utilized to reduce identified mission risks. An annual risk assessment is sufficient for operations that continue year round in one location with relatively stable routines. When circumstances change and new risk factors are present, new assessments will be prepared.

(5) All risk assessments made are filed in the related operations record.

(6) Safety principles/procedures will be integrated into CD Program SOPs, Operations Orders (OPORDs), Operation Plans (OPLANS), and other directives. Topics to address will include, but are not limited to:

- (a) Safety issues relevant to particular mission categories
- (b) Risk management procedures
- (c) Pre-operation and post-operation briefings
- (d) Training and operation rehearsals
- (e) Safety council
- (f) Lessons learned
- (g) Air/ground accident prevention plans
- (h) Medical response planning
- (i) General ground safety principles/procedures
- (j) General air safety principles/procedures
- (k) Environmental regulations
- (l) Local area hazard safety briefing (DoDI 6055.1, paragraph E3.3.1.7)

(7) A risk assessment is completed for all CD school programs of instruction that involve field exercises, hazardous materials, drugs, animals, or weapons.

(8) Safety principles/procedures are integrated into the CD school SOP and other directives. Topics to address will include, but are not limited to:

- (a) Course type (i.e. tactical, non-tactical classroom, etc.)
- (b) Length of operation
- (c) Environmental regulations
- (d) General ground safety principles/procedures
- (e) Medical response planning

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- (f) Lesson learned
- (g) Risk management procedures
- (h) Local area hazard safety briefing (DoDI 6055.1, Paragraph E3.3.1.7)
- (9) Annually, all CD personnel must receive Privately Operated Vehicle (POV) Safety Awareness Training. The training must be designed to reduce POV fatalities on or off duty.
- (10) NGB J3-CD recommends that the CDC or the CD School Director/Commandant, as appropriate, or his/her designee, be a member of the Adjutant General (TAG) State Safety Council.
- (11) NGB J3-CD recommends that the CD Aviation Safety Officer be a member of the AASF Safety Council.
- c. The Counterdrug Safety Officer/NCO will:
 - (1) Manage the Counterdrug Safety Program for the CDC or the CD School Director/Commandant, as appropriate.
 - (2) Ensure that execution of duties and performance of accident prevention surveys are IAW AR 385-95, AR 385-10, NGR 385-10 and applicable ANG directives.
 - (3) Ensure that safety files, statistics, and literature are maintained IAW AR 385-10, NGR 385-10, and applicable ANG directives.
 - (4) Ensure that mishap reports are reviewed, submitted, that corrective actions are implemented, and copies of mishap reports are submitted to NGB J3-CD, State Support (NGB J3-CDO, Domestic Operations Branch). The safety representative at the site will complete ANG mishap/injury reports and copies of the mishap reports will be submitted to NGB J3-CDS. The representative will forward/transmit a copy to the unit where the member/equipment is permanently assigned.
 - (5) Assist, when requested, personnel in learning about or implementing Risk Management into their duties, mission, and tasks.
 - (6) Ensure risk management addresses safety, occupational and environmental health at all levels with respect to CD operations and not as an add-on consideration (DoDI 6055.1, paragraph E3.2.3)
 - (7) Ensure that all personnel receive a local area hazard safety briefing. Included will be any unique local area conditions, potential health problems, or hazardous conditions, which may be encountered.
- d. CD personnel will:
 - (1) Correct all known deficiencies. Everyone, regardless of rank, will make immediate on-the-spot corrections when unsafe practices or conditions are observed.
 - (2) Report all unsafe conditions to the CDC, the CD School Director/Commandant, or the Counterdrug Safety Officer/NCO when on-the-spot corrections cannot be made.
 - (3) Immediately report all safety incidents/accidents through the chain of command to the Counterdrug Safety Officer/NCO.

4-4. Inquiries on Safety Issues

CD personnel may direct inquiries on safety issues to NGB J3-CD.

**Chapter 5
Training**

5-1. Training Responsibilities

The CDC or NGCSP Director/Commandant is responsible for and will manage training of military members, LEAs, CBOs, educational and government institutions for training conducted as part of the State Plan/NGCSP Plan.

a. State CD Training Programs, under mission category 4 provide training to military to civilian and military to military training. Training will be non-contractual and doctrinally approved by DoD.

b. NGCSP, under mission category 4 provides civilian to civilian, civilian to military, and military to military training. Training will be facilitated by contracts and curriculum is approved by the school's appointed Board of Directors/Representatives.

c. CD personnel may receive military and law enforcement training per the authorized list that is published each training year. Training programs not listed that states wish to attend can be petitioned through NGB J3-CD Training Officer and attended with approval of the CD Division Chief.

5-2. Firearms Training

The CDC or designated representative may direct additional weapons training requirements beyond those specified in paragraphs 5-14 through 5-16, based on risk assessments and LEA requirements. For additional information, refer to para 3-4.

5-3. Restrictions on Providing Advanced Military Training

a. The term "Advanced Military Training" is defined as high intensity training, which focuses on tactics, techniques, and procedures required to apprehend, arrest, detain, search for, or seize a criminal suspect when the potential for a violent confrontation exists.

b. Examples are:

- (1) Advanced Marksmanship (including sniper training).
- (2) Military Operations in Urban Terrain (MOUT).
- (3) Advanced MOUT.
- (4) Close Quarters Battle/Close Quarters Combat (CQB/CQC).

c. Advanced Military Training does not include basic military skills such as basic marksmanship, patrolling, mission planning, medical skills, and survival skills.

d. The Department of Defense has prohibited the National Guard Counterdrug Program from providing advanced military training to domestic civilian LEAs. Requests for training civilian LEAs will be forwarded through the NGB J3-CD Regional Coordinator to the Department of Defense.

e. These restrictions do not apply to the NGCSP when taught by civilian or LEA instructors.

f. Reference: Domestic Operational Law (DOPLAW) Handbook for Judge Advocates (2004)

5-4. Funding Restriction on Training LEAs/CBOs from Other Nations

32 USC § 112 CD funds may be used for training of U.S. LEAs/CBOs only in conduct of Mission 4 (see paragraphs 2-7). Training will not be conducted for the primary purpose of training LEAs/CBOs from other countries, but they may attend courses scheduled for domestic LEAs/CBOs, providing no 32 USC § 112 funds are expended in their training.

5-5. Initial Orientation, Counterdrug Support Program Doctrine

a. Upon entry to the Counterdrug Support Program, National Guard members will be taught Counterdrug Support Program doctrine and policy, to include:

- (1) Legal restrictions and limitations.
- (2) Avoiding direct involvement in law enforcement activities.
- (3) Chain of command.
- (4) Avoiding violation of intelligence oversight restrictions.
- (5) Use of force.
- (6) Rules of evidence.
- (7) Safety.
- (8) Force protection.
- (9) Duty status.
- (10) Tort protection.
- (11) Standards of conduct IAW DoD 5500.7R.
- (12) Pay, allowances and leave (i.e. separation pay).
- (13) Medical, dental, commissary, and exchange benefits.
- (14) Public Affairs.
- (15) Ethics and values.
- (16) Prohibited practices.
- (17) Unit specific requirements.
- (18) Use of Force Continuum.
- (19) National CD Strategy, as approved by NGB.

b. Contents of counterdrug support program doctrinal training will be prepared and kept on file and will be reviewed by the State JAG at least every two years, or more frequently when the need is recognized.

c. Counterdrug Support Program doctrinal training will be conducted at least annually to personnel on long tour or extended orders. Individuals who miss group training will be provided briefing content for review, supplemented by discussion with supervisors, as appropriate.

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5-6. Required Training

- a. The following positions are required to attend their basic counterdrug training course within one year of appointment.
 - (1) Counterdrug Coordinator must attend the Counterdrug Senior Leaders Seminar
 - (2) CD Finance Managers must attend the CD Financial Managers Course
 - (3) CD Safety Officer/NCO must attend the CD Safety Course
 - (4) CD CMIS Administrators must attend the CD CMIS Course
- b. All states performing criminal analyst, drug demand reduction and ground reconnaissance missions as approved in their State Plan, will ensure that at least one person directly involved in the operation, planning, or training of these missions has attended the appropriate specialist certification course. State programs are not authorized to conduct these operations without a NGB qualified trainer.
 - (1) Criminal Analyst must attend the Criminal Analyst Specialist Course
 - (2) Drug demand reduction must attend the Civil Operations Specialist Course
 - (3) Ground Reconnaissance must attend the Ground Reconnaissance Specialist Course
- c. The CDC will ensure through the individual(s) who attended the NGB J3-CD approved courses that all individuals performing these missions within their state have received the minimum training and briefings before mission execution. NGB will provide basic Program of Instruction (POI) for state use, but POIs can be expanded as needed by state requirements. Validation of all internal training will be in the form of sign-in rosters or individual training records that will be kept on file at the CD Headquarters.
- d. The CDC, or his/her representative, will ensure each individual meets these minimum requirements as initial training, and sustainment/refreshers training is conducted and recorded annually. Sustainment and refresher training is the responsibility of the state.

5-7. Mission-Oriented Training

Reference paragraph 5-1. Counterdrug Support Program personnel may receive training specific to the types of activities being planned or to familiarize them with LEA or CBO procedures and methods of operation. When the need for special training is identified, the "train the trainer" concept will be utilized as appropriate.

5-8. Military Occupation Specialty/Air Force Specialty Code (MOS/AFSC) Related Training

Reference paragraph 6-7.

5-9. Aerial Observer/Marijuana Training for LEAs

LEA personnel shall be instructed in the aerial observation and reconnaissance techniques noted in FM 3-04.119. Records of such training shall be maintained by the CDC and SAAO. The SAAO is responsible for the conduct of this training that must be requested by an LEA through the CDC.

5-10. SPIES, FRIES, HELOCAST, Rappelling, and Paratroop Operations/training

- a. Aviation Requirements. SPIES, FRIES, rappelling and HELOCAST operations are specifically addressed in National Guard Supplement 1 to AR 95-1. These are considered high-risk mission tasks and must meet certain training and risk management requirements. Though they can be approved, regular conduct of these missions with LEA personnel must be closely monitored to ensure only the required number of LEA personnel maintain qualification and proficiency. The state must have a training program endorsed by the CDC and SAAO and approved in writing by the ARNG Aviation and Safety Directorate (NGB-AVS) before conducting such operations or training. National Guard personnel, Jump Masters, Rappel Masters, Cast Masters, etc., must be qualified and current IAW the appropriate regulation/instruction to conduct these missions. Public demonstrations of these operations by CD personnel with LEAs/CBOs are not authorized.
- b. Ground requirements. Ground personnel working in support of or conducting SPIES, FRIES, rappelling must be qualified, Air Assault, Pathfinder, Rappel Master, etc, and IAW with air safety regulations. Army or Air Guard personnel conducting support missions involving climbing walls or rappelling activities for youth must be trained by a qualified Air Assault, Pathfinder, Rappel Master, etc.

5-11. Training and Qualification of Sensor Equipment Employment (Ground and Aviation)

- a. CD personnel supporting LEA operations that employ sensory enhancing equipment will be trained in the use of the devices. Certified training is available through Law Enforcement Thermography Association (LETA) or the National Technical Investigators Association (NTIA). Scheduling and selection of personnel for this training is the responsibility of the CDC.

b. ARNG aviation training and qualification requirements of sensor equipped aircraft require SAAO selection and delegations to aviators specifically tasked to perform CD mission duties as coordinated by the CDC. Typically sensor skills will comprise S & S BN/CO core duties however additional tactics and experiences will be considered to safely perform given CD tasked missions.

c. ANG Wings with assigned CD capable resources, i.e., RC-26, will ensure aircrew are trained and qualified to necessary standard prior to accepting CD taskings as validated by the CDC.

5-12. ARNG Individual Weapons Qualification

a. CD program personnel will qualify on their CD assigned weapon(s) to approved Army Standards in Training Commission (STRAC) standards, IAW Counterdrug standards and tables in DA Pam 350-38, Chapter 17, FY08. Approved table requirements will be supported beginning FY07. Special Effects Small Arms Marking System (SESAMS) support will depend on depot availability.

b. The CD program will submit ammunition requirements through their State Training Ammunition Manager (STAM) as part of the total state training requirement to the Training Support Branch (NGB-ART-S). A Unit Identification Code (UIC) or Derivative Unit Identification Code (DUIC) and Department of Defense Address Activity Code (DODAAC) will be identified so training ammunition authorizations can be sub-authorized and the DA Form 581 (Request for Issue and Turn-In of Ammunition) can be completed.

c. Operational load ammunition requirements as determined by the unit/team commander will be requested using the DA Form 581, using the event code "OPN". HQDA may begin managing operational load ammunition with Training Ammunition Management Information System-Redesigned (TAMIS-R) authorizations through NGB.

5-13. ANG Individual Weapons Qualification

ANG M-16 rifle and 9mm pistol qualifications will be IAW AFMAN 36-2227, Volume 1. ANG training ammunition must be requested through the supporting Combat Arms Training Manager (CATM).

5-14. ARNG/ANG Weapons Training

Will include instruction on safety functions, security, weapons retention, capabilities, limitations and maintenance of firearms. Testing will include qualification firing IAW current weapons qualification standards.

5-15. Additional ARNG/ANG Weapons Training

Ammunition to support additional training of ARNG and ANG members may be authorized, provided that:

a. Quantities requested are based on a valid LEA Program of Instruction which National Guard members are directed to undergo.

b. Request is approved by NGB J3-CD.

c. Requests are forwarded to the STAM to NGB-ART-S if support is required.

d. Training ammunition will be used for training purposes only. The STAM is responsible for ensuring compliance with AR 5-13. The STAM forecasts quantities, monitors issue, consumption and returns, and ensures appropriate UICs are credited.

5-16. Mission Training. All states performing missions 3a, 5a, and 5b must ensure compliance with the training requirements noted below.

a. Mission 5a Training

(1) All states performing Mission 5a that is approved in their State Plan, will ensure that at least one qualified person directly involved in the operation, planning, or training of Mission 5a has attended the NGB J3-CD approved Mission 5a Program Manager's Course. State programs are not authorized to conduct 5a operations without a NGB qualified trainer. The NGB J3-CD approved Mission 5a Program Manager's Course has established the minimum training requirements and all states will develop training programs tailored to their state mission (i.e., Legal Review, Armed Mission vs. Non Armed Missions) to meet at least the minimum requirements.

(2) The CDC will ensure through the individual(s) who attended the NGB J3-CD approved course that all individuals performing Mission 5a have received the minimum training and briefings before performing Mission 5a operations. This training will be supported through Programs of Instruction (POIs) or lesson guides. Validation of all Mission 5a related training will be in the form of sign-in rosters or individual training records that will be kept on file at the CD Headquarters.

(3) The CDC will manage and become familiar with the minimum requirements, which include, but are not limited to:

(a) Mission 5a Course Overview

(b) Mission 5a Overview

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- (c) Legal (POSSE COMITATUS) review
- (d) Legal/RUF
- (e) Public Affairs
- (f) Mission 5a Rules for Use of Force (RUF)
- (g) Risk management
- (h) Operations Order (OPORD)
- (i) Case study (The Redford Incident)
- (j) Serious incident report
- (k) Hide site selection
- (l) Medical/safety procedures
- (m) Situational training (action drills)
- (n) Sensory enhancement devices

b. Mission 3a and 5b Training

(1) All states performing Missions 3a or 5b that are approved in their state plan will ensure that all FTNGDCD pilots hired after Fiscal Year 2005, or all pilots on seasonal counterdrug orders have completed the doctrinal and policy training beginning in Fiscal Year 2010. FTNGDCD pilots hired before Fiscal Year 2005 are encouraged to attend.

(2) This training will be conducted by one of the NGB CD schools. This is an advanced Counterdrug (CD) training course for FTNGD-CD personnel who serve as pilot in command during counterdrug aviation support in Marijuana Eradication and/or Aerial Reconnaissance operations (3A or 5B) at all levels in CONUS.

(3) The CDC will manage student attendance to this course that includes the following subjects:

- (a) NGR 500-2/ANGI 10-801
- (b) Annual State Counterdrug Plan development
- (c) Legal issues and case law
- (d) Recent LEA support missions
- (e) CD mission approval processes
- (f) Mobile surveillance and marijuana eradication strategies, threats, and techniques
- (g) Interagency communications systems
- (h) Advanced IR Theory and Thermography
- (i) Advanced Special Mission Equipment Systems
- (j) Pre-mission Planning and coordination with LEAs for joint operations
- (k) CD Fiscal Management / Reports and Counterdrug Management Information System (CMIS)
- (l) Public Affairs

5-17. Training Development

Training conducted on any military topic by CD personnel for LEAs, CBOs, or military personnel will be based upon, and consistent with, the appropriate military training manuals and established training programs.

5-18. National Guard Counterdrug Schools Program

Specific issues pertaining to the NGCSP are addressed in Chapter 11 of this regulation/instruction. Unless otherwise stated, all other areas of this regulation/instruction apply to the NGCSP.

Chapter 6

Counterdrug Funding and Fiscal Policy Overview

6-1. Counterdrug Funding

a. The CDC or the CD School Director/Commandant will ensure that all personnel understand that the duration and size of the CD program is subject to annual appropriated funding levels. Reductions in staff or breaks in duty may be required in the event of reduced budgets.

b. 32 USC § 112 provides funding authority for the National Guard Counterdrug Support Program. Section 1004, NDAA of 1991, as amended provides CD support authority for the NGCSP. These authorize funding for pay and allowances, uniform clothing, subsistence, gratuities, travel, and related expenses of National Guard personnel used for CD activities, and for the operation and maintenance of National Guard equipment and facilities used for CD support activities. These also authorize funding for the procurement of services, supplies, equipment and the

leasing of equipment for National Guard CD activities.

c. National Guard CD support funds, with the exception of aviation air OPTEMPO funding, are part of the DoD Drug Interdiction and Counterdrug Activities appropriation and will not be used for purposes other than the National Guard Counterdrug Support Program. These funds (Non-OPTEMPO) are "floored" by Office of the Secretary of Defense (OSD) Project Code, DoD Program Element Codes (PECs), Workday Utilization Codes (WUCs), and Emergency Specialty Project Codes (ESPs).

d. The CDC will forward requests for the transfer of ANG workdays, ANG funds, and ARNG funds, to the appropriate NGB J3-CD Regional Coordinator for approval and action. The CD School Director/Commandant will forward requests for the transfer of ANG workdays, ANG funds, and ARNG funds, to the NGB J3-CD Training Officer for approval and action.

e. An appendix to the Master Cooperative Agreement (MCA) between the USPFO, acting on behalf of the CNGB, and the Adjutant General, or the Commanding General, District of Columbia, as appropriate, acting on behalf of the state, will be prepared before the issuance of any funding for CD activities which include reimbursement to the state.

f. The CDC, or the CD School Director/Commandant, as appropriate, will submit an annual Counterdrug Budget Obligation Plan (CBOP), in the approved form, to the NGB J3-CD each year, or as specified, and update it as required. NGB J3-CD will provide a schedule with instructions and due dates.

6-2. Fiscal Accountability

a. The CDC, or the CD School Director/Commandant, as appropriate, is responsible for ensuring proper management controls are in place to maintain effective control of CD funds. NGB J3-CD requires copies of military pay orders, travel orders, and similar documentation to be maintained and available for review for the current and any prior fiscal year with unliquidated obligations. The CDC, or the CD School Director/Commandant, as appropriate, is responsible for developing and maintaining internal controls necessary to assist with the reconciliation of both the ARNG and ANG financial systems (reference paragraphs 6-14 and 6-15). Sufficient documentation must be maintained to reconcile with official USPFO reports and to support fiscal audit and control functions IAW Army and Air Force Management Control Programs and the Federal Managers' Financial Integrity Act (FMFIA), Public Law 97-255.

b. Accounting for non-appropriated funds, i.e., asset forfeiture-sharing funds, grants, and foundation donations, is a state responsibility. Accounting for military non-appropriated funds (NAF), i.e., Morale, Welfare, and Recreation (MWR), will be coordinated with the USPFO and ANG comptrollers AW Department of Defense Financial Management Regulation (DoD FMR) 7000.14-R Volume (Vol.) 13, and either AFI 65-107 or AR 37-1.

c. The CDC, or the CD School Director/Commandant staff, as appropriate, will observe and practice all applicable DoD and Service financial regulations and directives and cooperative agreements under state law.

6-3. Orders

a. Full-Time National Guard Duty Counterdrug (FTNGDCD) orders will reflect the entire duration of the mission and will not be broken for the sole purpose of avoiding the costs of pay and allowances and associated entitlements/benefits.

b. FTNGDCD tours for projects over 139 days are Permanent Change of Station (PCS) tours and will not be split to provide temporary duty (TDY) entitlements.

c. Orders must include Permanent Duty Station (PDS).

d. Additional information on ARNG FTNDNCD orders is found in paragraph 8-8 of this regulation/instruction.

e. Information on ANG FTNDNCD orders is found in Air National Guard Instruction (ANGI) 36-2001.

6-4. Military Pay and Allowances

Soldiers and Airmen performing FTNGDCD are entitled to applicable military pay and allowances IAW DOD FMR 7000.14-R, Vol. 7A, and all applicable service regulations and instructions.

a. Basic Allowance for Housing (BAH). Payment of BAH will be IAW DoD FMR 7000.14-R, Vol. 7A, Chap. 26.

b. Separation Pay

(1) CD personnel performing full-time duty pursuant to 32 USC § 112 are, with certain limited exceptions as outlined in the DoD FMR, entitled to separation pay if they meet the requirements of 10 USC § 1174. Separation Pay for CD Soldiers and Airmen will be funded through the CD program.

(2) The rules of eligibility and procedures for calculation of involuntary separation pay are outlined in DoD FMR Vol. 7A, Chapter 35.

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(a) Members who have served on active duty, to include FTNGD, who are discharged or released from active duty and have completed six or more years of continuous active duty (a period of active duty is considered continuous if any break in service does not exceed 30 days), but fewer than 20 years of active service preceding discharge or release are entitled to separation pay if:

1. The member's discharge or release from active duty is involuntary (except for cause); or
2. The member was not accepted for an additional tour of active duty for which he/she volunteered (to include withdrawal or cessation of continued program funding).

(b) ANG members. If determined that a member is eligible for separation pay, use Separation Program Designator (SPD) LCC, and place the following remark in the comments section of the members DD Form 214: "Member is eligible for separation pay; Member is not eligible for TAMP benefits".

(c) ARNG members. If it is determined that the member is eligible for separation pay, the procedures for coding DD Form 214 are IAW state administrative/finance policies.

6-5. Travel and Transportation-Related Entitlements

Soldiers and Airmen performing FTNGDCD are entitled to all travel and transportation allowances IAW Joint Federal Travel Regulation (JFTR), Vol. 1, the DoD FMR 7000.14-R, Vol. 9, and all applicable Service regulations/instructions.

a. Permanent Change of Station (PCS). Military personnel ordered to 140 or more consecutive days FTNGDCD duty are entitled to a PCS move at government expense, to include travel pay, movement of household goods, and other PCS entitlements IAW the JFTR. If funds are not available to support the payment of entitlements IAW the JFTR, personnel will not be ordered to perform duty.

b. Temporary Duty (TDY) and Travel Allowances

(1) Soldiers and Airmen on FTNGDCD orders are entitled to travel and transportation allowances when performing TDY away from their PDS locations when such duty constitutes directed travel IAW the JFTR.

(2) Local area travel reimbursement is authorized for expenses incurred by members conducting official business in the local commuting area as defined by local commanders IAW the JFTR. This may include travel to and from Inactive Duty Training (IDT/IAD) and Annual Training (AT) duty locations.

6-6. Inactive Duty Training (IDT/IAD) and Annual Training (AT)

a. Travel and Per Diem. Travel and per diem expenses, incurred by personnel on FTNGDCD who commute to and from their PDS location to their unit of assignment to perform IDT/IAD/AT, are chargeable to the CD Program when the unit of assignment is at a location other than the member's FTNGDCD PDS. Such travel is directed travel because IDT/IAD/AT participation is a condition of CD duty (32 USC § 112). Soldiers and Airmen on FTNGDCD orders who perform IDT/IAD/AT in a directed travel status are entitled to reimbursement for travel and per diem expenses IAW the JFTR.

b. Military Pay and Allowances. Soldiers and Airmen on FTNGDCD orders who perform IDT/AT are *not* entitled to additional pay, allowances, or other benefits for participation in training required under 32 USC § 502(a)(1).

c. AT Reimbursement. CD personnel will remain on FTNGDCD orders while performing AT. The pay, allowances, and other benefits of the member while participating in the training will be the same as those to which the member is entitled while performing duty for the purpose of carrying out drug interdiction and CD activities. CD appropriations will be reimbursed out of appropriations available for paying AT costs, (32 USC § 112).

(1) Annual training rosters must be kept for both Soldiers and Airmen to document reimbursement and participation.

(2) ARNG – reimbursement will be executed using Optional Form 1017-G (Journal Vouchers) at the USPFO.

(3) ANG – additional special training days will be issued based on CBOP AT projections. AT reimbursement requirements identified after the CBOP submissions will be requested through the appropriate Regional Coordinator or Training Officer.

d. The CD Program is not responsible for pay and travel related costs above and beyond the Soldier/Airmen's mandatory requirement of performing, at a minimum, 48 unit training assemblies and 15 days of AT.

6-7. Training other than IDT/AT

a. Non-counterdrug military training exceeding three days. Except as provided below, CD funds cannot be utilized for non-CD military training exceeding three days in length excluding travel time.

(1) Soldiers attending required ARNG schools such as NCOES or MOS producing schools will be kept on CD orders and the CD accounts will be reimbursed using the same process as the AT reimbursement. (See paragraph 6-6.)

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(2) Airmen attending ANG schools such as PME or AFSC upgrading schools will remain on CD orders for the duration of the school provided that prior approval of the school reimbursement is received from NGB J3-CD, through the NGB J3-CD Resource Management (NGB J3-CDR) and the Regional Coordinator or Training Officer. The reimbursement will be accomplished with additional special training days issued to the CD program based on confirmation of actual school attendance.

b. Non-counterdrug military training *not* exceeding three days. The CDC, or the CD School Director/Commandant, as appropriate, may permit Soldiers and Airmen participating in non-counterdrug training of three days length, or less, to remain in a military pay status on FTNGDCD orders. However, the CD Program *will not* be responsible for travel costs or other expenses related to such training. This paragraph does not refer to IDT/IAD or AT. (See paragraph 6-6)

c. Other approved CD mission related training. Travel and expenses related to the attendance of the training programs referred to in para 5-1a.(3) of this regulation are authorized.

6-8. Military Duty for Purposes Other Than Training or Other than Counterdrug Activities

FTNGDCD orders will *not* be broken for purposes such as contingency operations, force protection, homeland defense, and MPA days. The CDC or the CD School Director/Commandant must request reimbursement for personnel costs from other ARNG/ANG funding or by the agency making the request for support.

6-9. Training of Non-Military and Foreign Personnel

a. 32 USC § 112 funds will not be utilized in the development or execution of courses for the purpose of training foreign LEAs and CBOs.

b. Foreign LEAs and CBOs may attend courses conducted within the Continental United States (CONUS) and scheduled for domestic LEAs and CBOs.

c. When foreign nationals attend courses, 32 USC § 112 funds will not be used for associated costs (i.e., training manuals, accommodations, meals, and give-aways).

d. Travel outside CONUS (OCONUS) for the purpose of conducting counterdrug training is prohibited with appropriated Title 32 USC § 112 funds, see paragraph 8-3.

e. United States LEAs and CBOs will not be dropped from training courses for the purpose of enrolling foreign LEAs and CBOs.

6-10. Equipment Purchases and Mission Costs

a. Incremental costs associated with missions performed incidental to training that include above normal expenditures (such as lodging or per diem) may be charged to CD support accounts.

b. Title 32 USC § 112 funds may not be used to purchase equipment items in excess of \$5,000 (per individual item) until advance approval has been obtained from NGB J3-CD and the National Guard Bureau Director of Joint Staff NGB-DJS.

c. Contracted training, trainers, training materials, and training development are authorized only for training in support of missions approved in the State Counterdrug Support Plan or the School Training Plan, when organic training resources are not available.

d. Contracting for external evaluations of National Guard CD Programs must be approved by NGB J3-CD.

6-11. Promotional Item Purchases

a. To raise public awareness of anti-drug programs, such as Red Ribbon Week, DoD CD programs may use drug demand reduction funds to purchase promotional items with little intrinsic value, conveying an anti-drug message. Such items may include, but are not limited to, such items as balloons, pencils, pennants, ribbons, pins, stickers, and caps.

b. Purchases of promotional items should be with specific regard to the phrase "little intrinsic value." Differentiating between an acceptable promotional item and a gift rests on the item's practicality and the likelihood it will be used solely for its purely utilitarian purpose beyond the anti-drug message. An example of an acceptable item would be one that provides a clear anti-drug message to the recipient and acts as a reminder of the message each time it is used or observed.

c. Appropriated funds may not be used to purchase promotional items and giveaways of a purely utilitarian nature, having an intrinsic value, such as TVs, radios, cameras, brief cases, etc. These items fall into the category of merchandise and as such are considered personal gifts. These types of items are not acceptable for purchase with CD funds.

6-12. Asset Forfeiture and Asset Sharing

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a. Federal agencies operate asset sharing programs. The criteria for participation in these programs are set by each agency. They generally require that the National Guard qualify as a state law enforcement agency. The percentage of participation in a particular case is used to determine the proportion of the asset sharing. State participation is voluntary, at the discretion of the Adjutant General, or the Commanding General for the District of Columbia, and only if allowed by state law.

b. Federal appropriations cannot be augmented using funds derived from asset sharing. Items purchased with funds from asset sharing programs will remain state property and will not be accounted for on the USPFPO property books.

c. CD personnel will not be the primary manager of the asset sharing funds. The state employee responsible for these funds will manage all transactions concerning them IAW the governing agency regulations.

6-13. Joint National Guard Substance Abuse Program (JNGSAP) Funding

Substance Abuse (SA) funds within each state will be managed within the fiscal controls outlined by applicable financial management regulations/instructions. Refer to Chapter 8, Joint National Guard Substance Abuse Program (JNGSAP), for more information on the JNGSAP.

6-14. Budgeting and Accounting for Army National Guard (ARNG) Funds

a. National Guard Personnel Appropriation (NGPA), appropriation 2060. Military pay and allowances, travel, and per diem for FTNGDCD and AGR (Title 10 and Title 32) personnel are chargeable to this appropriation. See the Army Management Structure Code (AMSCO) definitions in Defense Finance and Accounting Service Center for Sustaining Forces – Indianapolis Regulation (DFAS-IN) 37-100-XX for appropriate P&A expenditures.

b. Operations and Maintenance National Guard (OMNG), appropriation 2065

(1) Non-OPTEMPO OMNG Funds. Non-operating tempo (OPTEMPO) operations and maintenance expenses supporting CD activities are chargeable to this appropriation IAW DFAS 37 series of manuals/regulations. (See the AMSCO definitions in DFAS-IN 37-100-XX for appropriate O&M expenditures.)

(2) OPTEMPO OMNG Funds

(a) Air and Ground OPTEMPO expenses supporting CD activities are chargeable to this appropriation.

(b) ARNG flying hour program OPTEMPO funds are not fenced by DA management controls. However, funds provided to states for direct and indirect support are only authorized for CD purposes and shall not be diverted to other state programs.

(c) CD OPTEMPO funds authorized for CD Aviation Classification and Repair Activity Depot (AVCRAD) and Depot Level Repair (DLR) support shall not be diverted to other AVCRAD/State aviation programs.

(d) NGB J3-CD monitors CD OPTEMPO funds execution through Army National Guard Data Warehouse and Commanders Resource Integration System.

(e) Identified shortfalls and excesses of ARNG Air OPTEMPO (POL, Consumables and DLR) funds will be forwarded to NGB J3-CD for resolution. Additional guidance on the use of ARNG funds may be obtained from Army Comptroller Division, Budget Execution and Analysis Branch (NGB-ARC-BE).

6-15. Budgeting and Accounting for Air National Guard (ANG) Funds

a. Military Personnel Appropriation (MILPERS), appropriation 3850/fund code 56. Military pay and allowances for FTNGDCD and AGR personnel are chargeable to this appropriation IAW Air Force Manual (AFMAN) 65-604. Travel and per diem expenditures for ANG personnel may be charged to this appropriation.

b. Operations and Maintenance (O&M) appropriation 3840/fund code 58. Non-OPTEMPO operations and maintenance expenses supporting CD activities are chargeable to this appropriation. Travel and per diem expenditures for ANG personnel may be charged to this appropriation under the conditions outlined in paragraph 3-15d.

c. ANG OPTEMPO funds

(1) Maintenance for the CD RC-26B aircraft is centrally managed via a contract logistics support (CLS) contract.

(2) CD RC-26B fuel cost funding is distributed to ANG wings by Air National Guard Logistics (ANG/LG).

(3) All other types of aircraft flying hour costs are funded through ANG wing flying hour programs.

d. Travel of ANG personnel

(1) Air National Guard Financial Management (ANG/FM) has issued the following guidance for choosing the correct appropriation for ANG travel orders:

(a) AGR – chargeable to O&M.

(b) FTNGDCD on Active Duty for 1-30 days – chargeable to MILPERS.

(c) FTNGDCD on Active Duty for 31+ days – chargeable to O&M.

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(2) NGB J3-CD will review and may approve exceptions to this guidance on a case-by-case basis.

e. Additional guidance on the use of ANG funds may be obtained from NGB J3-CD and ANG/FM.

6-16. Reconciliation of Counterdrug Accounts

The CDC or the CD School Director/Commandant, as appropriate, or a representative thereof, must reconcile internal financial records with the following financial reports on a schedule IAW local USPFO and wing comptroller policies. In addition to local requirements, NGB J3-CD requires that the following reports must be available for review for the current and prior fiscal year:

a. ARNG Reports.

- (1) Funding Authorization Documents (FADs).
- (2) Funding Allowance Targets (FATs).
- (3) Unliquidated Obligation Listing.
- (4) Reservation Master Listing.
- (5) Monthly Transaction Register Listing.
- (6) Financial Plan Status Report (available from USPFO).
- (7) Obligation Plan Reports for USPFO.
- (8) Contracts.
- (9) Travel Orders.

b. ANG Reports.

- (1) Funding Documents.
- (2) Obligation Documents (AF Form 9, DD-448 (MIPR), AF Form 616, AD orders, Travel Orders, etc.).
- (3) Automated systems utilized by servicing ASNs.
- (4) Workday Documents.
- (5) Squadron WUC Detail Report.
- (6) Contracts.

6-17. Financial References

a. DoD.

- (1) DoD FMR 7000.14-R.
- (2) JFTR.
- (3) www.dtic.mil

b. DFAS.

- (1) Army
 - (a) DFAS-IN 37-1.
 - (b) DFAS-IN 37-100-XX.
- (2) Air Force.
 - (a) DFAS-DE – Interim Guidance on Accounting for Commitments.
 - (b) DFAS-DE – Interim Guidance on Accounting for Obligations.
- (3) Both - www.dfas.mil.

c. Department of the Air Force

- (1) AFMAN 65-604.
- (2) AFI 65-103.
- (3) AFI 65-601.
- (4) AFI 65-602.
- (5) AFI 65-603.
- (6) AFI 65-608.

d. U.S. Public Law.

- (1) 32 USC § 112
- (2) 32 USC § 502

6-18. Financial Reporting Procedures

All CD financial data will be reported through the Counterdrug Management Information System (CMIS) or the current NGB-J3-CD approved tracking database.

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Chapter 7 Acquisition and Logistics Management

7-1. Acquisition Management

a. Systems Acquisition

(1) Systems Acquisition is defined as a program requirement for a large scope system (equipment, supply, software) or service procurement which has impact and applicability to the entire Counterdrug program.

(2) Counterdrug Systems Acquisitions will be accomplished and managed by the NGB J3-CD headquarters office or a designated CD state office that may serve as the lead project office. Acquisition and contracting support for systems acquisitions will be provided by NGB Joint headquarters contracting staff (NGB-ZC-AQ).

(3) Systems Acquisitions will be conducted according to DoD Directive 5000.1, and DoD Instruction 5000.2.

(4) The Counterdrug Program will ensure that CD personnel involved in Systems Acquisitions are trained in Defense Acquisition policy and procedures.

(5) Authority for systems acquisitions is derived from the Congressional Counterdrug program charter and annual authorization and appropriation legislation. Only systems acquisitions within scope of the Counterdrug mission and directives are authorized.

b. Operational Acquisition

(1) Operational acquisition is defined as a requirement for basic supply and service needs which support only a particular office or region of Counterdrug activities.

(2) Operational acquisition and contracting support for the NGB J3-CD headquarters office will be provided by the operational contracting activity supporting NGB Joint headquarters (NGB-ZC-AQ).

(3) Operational acquisition and contracting support for the state Counterdrug offices will be provided by the local United States Property and Fiscal Officer (USPFO).

(4) Authority for operational acquisitions is derived from the Congressional Counterdrug program charter and annual authorization and appropriation legislation. Only systems acquisitions within scope of the Counterdrug mission, directives, and state plans are authorized. Only equipment acquisitions which are listed in the CD equipment table of allowances, through the State Plans process, or as approved by NGB J3-CD, are authorized.

c. Acquisition Regulations

(1) All acquisition and contracting support activities must comply with all applicable federal, DoD, and state regulations and instructions.

(2) CD personnel responsible for project management and ordering activities must be familiar with basic federal regulations and instructions including, but not limited to the Federal Acquisition Regulation (FAR), Department of Defense FAR Supplement (DFARS), National Guard FAR Supplement (NGFARS), Anti-deficiency Act (ADA), and Bona Fide Needs Rule.

d. Acquisition Personnel

(1) Principal Assistant Responsible for Contracting (PARC): Acquisition and contracting authority is vested in the Chief of the National Guard Bureau. The Chief of NGB has delegated the responsibility for policy, management, and execution of acquisition and contracting to the PARC. The PARC provides warranted authority for acquisition and contracting to all NGB contracting personnel.

(2) USPFO: The NGB PARC has delegated acquisition and contracting authority for each state's National Guard Counterdrug program to the USPFO.

(3) Contracting Officer (CO): The NGB PARC grants warrant authority for all contracting officers within the National Guard Bureau. Only a warranted contracting officer has the authority to enter into a contract and obligate the Government.

(4) Contracting Officer's Representative (COR): The COR is appointed by the CO to manage and monitor detailed activities associated with each contract. Duties may include, but not be limited to inspection of goods and services, monitoring contractor activities, and certification of contract invoices.

(5) Property Book Officer (PBO): The PBO has responsibility for any newly acquired equipment to ensure to that placed in the organizations' property book records.

(6) Training: All CD acquisition personnel must be trained and experienced according to the conditions and criteria specified in federal, defense, and organizational directives and policy.

7-2. Requirements Planning

a. Procurement Acquisition Lead Time (PALT): All procurements, either systems or operational, will follow a standard PALT schedule. The program manager, project officer, COR, and/or PBO will effectively plan for procurements according to the PALT schedule in order to meet required need dates. Coordination must begin early with the assigned contracting activity and CO in order to execute procurements in a timely manner.

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b. Requirements planning will include preparation of required documentation. Every acquisition or contracting action will require the following standard documentation: funding document(s), market research, requirement summary (supply list or work statement), and independent government estimate (IGE). Other documentation may and will be required as determined by the particular acquisition requirement and the directives which apply to it. Early consultation should be made with the support contracting activity and the assigned CO.

7-3. Contract Administration

a. Pre-award activities will consist of effective requirements planning, obtaining program funding, and preparation of all of the required documentation. The assigned program manager, project officer, COR, and/or PBO must complete the necessary documentation as specified by the supporting CO.

b. Contract award will be made by the support contracting activity and the assigned CO.

c. Post-award activities will be monitored and conducted by the assigned program manager, project officer, COR, and/or PBO with assistance from the support contracting activity and assigned CO.

d. Contract closeout must be completed at the earliest date after contract completion. The program manager, project officer, COR, and/or PBO with assistance from the support contracting activity and assigned CO must ensure that contract closeout is completed in a timely manner.

7-4. Logistics Management

a. Applicability of ARNG/ANG Supply Directives.

(1) TAGs may conduct CD operations with federal property issued to the ARNG and ANG.

(2) CD ARNG equipment is subject to ARNG supply directives.

(3) ANG fiscal and supply directives are applicable to equipment purchased with ANG 32 USC § 112 funds.

b. Hand Receipt Accounts for Counterdrug Equipment

(1) ARNG equipment will be accounted for through hand receipt issue from the JFHQ-ST Property Book Officer (PBO) to the CDC, the CD School Director/Commandant, as appropriate, or a designated representative, on appointment letter.

(2) ANG accounts: See paragraph 7-9.

7-5. Central Procurement

States and CD schools will not procure equipment already marked for central procurement by the NGB, unless authorized to do so by NGB J3-CD. Central procurement includes:

a. The Total Package Fielding Program (TPFP), in which the ARNG and ANG Directorates obtain equipment for the states.

b. Purchase of equipment by NGB J3-CD for issue to all or some of the states or CD schools. NGB J3-CD will advise the states and CD schools periodically of new technology, test results, and anticipated purchases.

7-6. Delegation of Approving Authority for OMNG Expenditures

IAW authority delegated by the CNGB, the Chief, NGB J3-CD, further delegates to USPFOs the authority to approve expenditure of CD OMNG funds. State CD and USPFO staff will evaluate proposed expenditures and ensure that 32 USC § 112 funds are utilized only for CD purposes. Providing this rule is obeyed and the state has adequate OMNG funds, NGB J3-CD action as an approving authority is not required by the state CD Office. The following guidelines are applicable:

a. All OMNG purchases must comply with the Competition in Contracting Act of 1984 (CICA-84) and satisfy requirements of the Federal Acquisition Regulation (FAR), Defense Federal Acquisition Regulation Supplement (DFARS) and Army Federal Acquisition Regulation Supplement (AFARS) and the National Guard Federal Regulation Supplement (NGFARS) as applicable.

b. Computer equipment purchases will be coordinated through the state Director of Information Management (DOIM), and must meet Reserve Component Automation System (RCAS) requirements.

c. Automation equipment and software purchases must be IAW Elements of Resource (EOR) as indicated in the 37 series, DFAS regulations.

d. In some cases, USPFO staff or other state personnel may request the concurrence of NGB J3-CD for OMNG expenditures, despite the delegated authority noted above. Regional Coordination teams will assist states in expediting such transactions.

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7-7. Authorizations for Nonexpendable ARNG Property

a. ARNG nonexpendable property will be authorized by one of the following:

(1) Paragraph 06Z, JFHQ-ST TDA. Additions to this paragraph are executed by the NGB Force Management Division (NGB-ARF), acting in response to requests from the NGB Logistics Division, Logistics Management Branch (NGB-ARL-S). Paragraph 06Z may include non-standard commercial equipment as well as military issue.

(2) CTAs.

b. NGB J3-CD grants permission for states to deal directly with NGB-ARL-S to secure authorizations.

c. Regional Coordinators, when asked to assist, will act as expeditors of procurement decisions made at state level.

7-8. Computers Purchased with ARNG Counterdrug Funds

a. Computers are normally CTA items. The CDC or the CD School Director/Commandant, as appropriate, will coordinate computer purchases with the state DOI/M, and will select only equipment that meets RCAS requirements. Purchase of computers by state CD staff or issue of computers initiated by NGB J3-CD may result in exceeding CTA allowances. In that event, the authorization process is set forth below.

b. When the state or CD school has initiated the action, the CDC or the CD School Director/Commandant, as appropriate, will request a special authorization from NGB-ARL-S, which will issue the appropriate written authority. NGB J3-CD delegates authority to CDCs or the CD School Director/Commandant, as appropriate, in conjunction with PBOs and USPFO personnel, to deal directly with NGB-ARL-S.

c. When computers are issued via action originating with NGB J3-CD, special instructions will be provided.

d. Computer equipment, though usually non-expendable, will not be listed in the CD 06Z paragraph of the JFHQ-ST TDA. CDC or school staff, as appropriate, will retain authorization documents issued by NGB-ARL-S for as long as the equipment concerned is on hand, and ensure that computers are included in hand receipt accounts.

7-9. ARNG and ANG Equipment Procedures and Accountability

CD funds are "fenced" by Congressional mandate. Equipment purchased with such funds cannot be reallocated to other organizations and, by law, must be identified as CD equipment and maintained under CD control.

a. ANG Procedures, Support Equipment/Automated Data Processors. ANG organizations will submit requests for support equipment and automated data processing systems (for use in support of state CD operations) IAW this chapter. Compliance with these procedures will help maintain uniformity of document flow, minimize potential confusion/delay in document processing, and insure asset accountability.

b. ANG Information Processing Management System (IPMS). IPMS is the standard Air Force inventory system for Automated Data Processing Equipment (ADPE). All ADPE, with the exception of some Table of Allowance (TA) equipment, must be entered in IPMS. Follow unit policy/directives for procurement of ADPE (i.e., submission of AF Form 9 and AF Form 3215). The Communications Flight will enter CD ADPE in IPMS in PN "11". This PN must be created in IPMS. The PEC identifying CD equipment is 52889F. CD equipment custodians will ensure that automated data processors are listed on the unit Custodian Account/Custodian Request List (CA/CRL), after entry of equipment data in IPMS in PN 11.

c. ANG Equipment Procedures and Accountability. All equipment, non-accountable items (NF1 items - calculators or furniture) and automated data processors will be listed on the R15 Organizational Visibility List to track CD funds, IAW AFMAN 23-110 part two, and paragraph 22.31.3.

(1) CD equipment custodians of requesting organizations will submit requests through Air Force Equipment Management System (AFEMS), specifying Force Activity Designator Two (FAD II) and Allowance Source Code (ASC) 054DRUG. Justification statement through AFEMS will indicate whether equipment is requested for execution of the existing Governor's State Plan or pertains to a pending revision of the plan. The specific mission (See Chapter 2, Authorized Missions, of this regulation/instruction) will be indicated.

(2) The Equipment Management Section (EMS) of Base Supply will review the request, assign a base control number, maintain a suspense copy and forward a copy of the AFEMS request to the USPFO. USPFO personnel will review the request and State Plan with the CDC, or the Annual Training Plan with the CD School Director/Commandant, as appropriate, and other staff, if appropriate, and forward it to ANG Directorate of Logistics (ANG/LG). ANG/LG will forward the AFEMS request to NGB J3-CDS for approval. EMS, upon receipt of an approval, will clear the suspense copy, and process the request. Copies of the AFEMS approval will be provided to the requesting unit and the CDC or the CD School Director/Commandant, as appropriate.

(3) EMS will not request CD support equipment without AFEMS approval. When security concerns preclude listing specific mission data on the AFEMS request, included information will indicate that a separate classified message detailing the justification will be sent to NGB J3-CDS by facsimile.

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(4) The above "dual tracking" procedures will be followed. Accountability is established by the Base; the responsibility for use and reallocation of CD assets rests solely with the CDC or the CD School Director/Commandant, as appropriate.

7-10. Loan and Lease of Equipment

a. States may coordinate directly with other states for the temporary loan of additional federal property needed to support CD operations. Lease of property to LEAs and CBOs will be IAW 10 USC § 2667, 32 USC § 112, AR 700-131 or AFMAN 23-110 and DoD 1225.6, as applicable. All leases of federal property to LEAs must be in return for fair market value. Agreements will be coordinated with the USPFO to ensure requirements for approval by, or reporting to, higher headquarters are observed.

b. LEA/CBO requests for lease of equipment should be initially directed to the CDC for concurrence, then referred to the USPFO or designated state NG representative for action as appropriate.

7-11. Restricted Use of 32 USC § 112 Equipment/Services

a. All equipment/services purchased, leased, or otherwise obtained using 32 USC § 112 funds will be used for the Counterdrug Support Program, except as specified in paragraph 2-8.

b. The CDC or the CD School Director/Commandant, as appropriate, will avoid commingling of CD and non-CD equipment in storage wherever possible and will take measures as needed to prevent deliberate or unintentional transfer or misuse of CD equipment. Normal supply procedures may be supplemented by special markings, special procedures, and whatever additional management controls are necessary to enforce policies concerning use of equipment purchased with fenced funds.

c. Restricted use originates with the fiscal principle of "fenced funds" and applies to both ARNG and ANG equipment and services.

7-12. Disposition of Excess Equipment

The following policy is applicable to both ARNG and ANG equipment. "Excess equipment" in this context means any serviceable property (nonexpendable or durable expendable equipment) that was purchased with 32 USC § 112 funds and is no longer needed by the state CD program concerned. The purpose of the excess equipment policy is to ensure, as far as is practical, that property purchased with fenced funds remains in the service of the Counterdrug Support Program by transferring it to a state where it may be needed, once it is identified as excess in the state which purchased it.

a. NGB J3-CD is the clearinghouse to assist CDCs or the CD School Director/Commandant, as appropriate, in determining if their excess property can be used in another state or school.

b. CDC or CD school staff will contact NGB J3-CDS when an item has been identified as excess. NGB J3-CD Regional Coordinator personnel or the CD school Training Officer will contact other states and CD schools and determine if the equipment can be used elsewhere. Upon identifying a need, NGB J3-CDS will contact CDCs or the CD School Director/Commandant, as appropriate, of gaining and losing states or schools and lateral transfer procedures will be initiated IAW normal ARNG/ANG procedure for interstate transfer.

c. When NGB J3-CD finds no need for the item in other states or CD schools, the CDC or the CD School Director/Commandant, as appropriate, will be given permission to release the item for disposal as excess property IAW applicable directives.

d. Unserviceable equipment may be disposed of as excess property IAW applicable directives without first coordinating with NGB J3-CD.

Chapter 8

Personnel and Administration

8-1. Duty Status

National Guard members may participate in the Counterdrug Support Program in the following paid duty statuses:

a. Full-time National Guard Duty Counterdrug (FTNGDCD). Orders will cite Title 32 USC § 502(f) as authority. National Guard members in FTNGDCD status must have Counterdrug Support Program duties as their primary mission. Duties must be IAW the funding citation (MAMSCO) and Type Duty Code (TDC) specified on the orders. See paragraphs 6-4.a. for member's PDS and entitlement to BAH.

b. State Active Duty (SAD). CD personnel may not perform state active duty while on CD orders, even during non-duty hours or while on military leave.

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c. IDT/IAD or AT, incidental to training. National Guard personnel may support LEAs and/or other activities in the Counterdrug Support Program in an IDT/IAD/AT status if the performance of that duty is incidental to the training already scheduled. National Guard units may perform their period of AT in support of CD missions which meet the Mission Essential Task List (METL) or readiness requirements of the unit, under authority of Section 1004, NDAA of 1991, as amended by Section 1021, NDAA of 1999. Prior approval of the NGB Chief, Operations, Training and Readiness Directorate (NGB-ARO) or the NGB Director, Operations, Plans and Programs (ANG/XO), is required.

8-2. Utilization of Title 32 AGR Personnel, State Employees, and Civilian Personnel

a. State employees will be utilized in FTNGDCD status only after confirmation by appropriate state authority that such duty does not violate state law, regulations or policy.

b. It is DoD policy that no federal or state civilian employees, military technicians, or "personnel service" contract personnel are authorized to perform CD duty pursuant to 32 USC § 112.

c. Title 32 AGR personnel will be utilized in CD activities only after confirmation by Human Resources Management Office (HRMO) personnel that they are eligible and that such duty does not violate federal law or regulations.

8-3. Counterdrug OCONUS Travel

This paragraph establishes the policy and procedures for temporary duty travel outside the Continental United States (OCONUS) for National Guard personnel. All Counterdrug personnel traveling OCONUS will follow policies and regulations in accordance with DODD 4500.54, AR 55-46 and AR 135-200. The authority to permit the issuance of orders for OCONUS duty lies expressly with NGB-ARO for the Army National Guard and with ANG-A3 for the Air National Guard. Coordination must be made with the NGB J3-CD State Support Division prior to scheduling any OCONUS travel requests. Regional Coordinators will coordinate on each OCONUS travel request to ensure the purpose of the travel meets the definition of an appropriate Counterdrug mission under NGR 500-2. Personnel traveling under Title 32 authority will require a separate Title 10 travel order which will not cause a break in the member's active duty service. National Guard aircraft will not be used for transportation in lieu of commercial transportation for OCONUS travel requirements. This requirement does not apply to normal operational missions being flown on a regular basis and under other approved agreements.

8-4. Leave

Soldiers and Airmen accrue leave on FTNGDCD status. Leave is managed IAW AR 600-8-10 and AFI 36-3003. The CDC or the CD School Director/Commandant, as appropriate, will manage leave procedures and should encourage CD personnel to use accrued leave during the duration of the tour order.

8-5. End Strength Exemptions

a. The number of Soldiers and Airmen serving on FTNGDCD tours for the Counterdrug Support Program will not impact allowable end strengths of personnel supporting reserve components. Neither will they count against authorizations outlined in 10 USC § 12012 and 12011.

b. Soldiers and Airmen serving on FTNGDCD in the Counterdrug Support Program are exempt from end strength reporting and limitations on the number of FTNGDSW days members may perform in a fiscal year under NGR 37-111 and/or ANGI 36-2001.

8-6. Counterdrug Coordinator (CDC) Positions

a. The NGB J3-CD funds a Title 32 CDC position for each state. States that accept this position must utilize the incumbent as the principal manager and administrator of the state Counterdrug Support Program. The position must be categorized as "authorized" and "required" on the State's JFHQ TDA.

b. This position is not included in inventories or quotas for normal full-time support positions (See paragraph 9-5, above). Individuals selected by states must meet normal selection criteria for ARNG/ANG Title 32 AGR status.

c. CDCs will have supervisory responsibilities over the JNGSAP. Duties and responsibilities will be carried out IAW provisions of AR 600-85, AFI 44-120, and this regulation, as applicable.

d. State CDCs may be designated as Task Force commanders, with commensurate responsibilities, by the State Adjutant General. All provisions of NGR 500-2/ANGI 10-801 apply in such cases.

8-7. FTNGDCD Tour Order Periods

a. Personnel serving on FTNGDCD are not subject to the same tour limitations or consecutive years of Active Federal Service (AFS) limitations as soldiers performing FTNGADSW.

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(1) The FTNGDCD orders may be published for periods up to three years, but orders that extend into or beyond the next fiscal year must state "subject to the availability of funding" in the orders remarks section.

(2) Follow-on tours are authorized.

b. Personnel voluntarily released from the AGR Program (32 USC § 502(f) or 10 USC § 12301(d)) may enter FTNGDCD status with no break in service.

c. Mandatory release from FTNGDCD: Officers, Warrant Officers, and Enlisted personnel may be released from FTNGDCD, upon completion of 20 years AFS. Retention beyond 20 years AFS on FTNGDCD will be based on the needs of the State CD Program as determined by the respective state AG.

8-8. FTNGDCD Special Considerations

a. Personnel on FTNGDCD may be offered tours that will place them in sanctuary and follow on tours until they attain 20 years of AFS, unless denial of such tour is approved by state AG.

b. Early release procedures for FTNGDCD.

(1) Voluntary early release. CD personnel may request early release. Requests will be in writing, will set forth the reasons for the request, and will be forwarded to the CDC or the CD School Director/Commandant for action.

(2) Involuntary early release. Personnel will be involuntarily released from FTNGDCD for the following reasons:

(a) The individual's conduct, degree of efficiency, or manner of performance is seriously deficient.

(b) Funds available for FTNGDCD tours are curtailed.

(c) The FTNGDCD programs must be managed to ensure that the Guardsmen's rank/pay grade is reasonably appropriate for the FTNGDCD task(s) they are performing. The CDC or the CD School Director/Commandant is required to ensure situations detailed below are corrected as they occur. If they are not corrected, these situations constitute grounds for involuntary early release.

1. If there is a change in mission requirements that results in no further need for, or mal-utilization of, the Soldier's skills/pay grade.

2. If the Guardsman is promoted or appointed to a higher grade based on his or her traditional National Guard unit assignment, and the Guardsman is no longer grade compatible with the duties performed in the FTNGDCD duty position. A member who is released or not granted a follow-on FTNGDCD under these circumstances will remain eligible to apply for separation pay if he/she has attained eligibility.

3. If the Soldier is assigned to a position that would cause a "grade inversion" incident where the supervisor is junior in military grade to the supervised.

c. The FTNGDCD member's CDC or NGCSP Director/Commandant is required to release Soldiers involuntarily when the incidents in paragraph 8-8c.(2)(a),(b) and/or (c) arise and cannot be corrected. Soldiers will be notified in writing with release date specified. Whenever possible, Guardsmen should receive at least 15 calendar days notification of their release but will be released upon termination date of their tour if that occurs first.

d. Involuntary early release from FTNGDCD tours pursuant to paragraph 8-8c.(2)(a) will be accomplished using the following procedures.

(1) Tours of 30 days or less. Involuntary release from tours of 30 days or less is at the discretion of the supervisor or program manager. Affected personnel will be notified in writing with release date specified.

(2) Tours of 31 days or more. To involuntarily release personnel on FTNGDCD tours exceeding 31 days in duration, the initiating CDC or CD School Director/Commandant will refer the recommendation for involuntary early release to the Guardsman for rebuttal or comment. Specific reasons must be included in the recommendation. The rebuttal or comments must be returned to the initiating supervisor or program manager within 15 calendar days from the date of receipt. Any information added to the recommendation after this time must again be referred to the affected member for rebuttal or comment. The initiating CDC or CD School Director/Commandant will forward the recommendation, together with the rebuttal or comments, through the chain of command or supervision to TAG for final action. If TAG decides to release the Soldier, the Soldier will be released within 30 calendar days of notification of the decision or on the termination date of the tour if that occurs first. A Soldier may submit a request for voluntary early release instead of responding to a recommendation for involuntary early release. A request for voluntary early release will be forwarded through the chain of command or supervision to TAG. If such request is approved by the TAG, then action to involuntarily release the Soldier will cease.

e. All Soldiers entering FTNGDCD will have a Basic Active Service Date (BASD) established in Retirement Points Accounting Management/Total Army Personnel Data Base (RPAM/TAPDB) for accounting purposes.

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8-9. Personnel Screening

a. Selection of personnel for CD duty (in both paid and unpaid statuses) must include screening which provides reasonable certainty that the member is of good character, well motivated and an appropriate representative of the National Guard in duties subject to high profile scrutiny by LEAs, National Guard senior commanders, news media, and the general public.

b. National Guard members pending disciplinary action, under civilian court orders or awaiting adjudication, or involved in other potentially negative situations will be carefully screened to ensure that they are not assigned in situations where their legal or personal affairs might reflect unfavorably on the Counterdrug Support Program, the National Guard, or the state.

8-10. Screening of Mission 6 Volunteers in Non-pay Status

The CDC will establish screening procedures for unpaid National Guard volunteers participating in mission 6 activities. It is recommended that this screening, as a minimum, include securing a favorable letter of recommendation from each person's unit commander. Mission 6 participants in a pay status will be screened in the same manner as other paid personnel.

8-11. Early Notice of Special Requirements for Counterdrug Duty

a. The CDC or the CD School Director/Commandant, as appropriate, will ensure that personnel for Counterdrug Support Program duty are well informed about the unique requirements for CD duty.

b. The CDC or the CD School Director/Commandant, as appropriate, will provide the members a written information sheet that details prerequisites. Such document should, as a minimum, include unique requirements such as:

(1) Urinalysis testing is required upon entry on active duty, and personnel are subject to periodic testing while on active duty. These requirements are in addition to testing by units of assignment during IDT/IAD under the JNGSAP.

(2) Requirement to continue attendance at IDT/IAD and AT while on FTNGDCD.

(3) Status of funding from year to year.

(4) Probability of criminal records checks, and/or security screening by LEAs of applicants serving in LEA offices or in positions where they are privy to operational information of LEAs. Applicants will be informed that such inquiries are likely to be completed after entry on duty and that rejection by LEAs could result in their removal from the CD program.

(5) Standards of Conduct.

(a) National Guard members participating in the Counterdrug Support Program are required to comply with state laws and with DoD 5500.7-R. They are required to uphold the highest standards of conduct and personal appearance.

(b) Outside employment, associations and off-duty conduct/activities must be consistent with federal directives on ethics and with state and federal conflict of interest policies. Outside employment will require written approval of CDC according to para 8-25 of this regulation.

c. The above conditions of service will be clearly stated in announcements and advertisements for CD positions.

8-12. Screening for Duty of 30 or fewer Consecutive Days

a. Personnel must be eligible for FTNGDCD IAW ARNG or ANG requirements.

b. Personnel must receive a written recommendation from their unit commander or designated equivalent or higher ranking officer.

c. ARNG Personnel must meet medical retention standards as set forth in AR 40-501 Chapter 3 and Chapter 10.

d. ANG personnel must meet the medical retention standards as set forth in AFI 48-123 Chapter 3 and Attachments 2, 9, and 19.

e. All applicants must undergo favorable drug testing upon entry on FTNGDCD. However, for periods of 30 days or less only, the CDC or the CD School Director/Commandant, as appropriate, has discretionary authority to waive the urinalysis requirement.

f. The CDC or the CD School Director/Commandant, as appropriate, may delegate execution of the screening process to organization/major command headquarters (ARNG) or to base/organization/unit commanders (ANG), when large numbers are involved or when it is justified by time considerations.

8-13. Screening for Duty of 31 or More Days

- a. Meet all requirements of paragraph 8-12.a.-e.
 - (1) ARNG/ANG personnel who serve on CD duty for 31 or more consecutive days are subject thereafter to retention standards of AR 40-501 or AFI 48-123 while they remain on duty.
 - (2) National Guard members are subject to unannounced drug testing while on duty in the Counterdrug Support Program. The CDC or the CD School Director/Commandant, as appropriate, will ensure that personnel on extended orders are tested at least annually. This is in addition to testing by units of assignment under the JNGSAP during IDT/IAD.
 - (3) All applicants ordered to duty of 31 or more consecutive days will be given drug testing upon entry on Title 32 duty.
 - (a) If unfavorable test results are received, orders will be terminated immediately.
 - (b) Favorable JNGSAP test results may be substituted for testing scheduled specifically to qualify for CD duty, providing the test was conducted within 30 days before entry on duty.
 - (c) Applicants for reentry will be tested IAW paragraph 8-12.e. These requirements will be adhered to when Soldiers and Airmen are REFRAD from war or contingency operations. In addition to the requirements listed above, the CDC may review the Soldier or Airmen's DD Form 2796 (Post-Deployment Health Assessment) prior to rehire.
- b. Favorable interview by the CDC, the CD School Director/Commandant, or representative.
- c. Favorable Entrance National Agency Check/National Agency Check (ENTNAC/NAC) within past 10 years (security clearance is not required).
- d. Favorable investigation/security check by LEA (if required by the specific LEA concerned).

8-14. Conditional Duty

- a. When delays in medical screening of applicants for duty of 31 or more consecutive days occur, the CDC or the CD School Director/Commandant, as appropriate, may permit applicants to serve under orders for 30 or fewer consecutive days until medical qualifications for the intended longer duty are confirmed. If medical qualifications are not received by the end of the 30 day orders, the applicant must have a 31 day break before any new order may be issued. Upon confirmation of medical qualifications, and if the applicant fully qualifies under personnel screening requirements, orders for the desired period may be issued.
- b. Authorization of short-term orders under paragraph 8-14.a., is at the discretion of the CDC or the CD School Director/Commandant, as appropriate. The CDC or the CD School Director/Commandant, as appropriate, should give first consideration to the interests of the Counterdrug Support Program and the National Guard when considering this option.

8-15. Procedures for Personnel Screening

- a. The CDC or the CD school staff, as appropriate, will coordinate with commanders, records custodians, and state security managers to review records and determine that the member is eligible for FTNGDCD IAW normal ARNG/ANG standards and if any of the considerations noted in paragraph 8-9. Commander's written recommendation will be secured in a safe or protected place due to its potential sensitivity. The CDC, the CD School Director/Commandant, as appropriate, or an authorized representative, will conduct a personal interview. State security managers (ARNG and ANG) will verify ENTNAC/NAC status of applicants.
- b. When duty positions are advertised competitively by the state Human Resources Office (HRO), the CDC or the CD school staff, as appropriate, will coordinate closely with HRO to ensure that program requirements are correctly advertised and that all the screening requirements of this chapter are met.
- c. Successful completion of personnel and medical screening may be considered qualification for reentry to CD duty for one year if a break in duty is less than 30 days. The CDC or the CD School Director/Commandant, as appropriate, may, however, require a complete screening. ANG members must meet worldwide duty standards as outlined in AFI 48-123, Attachment 9.

8-16. Special Considerations Regarding ENTNAC, NAC, and LEA Investigations

- a. State ARNG/ANG security managers will verify that applicants have had a favorable ENTNAC or NAC in the last 15 years (security clearance is not required). The CDC or the CD School Director/Commandant, as appropriate, will appoint a security manager for the state CD program to assist with personnel and physical security.
- b. The CDC or the CD School Director/Commandant will ensure a Police Records Check is submitted on each applicant before his or her receiving orders for duty.

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c. CDC staff or the CD school staff, as appropriate, not assigned to LEAs but privy to sensitive LEA operational information (for example, CDC administrative or operations personnel who review requests for support or maintain operations files) may be subject to the same security requirements. As in paragraph 8-15., this is a determination to be made by LEAs and/or the CDC or the CD School Director/Commandant, as appropriate.

d. When LEAs require investigation of supporting Guard members, the CDC or the CD School Director/Commandant, as appropriate, will refer applicants to the LEAs, who will be responsible for the entire process, including privacy act statements. The CDC staff or the CD school staff, as appropriate, and state full-time support personnel will not participate in the process, with the exception of National Guard members assigned to LEA support whose normal duties include participating in such inquiries.

e. When an LEA determines that a military security clearance meets their security requirements, the CDC staff or the CD school staff, as appropriate, may confirm existing security status with the help of the state level ARNG or ANG Security Managers, but any new inquiries must be made by LEAs IAW their own legal authority.

f. Applicants not acceptable to LEAs may be rejected from the program or relieved from duty.

8-17. Medical Waivers

Medical waivers for ARNG personnel will be executed IAW with AR 40-501. ANG medical waivers will be IAW AFI 48-123.

8-18. Retaining a Record of the Screening Process

The CDC staff or the CD school staff, as appropriate, will record names/ranks/titles/dates of personnel verifying applicant's qualifications (applicants for duty of 31 or more consecutive days only) on a checklist and retain it for the duration of the member's CD service plus one year. All applicants must meet all regulatory requirements and a semi-annual review of records will be conducted to verify regulatory requirements are met. At the discretion of the CDC or the CD School Director/Commandant, as appropriate, a checklist confirming successful screening can be used as authority for reentry on CD duty after a break not to exceed 30 days, with the exception that drug testing will be IAW paragraph 8-12. The checklist will include:

- a. Applicant's rank, name, and Social Security Number (SSN).
- b. Unit of assignment, indicating ARNG or ANG as applicable.
- c. Rank and name of unit commander recommending individual, and date recommended.
- d. Date of interview; rank, name and title of interviewer.
- e. Rank, name, and title of individual reviewing personnel records and date review conducted.
- f. Rank, name, and title of individual confirming ENTNAC/NAC status, and date status confirmed.
- g. Date urinalysis conducted; date results confirmed; rank, name and title of individuals confirming results.
- h. Annual review of Soldiers Periodic Health Assessment (PHA) and Medical Protection System (MEDPROS) printout and Airmen Preventive Health Assessment and Individual Medical Readiness (PIMR) printout .
- i. Waiver information, if applicable (date waiver granted, name of NGB staff element granting waiver).
- j. Reasons for rejection of an applicant if applicable (enclose related correspondence, explanatory Memorandum for Record or other documentation). In such cases, the checklist will be retained for two years after the close of the fiscal year in which rejection occurred.
- k. All personnel on duty in the CD program must meet the requirements of AR 350-15 and AR 600-9 or AFI 10-248. The CDC staff or the CD schools staff, as appropriate, will maintain a record of the date and score of the last two tests on record to verify personnel are in compliance with regulatory requirements.
- l. Personnel on duty in the CD program will be terminated from the program if they do not meet regulatory requirements. Termination procedures will be IAW the appropriate regulation that disqualifies them for duty.

8-19. Personnel and Health Records

a. The CDC's or school's staff will coordinate with health records/personnel records custodians to determine if other documents generated in the selection process, such as medical waiver correspondence and supporting documents, should be placed in official records.

b. Documents containing sensitive personal or medical information, such as medical histories, examinations and related documents, will not be retained once the screening process is complete.

c. As an exception to b., above, counterdrug staff will retain any documents, however personal in nature, if they are necessary to explain or justify rejection of an applicant or relief from duty for cause, when the probability exists that they would otherwise not be available in response to future inquiries by higher headquarters. Retain such documents for two years after close of the fiscal year in which rejection or relief from duty occurred.

8-20. Injury in Line of Duty

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a. National Guard members on CD orders who are injured in the line of duty are entitled to benefits under 10 USC § 1074(a) during the period of their active duty. The CDC or the CD School Director/Commandant, as appropriate, will ensure a line of duty status is determined for all personnel who become ill or who are injured while on any form of CD duty.

b. Members on tours for over 30 days may be extended on active duty, with their consent, for medical treatment of a disability. Members on tours of 30 days or less may be extended when it is determined that the member is being treated for (or recovering from) an injury, illness or disease incurred or aggravated in the line of duty.

(1) Transition Assistance Management Program (TAMP) Benefits. ANG members who have performed active duty in support of Counterdrug operations, regardless of the length of time served are not eligible for TAMP benefits. However, members who have been processed for a medical evaluation board in accordance with AFI 48-123, and are found no longer fit for continued service, may be eligible for TAMP.

(2) Active Duty Medical Extension (ADME) Benefits. The ADME program is a voluntary program available to Reserve Component (RC) Soldiers who incur an injury or aggravate a previous illness or disease in the line of duty while performing duty in a non-mobilization active duty or IDT status. ADME applies when it is determined the Soldier is unable to perform normal military duties in their MOS/Area of Concentration (AOC) within the confines of a temporary profile given by a military medical authority.

(a) RC Soldiers who require more detailed medical evaluation, treatment, and possible entry into the Disability Evaluation System (DES) are placed on active duty with their consent pending resolution of their medical condition and/or processing through the Medical Evaluation Board (MEB) Physical Evaluation Board (PEB) process.

(b) If it is determined that the Soldier's treatment or medical evaluation board process will extend beyond 30 days, the soldier has two options:

1. Sign a release statement (ADME Declination Letter) stating that the Soldier declines ADME to receive medical care. The Soldier is entitled to medical care at an Army Medical Treatment Facility (MTF), on a space available basis, for medical treatment associated with their approved line of duty illness or injury, or a Department of Veterans Affairs treatment facility with a copy of a DA 2173 (Statement of Medical Examination and Duty Status)/DA 261 (Report of Investigation Line of Duty and Misconduct Status) and/or member's DD 214. If eligible, Soldiers may decline entering the ADME program and apply for incapacitation pay through their unit. Soldiers cannot participate in the ADME program and concurrently receive incapacitation pay.

2. Consent to remain or be placed on active duty. Soldiers who elect to apply to the ADME program and are found eligible, will receive orders "assigning" the Soldier to the Army MTF Medical Holding Unit (MHU) appropriate to provide medical care for the Soldier's condition. If medical care and/or DES process are not delayed, the command and control element of the MTF MHU has the authority to authorize endorsement or orders (IAW AR 600-8-105 (Military Orders)) for the Soldier to perform "duty at" either a unit on the installation or a unit close to the Soldier's home. The Soldier's command and control element will ensure the Soldier immediately enters the DES and initiate a MEB once an Army physician determines the Soldier has been identified with a medical condition listed in AR 40-501, Chapter 3.

(c) Soldiers must be counseled by an individual in his or her chain of command familiar with the ADME and Incapacitation (Incap) Pay programs. A Reserve Component (RC) teaching tool is available at the Army G-1 website: <http://www.armyg1.army.mil/MilitaryPersonnel/policy.asp>

8-21. Report of Separation from Active Duty (DD Form 214)

DD Form 214 will be issued to personnel performing qualifying CD duties IAW DoDI 1336.1 for duty of 90 consecutive days or greater. A DD Form 220 will be issued on release from FTNGD of less than 90 days.

8-22. Personnel Evaluations

a. The job performance of each member of the Counterdrug Program will be evaluated at least annually. Members will be counseled on the results of their evaluation. Evaluations will be made available to personnel on the official rating chain at their unit of assignment.

b. Soldiers/Airmen on CD duty will in many instances spend more duty days in that status than in normal drill, AT or training status, and should receive proper recognition for their contributions. The CDC or the CD School Director/Commandant, as appropriate, will coordinate with state level ARNG and ANG personnel staff to ensure compliance with applicable regulations/instructions.

8-23. Records Identifying Individuals by Name and SSN

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- a. The CDC staff or the NGCSP staff, as appropriate, will retain documents identifying individuals by name and social security number (SSN) only as necessary to perform CD missions and protect the interests of Soldiers and Airmen.
- b. When it is necessary to acquire, receive or forward personal, confidential or sensitive documents, or any documents identifying members by name and social security number, they will be retained only as long as necessary. Documents will be forwarded to records custodians or to individuals concerned, as appropriate.

8-24. Privacy Act/Freedom of Information Act Review

The CDC, or the NGCSP Director/Commandant, as appropriate, will periodically request a review by state ARNG and ANG staff, to ensure that internal procedures comply with The Privacy Act of 1974 (implemented by AR 340-21 and AFI 33-332 and the Freedom of Information Act (FOIA) (implemented by AR 25-55 and DoD 5400.7-R, AFSUP1).

8-25. Outside Employment While on Counterdrug Orders

Individuals on 32 USC § 112 CD orders may engage in outside employment during non-duty hours with the prior written approval of the CDC or the CD School Director/Commandant.

Chapter 9**Records and Reports****9-1. Counterdrug Management Information System (CMIS)**

The primary management control for the National Guard Counterdrug Program and the NGCSP will be CMIS.

- a. This software is an automated information management system to facilitate CD operations performed by the Army and Air National Guard. This efficient, on-line, fully interactive system supports the planning, budgeting, execution and evaluation phases of the State National Guard Counterdrug Program including the National Guard Counterdrug Schools Program.
- b. CMIS contains an internal review and control capability to determine the National Guard's program effectiveness in both quality and quantity. CMIS also assists in strategic planning trend analysis and supports measures of effectiveness for reporting requirements of the Government Performance Results Act (GPRA).
- c. Data transmitted to the Counterdrug Office (NGB J3-CD) is maintained on a central database accessible by the states or schools on the CMIS website <https://www.cdcmis.net/getUser.do>. There are multiple access levels authorized for end users at a state or school level. The state or school CMIS Administrator controls access for all state users. The CMIS Program Manager at National Guard Bureau (NGB) controls the state or school's CMIS Administrator access.
- d. States or schools have the option to locally maintain a database of their state or school data. This is done by logging into CMIS and building a database and then saving the file to their local computer. States or schools may manipulate local CMIS data to create required reports not readily available within CMIS as "canned" reports.
- e. CMIS policy and procedures will be updated at the beginning of each fiscal year by issuance of a memorandum or email to announce new data entry requirements. The memorandum will then be incorporated into a new version of the CMIS User's Guide/Handbook so that this handbook will become the sole guidance for proper data entry. A new version of the Handbook will reflect any mandatory reporting changes that may have occurred for the new fiscal year and will be identified in some unique manner to a visual notice of change.

9-2. CMIS Data Input

- a. The state CMIS Administrator is responsible for ensuring that data is entered in a timely manner. Data must be entered at least weekly, daily would be optimum. Each user that will input data must have their own user identification and password to protect the integrity of the data. Refer to Section 1 of the CMIS handbook for access levels. The CDC or the NGCSP Director/Commandant should have an access level of one, for state or school read only. The reason for this level of status is that the CDC or the NGCSP Director/Commandant will not be entering data but can view all screens and data, and generate reports.
- b. Quality data versus Quantity: The quality of mission data is more important than how many missions a state or school can generate in CMIS. States or schools must follow the data input rule of "one original request equals one mission." How this can be accomplished is to establish year long letters of requests from lead agencies for both supply and community outreach support. This rule ensures the integrity of data will be accurate, by continuous data entry to one mission. It will also reduce input time.

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9-3. CMIS Training

a. Basic CMIS User Training consists of step-by-step, screen-by-screen instruction for individuals who are new to the CD program. It gives them the opportunity to get an understanding of the software. It also serves as refresher training. Basic User Training will take place once each quarter. There are two seats allocated for each state.

b. Administrator Training helps states and schools control and use their data more to their advantage. Newly appointed Administrators or basic users who want more experience using the CMIS software should attend. It teaches the individual how to query state or school data once in the Access format. During class, state and school personnel receive a detailed checklist with steps on how to review their state's data for accuracy and how to identify errors in data entry. The frequency of training attendance of state and school CMIS administrators is determined by the states.

9-4. CMIS Data Evaluation

State data will be evaluated during the CPE process. The data review will be from the last date of the CPE. Data integrity must be checked for each fiscal year to make sure the appropriate data was entered and that the accuracy of the data is verified.

9-5. Organization Files

a. Current and historical organization files of the Counterdrug Support Program will be established and maintained IAW AR 25-400-2 <https://www.arims.army.mil/rrsanew/rrssrch.asp>

b. Organization files will be maintained by CD personnel in a central location to the maximum extent possible. Such files will be maintained IAW this regulation/instruction and will be periodically integrated into historical files of the Counterdrug Support Program.

c. Electronic Records. Army records, regardless of medium, must follow the disposition instructions identified in ARIMS RRS-A (Records Retention Schedule – Army) and comply with the security requirements of AR 380-19. Any electronic information generated, contained, or created through an information system or other automation source must be preserved according to those instructions. Please review AR 25-400-2, Chapter 3 for maintenance of electronic record keeping.

9-6. Counterdrug Support Program Operations Files

a. The CDC or the CD School Director/Commandant, as appropriate, will ensure that a file is established for every operation conducted, in all mission categories. Files will be closed at the end of the fiscal year. New files will be initiated at the start of the fiscal year for operations continued from the previous fiscal year. Files shall be maintained IAW para 2-1i of this regulation.

b. Separate files will be prepared for each agency or organization supported. When a given agency/organization is supported in different locations, a file will be maintained for each location. The CDC or the CD School Director/Commandant, as appropriate, may at his/her discretion make exception to this rule, providing that files clearly indicate what dates, names, and other significant data apply to what location.

c. Aviation, Drug Demand Reduction (DDR) and/or SA operations files may be maintained separately when the activity's operation is not co-located with the CDC's office.

d. CD School operations files will be maintained at the school IAW paragraph 9-5 above.

9-7. Contents of Operations Files

The intent of operations files is to create and maintain an audit trail and clear history of operations and significant incidents in order to reinforce memory, inform internal staff, and contribute to lessons learned and future planning.

a. At a minimum, operations files will include the following documents:

(1) The LEA or CBO request which initiated the operation. When continuous support operations are renewed from year to year with the same agency, a request for continuation will be secured annually, before the start of the new fiscal year.

(2) DA Form 7566 (Composite Risk Management Worksheet). An annual risk assessment is sufficient for operations that continue year round in one location with relatively stable routines. When circumstances change and new risk factors are present, new assessments will be prepared.

(3) If the mission involved flight operations, photocopies of the DA Form 2408-12 (Army Aviator's Flight Record) and/or AFTO Form 781, Aircrew/Mission Flight Data Document, and mission briefings will be included.

(4) An Operations Plan (OPLAN), Operations Order (OPORD) or SOP outlining the nature of the operation. The essential requirement is that an outside party, unfamiliar with the operation, would be able to understand the

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nature of the operation. For instance, daily routine duty in an LEA office should be distinguishable from a remote field operation; continuous year round support should be distinguishable from short term or intermittent support.

(5) After Action Report/Review (AAR) or CMIS generated AAR

b. The following items will be included where applicable, at the discretion of the CDC:

(1) Copies of reports and news media articles pertaining to arrests and seizures associated with the operation.

(2) Copies of initial reports of major accidents or injuries, or reports of serious incidents or immediate action situations.

(3) Cross-references to appropriate accident reports, when major accidents, injuries or property loss occurs.

(4) SOPs, checklists, evaluations, job descriptions, etc., developed for particular operations, situations, locations or agencies and which may be useful for future reference.

(5) Mission 6 files, in order to indicate the nature of operations, participants, purposes, etc., may include letters, memos, announcements, letters of instruction (LOIs), or other materials not normally found in supply reduction operations files.

(6) Copies of orders of individuals serving in the operation. When volunteers not on orders perform mission 6 operations, a listing by name and rank will suffice.

c. Files should not include operation-specific information that LEAs may consider confidential or sensitive, unless the information is necessary for protecting the interests of the National Guard.

9-8. Retention Periods for Counterdrug Records

a. Generally, records on hand will include those of the current fiscal year and the two immediate previous fiscal years. In the event this guideline conflicts with other USA/USAF/ARNG/ANG regulations/ instructions, the other directives will take precedence, except that documents which may bear upon legal action under the Federal Tort Claims Act (FTCA) must be retained for at least two years subsequent to the incidents concerned.

b. Files should not include operational-specific information, which LEAs may consider confidential or sensitive, unless the information is necessary for protecting the interests of the National Guard.

c. Documents generated by the applicant screening process will be retained IAW Chapter 8 of this regulation/instruction.

Chapter 10

Joint National Guard Substance Abuse Program (JNGSAP)

10-1. General

a. National Guard Substance Abuse Program management is covered in AR 600-85 and AFI 44-120.

b. Members of the National Guard who test positive, or who have tested positive, for illegal drug use are barred from CD duty of any type unless the case is dismissed based upon:

(1) Written opinion from a military Medical Review Officer (MRO) stating that the drug use was legitimate; or

(2) Finding by the Adjutant General there was substantial error in the selection, collection, processing or testing process.

c. National Guard members currently on CD orders, who have tested positive for illegal drug use and are not covered by 10-1.b. (1) or (2), will have their orders revoked no later than 30 days after effective date of this regulation.

d. The Army and Air National Guard conduct the Drug Testing Program IAW AR 600-85 and AFI 44-120. These regulations/instructions refer to these programs collectively as the JNGSAP. These regulations/instructions do not apply to military technician assistance programs established pursuant to Technician Personnel Regulations.

e. The Prevention Treatment & Outreach (PT&O) program will provide prevention education and treatment resources to military members. It will also provide outreach and community resources to military families.

10-2. Responsibilities

a. The Chief, NGB J3-CD, is the National Guard Bureau program manager for the JNGSAP. The NGB J3-CD point of contact for state personnel is the Chief, Substance Abuse Program section (NGB-J3-CDO-SA).

b. Adjutants General will establish a Joint National Guard Substance Abuse Program that will be co-located at the state HQ level and designate a state program manager for the JNGSAP. Designations must not conflict with requirements of AR 600-85 and AFI 44-120.

c. Adjutants General or designee will appoint a State Substance Abuse Program, Prevention Coordinator (PC) to oversee the PT&O program for National Guard members and their family. The PCs will be trained as directed by NGB-J3-CDO-SA section Chief.

10-3. Annual Plans and Budgets

- a. Plans and budget requests must be submitted as directed by the Joint Substance Abuse Officer (JSAPO) IAW guidance from the NGB-J3-CDO-SA section Chief.
- b. Plans/requests for SA programs are not part of the Governor's State Plan for the Counterdrug Support Program.

10-4. Funding for Substance Abuse Program

- a. Funding for SA programs is issued to the states within the Counterdrug Support Program budget. These funds are fenced within that budget, and may be utilized only for the JNGSAP, as indicated in fund citations.
- b. JNGSAP:
 - (1) JNGSAP Operations and Maintenance (O&M) funds are used to purchase supplies to support the collection and shipment of urine specimens to the toxicology laboratory designated by NGB-J3-CDO-SA section Chief.
 - (2) The cost of Commander's Drug Testing Report is borne by NGB. The state JAG or the Substance Abuse Program Coordinator will submit requests for the Commander's Drug Testing Report to the appropriate toxicology laboratory. The Commander's Drug Testing Report must be ordered by a state JAG or JSAPC/JSAPO. These same procedures will be utilized for payment of expert witnesses and telephone consultation fees for drug boards, after coordination and approval from NGB-J3-CDO-SA section Chief.
 - (3) JNGSAP Pay and Allowance (P&A) funds are used for training personnel to conduct drug urinalysis collection, and for administrative support of the JNGSAP.
- c. Personnel on orders for the SA program are subject to all the provisions of this regulation/instruction. Funding, entitlements, and other fiscal information may be found in Chapter 6 of this regulation/instruction.
- d. Funding for the PT&O program will be fenced within the SA budget and separate from the testing budget. The PT&O funding is to be used strictly for supporting drug abuse prevention and/or educational message for service members and their families.

10-5. Drug Urinalysis Collection

National Guard personnel performing drug urinalysis collection procedures will receive training as directed by the NGB-J3-CDO-SA section, IAW AR 600-85 and AFI 44-120. State level responsibilities for training in these procedures are as follows:

- a. JNGSAP coordinators/officers must be trained as JSAPC/JSAPO, as directed by Chief, NGB-J3-CDO-SA.
- b. The JNGSAP coordinator will conduct further training of ANG and ARNG personnel as necessary to implement a decentralized drug testing program. (See Glossary, Terms)

10-6. Records and Reports

- a. Records and reports will be prepared and submitted IAW AR 600-85 and AFI 44-120 supplemented by periodic instructions from NGB-J3-CDO-SA.
- b. Substance abuse program details are to be reported in CMIS IAW instructions found in Section 3E of the CMIS Handbook.

Chapter 11**National Guard Counterdrug School Program****11-1. General**

- a. Authority to Operate. Under such regulations as the SECDEF may prescribe, the CNGB may establish and operate or provide financial assistance to the states to establish and operate schools (to be known generally as "National Guard Counterdrug Schools Program") by the National Guard.
- b. National Guard Counterdrug Schools Program (NGCSP) Role. All courses administered by the CD schools using CD funds must have a CD or CNT nexus. Courses must have a bond, link, or direct correlation to the actual business of interdicting, identifying, seizing, or stopping drug trafficking and substance abuse. The CD schools conduct training in drug interdiction, CD activities, and drug demand reduction activities to the personnel of the following:
 - (1) Federal agencies.
 - (2) State and local law enforcement agencies.
 - (3) Community-based organizations.
 - (4) Other state and local governments, private entities, and organizations.

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- c. Counterdrug Schools Specified. The CD schools are as follows:
 - (1) The Midwest Counterdrug Training Center (MCTC).
 - (2) The Multi-Jurisdictional Counterdrug Task Force Training (MCTFT).
 - (3) The Northeast Counterdrug Training Center (NCTC).
 - (4) The Regional Counterdrug Training Academy (RCTA).
 - (5) The Western Region Counterdrug Training (WRCT).
 - (6) Such other CD schools as may be designated by the U.S. Congress.
- d. Standardized Training. Training programs will be standardized IAW this regulation/instruction for the improvement of training and recognition of professional excellence. It is understood that while format will be standardized, content may vary due to regional issues and requirements.
- e. Master Cooperative Agreements. All civilian state employees will be managed through master cooperative agreements with the applicable state.

11-2. Mission

The NGCSP is established to provide members of LEAs, CBOs, education, government, and military personnel with no-cost training to support and enhance their capabilities to remove illegal drugs from our streets and to educate our communities in the latest prevention techniques and to support and enhance training in areas related to narcoterrorism.

11-3. Charter and By-laws

A charter will be established for each CD school. The content of the charter will include at a minimum:

- a. Purpose.
- b. Mission.
- c. Organizational structure.
- d. The establishment of a Board of Directors/Representatives.

11-4. Annual School Training Plan

- a. Each CD school will submit for review an annual School Training Plan to the NGB, ATTN: NGB J3-CD, Training Branch. The plan will be approved and signed by the CD School Director/Commandant.
- b. The school plan must include approval by the Adjutant General.
- c. It is recommended that the plan include a certification from a senior law enforcement official that the missions/activities in the plan are consistent with, and not prohibited by state law.
- d. Plans will be published IAW instructions published each year by the Counterdrug Training Branch.
- e. Each CD school Director/Commandant is responsible for the submission of the *plan*.

11-5. Additional Responsibilities

- a. NGB J3-CD Responsibilities. NGB J3-CD will provide a single Training Officer that will coordinate with each CD School Director/Commandant or the CD school military liaison. The Training Officer will attend all scheduled meetings and provide interface with the Counterdrug Training Advisory Council (CTAC).
- b. Board of Directors/Representatives. Each CD school will operate under the advisory guidance of an established Board of Directors/Representatives. Each CD school will set forth in its by-laws the specific structure and role of the individual CD school board.
- c. Schools. Each CD school shall have sole responsibility in the following areas:
 - (1) Execute training programs.
 - (2) Oversee instruction.
 - (3) Develop the needs assessment.
 - (4) Maintain currency of instruction.
 - (5) Ensure student, staff, and instructor safety.
 - (6) Supervise all staff personnel.
 - (7) Market programs within their defined region.
 - (8) Provide administrative support.
 - (9) Acquire and account for equipment.
 - (10) Review courses.
 - (11) Ensure instructor qualifications.
 - (12) Manage budget.
 - (13) Develop courses.
 - (14) Review training.

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- (15) Develop policies and procedures.

11-6. Training

a. Institutional Training. Each CD school will present training as designed or approved IAW the individual CD school charter. All CD schools will establish and disseminate student registration requirements, mode of registration and notification of acceptance procedures to potential students. Each CD school will manage student training and contract instructors by the following means:

(1) School staff and faculties will supervise and support instructors and students and ensure commitment to training and educating each student. Each CD school staff will ensure facilities are provided to accommodate training requirements.

(2) Trained, qualified, and experienced instructors will conduct and supervise student training. Trainer-to-student ratios will be sufficient to ensure student control, safety, and supervision, as well as to facilitate teaching, coaching, and mentoring individual students.

(3) Instructors will provide students with accurate student performance measurements such as tests, exercises, and/or performance evaluations.

(4) All course content must meet the approval of the Board of Directors/Representatives.

(5) The Board of Directors/Representatives or the Director of Training will ensure there are periodic instructor and/or facilitator assessments.

b. Instructional Products. Each CD school will use traditional classroom presentation, distributive training technology products (i.e., web-based training, video conferencing, CD-ROM, satellite television broadcast), or such other technologies as they become available.

c. Training Aids. Each CD school is supported with training material from several origins. These origins include, but are not limited to:

(1) Instructor provided power point presentations, handouts, demonstration weapons, etc.

(2) Standard training aids (charts, projectors, audio/video equipment, VTC).

(3) Specially developed training aids (artificial/simulated drugs, hidden compartment vehicles, Law Enforcement Television Network).

(4) Facilities (Military Operations in Urban Terrain (MOUT) village, raid house, specialty classrooms).

(5) Certified training aids (live or real illicit drugs and paraphernalia).

(6) Learning resource center or library.

(7) National Guard assets.

(8) Assets of other local, state, and federal agencies.

d. Student Performance Measurement Procedures. To ensure each course meets its goals and objectives, instruction and performance measurement must be based on the identified course core competencies. Practical exercises can be used.

(1) The lead instructor/coordinator is responsible for the development of all performance measurement material and procedures.

(2) As a minimum each course of instruction will contain a pre-test, as applicable and a post-test to measure the net effects of the course of instruction. Courses designed specifically as informational presentations do not require the administration of student performance measurement procedures.

(3) All hands-on or practical exercise components will have a rating value assigned by the instructor to measure effectiveness and student performance.

e. Attendance Policy

(1) Each course will have an attendance roster, which will be maintained with the course file.

(2) Students are required to attend and participate in scheduled instruction, to include practical exercise, classroom instruction, testing procedures and opening and closing exercises.

(3) Waiver authority will not drop below the CD School Director/Commandant for variances to the stated attendance policy.

f. Maintenance of Training Records

(1) Training support records will be maintained at each CD school site as required by that school and the NGB J3-CD.

(2) At a minimum, each NGCSP will maintain the following records:

(a) Lesson plans for each class.

(b) Lesson outlines.

(c) Copies of all hand-outs.

(d) Attendance roster.

(e) Student performance records.

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- (f) Certification of course completion.
- (g) Applicable risk assessments.
- (h) Miscellaneous course documentation (i.e. accident reports, etc.).
- (i) Course administrative data (names, date of instruction, etc.).
- (j) Evaluations.
- (k) Instructor biographies and qualifications.
- (l) Course description and requirements.
- (m) All counseling statements.
- (n) Dismissal/release records.
- (o) After Action Reports (AARs).
- (3) Training records will be maintained on site for the current and the previous year.
- g. Resources
 - (1) Each CD school is responsible for obtaining all resources associated with conducting a course of instruction. Inter-service agreements (ISA) and MOAs/MOUs will be established to facilitate the use of equipment or facilities.
 - (2) When equipment to support training is insufficient for all students or teams to perform tasks or practical exercises to standard, the following considerations apply:
 - (a) If equipment non-availability outweighs the benefit of training, training will not be conducted.
 - (b) Each CD Director/Commandant must approve an exception to policy/waiver before the start of scheduled training.
 - (3) All paid, non-military instructors will be required to execute appropriate funding documents IAW federal, state, and/or local contract requirements.
 - (4) Each CD school will conduct an ongoing needs assessment to determine the current year's training requirements.
- h. Training Programs Development. Each CD school will incorporate a training management cycle for use in developing training programs. The process shall identify the CD school's missions, establish mission priorities, consider needs assessment, preparation of a long-term strategic plan, preparation of a short-term plan, preparation of a current plan, execution of training, evaluation of training, and assessing training.
- i. Curriculum Design. Curriculum development should be based on the CD school's mission, legally mandated requirements, client needs and anticipated needs, as well as continuous self-evaluation.
- j. Accreditation. External accreditation of all schools is authorized by NGB J3-CD. These external accreditations may include, but are not limited to obtaining college level credits for courses of instruction, external accreditation of the organization and facilities, and Police Officer Standards of Training (POST) for all courses executed.

11-7. Funding, Entitlements, and Other Fiscal Information

Personnel on orders for the NGCSP are subject to all provisions of this regulation/instruction. Funding, entitlements, and other fiscal information may be found in Chapter 3 of this regulation/instruction.

11-8. Student Training

- a. Selection. Each CD school will establish standards for student selection based on professional guidance and tailored to specific course requirements identified in the Course Management Plan (CMP).
- b. Student Orientation.
 - (1) Students will be informed when and where to report, what to bring, and other course requirements.
 - (2) Each course will include a student orientation to the course, facilities, and equipment to provide a safe, comfortable and efficient environment. The orientation will include:
 - (a) Course scope and prerequisites (goals and objectives).
 - (b) Billeting, mess and support information.
 - (c) Clothing, equipment, documents, other items required for course attendance, and information concerning prohibited items.
 - (d) Post and local community information, including appropriate telephone numbers.
 - (e) Conduct requirement.
 - (f) Controlled or prohibited conduct.
 - (g) Supervision.
 - (h) Emergency procedures.
 - (i) Training schedule.
 - (j) Testing or evaluation systems.

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c. Student Evaluations

(1) The students will complete evaluations after each iteration of a training program or course of instruction. Evaluations will address content, instructors, and facilities.

(2) The CD School Director/Commandant, as well as NGB J3-CD, will use the results of student evaluations in its review of appropriate courses.

d. Student Release. Each CD school will address procedures regarding student denial of enrollment, withdrawal from courses, and/or student releases. In the event of a student release from a CD school, the CD School Director/Commandant will provide written notice to the student's agency head.

e. Course Completion Requirements

(1) The CD School Director/Commandant is responsible for ensuring all students who successfully complete the course of instruction receive a certificate of completion and that a record of it is maintained with the training file.

(2) All students will meet course measurement standards as determined by the CD Board of Directors/Representatives, Director of Training, or someone other than the course primary instructor for successful completion of that course of instruction.

(3) Attendance IAW paragraph 12-6e of this regulation/instruction.

f. Student Recognition/Certificate

(1) Certificates containing complete course title will be issued to all students upon successful completion of courses.

(2) Certificates will include the student's full name, course or phase, hours of instruction and beginning and completion dates of the course.

(3) A signature certifying course completion will be affixed to each certificate.

(4) Documentation to support college credits, in-service training and continuing education requirements, when applicable, will be provided to students.

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Appendix A
References

Section I
Required Publications

This section contains no entries

Section II
Related References

AFI 10-206
Operational Reporting

AFI 11-2C-26V2
C-26 Aircrew Training

AFI 14-104
Conduct of Intelligence Activities

AFI 14-201
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AFI 31-101V1
The Air Force Physical Security Program

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AFI 33-322
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AFI 35-101
Public Affairs Policies and Procedures

AFI 36-3003
Military Leave Program

AFI 37-138
Records Disposition Procedures and Responsibility

AFI 40-501
Air Force Fitness Program

AFI 40-502
The Weight and Body Fat Management Program

AFI 44-120
Drug Abuse Testing Program

AFI 44-121
Alcohol and Drug Abuse Prevention and Treatment (ADAPT) Program

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AFI 48-123

Medical Examinations and Standards

AFI 51-301

Civil Litigation

AFI 65-103

Temporary Duty Orders

AFI 65-107

Nonappropriated Funds Financial Management Oversight Responsibilities

AFI 65-201

Management Control

AFI 65-601

Budget Guidance and Procedures

AFI 65-602

Formal Training Course Cost Report

AFI 65-603

Official Representation Funds-Guidance and Procedures

AFI 65-608

Anti-deficiency Act Violations

AFI 91-202

The US Air Force Mishap Prevention Program

AFI 91-202/ANGSUP 1

US Air Force Mishap Prevention Program

AFI 91-204/ANGSUP 1

Safety Investigations and Reports

AFI 91-213

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ANGI 36-2001

Management of Training and Operational Support within the Air National Guard

ANGI 36-2910

Line of Duty and Misconduct Determinations

ANGMD 38-01

State Air National Guard Headquarters

AR 5-13

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AR 11-2

Management Control

AR 25-1

The Army Information Resources Management Program

AR 25-50

Preparing and Managing Correspondence

AR 25-55

The Department of the Army Freedom of Information Program

AR 25-400-2

The Army Records Information Management System (ARIMS)

AR 27-40

Litigation

AR 37-1

Army Accounting and Fund Control

AR 40-3

Medical, Dental, and Veterinary Care

AR 40-8

Temporary Flying Restrictions Due to Exogenous Factors

AR 40-29/AFR 160-13/NAVMECOMINST 6120.2/CG COMDTINST M6120.8

Medical Examination of Applicants for United States Service Academies, Reserve Officer Training Corps (ROTC) Scholarship Programs, Including 2- and 3-year College Scholarship Programs (CSP), and the Uniformed Services University of the Health Sciences (USUHS)

AR 40-48

Nonphysician Health Care Providers.

AR 40-66

Medical Record Administration and Health Care Documentation

AR 40-400

Patient Administration

AR 40-501

Standards of Medical Fitness

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AR 55-29
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AR 130-5/AFMD 12
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AR 135-18
The Active Guard/Reserve (AGR) Program

AR 135-100
Appointment of Commissioned and Warrant Officers of the Army

AR 135-175
Separation of Officers

AR 135-178
Army National Guard and Army Reserve Enlisted Administrative Separations

AR 140-10
Assignments, Attachments, Details, and Transfers

AR 145-1
Senior Reserve Officers' Training Corps Program: Organization, Administration, and Training

AR 145-2
Organization, Administration, Operation, and Support

AR 190-11
Physical Security of Arms, Ammunition, and Explosives

AR 190-13
The Army Physical Security Program

AR 190-40
Serious Incident Report

AR 190-51
Security of Unclassified Army Property (Sensitive and Nonsensitive)

AR 310-49
The Army Authorization Documents System (TAADS)

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AR 340-21

The Army Privacy Program

AR 350-1

Army Training and Leadership Development

AR 360-1

The Army Public Affairs Program

AR 360-5

Public Information

AR 360-81

Command Information Program

AR 380-5

Department Of The Army Information Security Program

AR 380-13

Acquisition and Storage of Information Concerning Non-Affiliated Persons and Organizations

AR 380-19

Information Systems Security

AR 381-10

US Army Intelligence Activities

AR 385-10

The Army Safety Program

AR 385-40

Accident Reporting and Records

AR 385-55

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AR 600-85

Army Substance Abuse Program

AR 600-9

The Army Weight Control Program

AR 600-105

Aviation Service of Rated Army Officers

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Flying Status for Nonrated Army Aviation Personnel

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AR 608-75

Exceptional Family Member Program

AR 611-5

Army Personnel Selection and Classification Testing

AR 611-85

Aviation Warrant Officer Training

AR 611-110

Selection and Training of Army Aviation Officers

AR 614-30

Overseas Service

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Enlisted Assignments and Utilization Management

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Active Duty Enlisted Administrative Separations.

AR 635-200

Active Duty Enlisted Administrative Separations

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Army Accident Prevention Award Program

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Loan and Lease of Army Materiel

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Inventory Management Supply Policy Below the Wholesale Level

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Classification Guide for Counterdrug Information

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FM 25-100

Training the Force

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Joint Counterdrug Operations

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Additional Support for Counterdrug Activities (Public Law 101-510, Section 1004)

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10 USC § 375

Restriction on Direct Participation by Military Personnel in Interdiction, Search, Seizure, Arrest, Unless Authorized by Law

10 USC § 1074

Medical and Dental Care for Members and Certain Former Members

10 USC § 1174

Separation Pay Upon Involuntary Discharge or Release from Active Duty

10 USC § 2667

Leases: Non-Excess Property of Military Departments

10 USC § 12011

Authorized Strengths: Reserve Officers on Active Duty or on Full-Time National Guard Duty for Administration of The Reserves or the National Guard

10 USC § 12012

Authorized Strengths: Senior Enlisted Members on Active Duty or on Full-Time National Guard Duty for Administration of the Reserves or the National Guard

18 USC § 1385

Use of Army and Air Force as Posse Comitatus

28 USC § 2671-2680

Federal Tort Claims Act (FTCA)

31 USC § 3511

Federal Managers' Financial Integrity Act of 1982
(Public Law 97-255)

32 USC § 112

National Guard Drug Interdiction and Counter-Drug Activities

32 USC § 502(f)

National Guard Training or Other Duty in Addition to Drill And Annual Training

42 USC § 3782 (a)

General Authorization of Certain Federal Agencies

Section III

Prescribed Forms

This section contains no entries

Section IV

Referenced Forms

AF Form 9

Request for Purchase

AF Form 616

Fund Cite Authorization (FCA)

AF Form 3215

C4 Systems Requirements Document

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AFTO Form 781

AFORMS Aircrew/Mission Flight Data Document

DA Form 1379

U.S. Army Reserve Components Unit Record of Reserve Training

DA Form 2028

Recommended Changes to Publications and Blank Forms

DA Form 2408-12

Army Aviator's Flight Record

DA Form 3081

Periodic Medical Examination (Statement of Exemption). (Prescribed in para 8-14a(4).)

DA Form 3083

Medical Examination for Certain Geographical Areas. (Prescribed in para 8-24b(5).)

DA Form 3349

Physical Profile

DA Form 3725

Army Reserve Status and Address Verification

DA Form 4186

Medical Recommendation for Flying Duty. (Prescribed in para 6-2n.)

DA Form 4497

Interim (Abbreviated) Flying Duty Medical Examination. (Prescribed in para 6-7a(4).)

DA Form 4700

Medical Record—Supplemental Medical Data

DA Form 5888

Family Member Deployment Screening Sheet

DA Form 7349

Initial Medical Review—Annual Medical Certificate. (Prescribed in para 8-19c(5).)

DA Form 7566

Composite Risk Management Worksheet

DD Form 214

Report of Separation from Active Duty (Not Reproducible)

DD Form 220

Active Duty Report

DD Form 448

Military Interdepartmental Purchase Request

DD Form 689

Individual Sick Slip

DD Forms 1966/1 through 5

Record of Military Processing—Armed Forces of the United States

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DD Form 2351

DOD Medical Examination Review Board (DODMERB) Report of Medical Examination

DD Form 2697

Report of Medical Assessment. (Prescribed in para 8-12e(11).)

DD Form 2766

Adult Preventive and Chronic Care Flowsheet. (This form is available in paper through normal supply channels.)

DD Form 2807-1

Report of Medical History. (Prescribed in para 6-6.)

DD Form 2807-2

Medical Prescreen of Medical History Report
106 AR 40-501 • 12 April 2004

DD Form 2808

Report of Medical Examination. (Prescribed in para 6-6.)

NGB Form 26

Performance Evaluation of FTNGDCD personnel

NGB Form 62

Application for Federal Recognition as an ARNG Officer or Warrant Officer and Appointment as a Reserve Commissioned Officer or Warrant Officer of the Army in the ARNG of the United States. (This form is available at <http://www.ngbpdcc.ngb.army.mil>.)

SF 507

Clinical Record—Report on or Continuation of SF. (Available from <http://contacts.gsa.gov/webforms.nsf>.)

SF 513

Medical Record—Consultation Sheet. (Available from <http://contacts.gsa.gov/webforms.nsf>.)

SF 600

Health Record—Chronological Record of Medical Care. (Available from <http://contacts.gsa.gov/webforms.nsf>.)

SF 603

Health Record—Dental. (This form is available through normal supply channels.) 107 AR 40-501 • 12 April 2004

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Appendix B MOA Template

(State Letterhead)

MEMORANDUM OF AGREEMENT
BETWEEN
Counter Drug Coordinator
And
State Army Aviation Officer

SUBJECT: Memorandum of Agreement for (State) Army National Guard Counterdrug Aviation Operational Support

1. REFERENCES:

- A. NGR 500-2
- B. NG Supplement 1 to AR 95-1
- C. Governor's State Counterdrug Plan
- D. 32 USC 112
- E. FM 3-04.119, Security and Support Helicopter Battalion
- F. Others that may include standing agreements with LEAs, interstate compacts or MOAs regarding the use of CD assets or support across state lines; etc..

2. PURPOSE: This Memorandum of Agreement (MOA) establishes the framework for management and use of (State) Army National Guard (XY ARNG) aviation assets for operational support of law enforcement agencies (LEAs) counterdrug missions. The State Counterdrug Coordinator (CDC) and the State Army Aviation Officer (SAAO) agree to provide aviation support to LEA counterdrug operations and to work collaboratively to ensure continued support of the law enforcement operations that are integral to the Governor's State Counterdrug Plan. This MOA defines the responsibilities of the CDC and the SAAO and the lines of communication between the CDC in areas that include personnel, funding, training, operations, and logistics. It recognizes the roles and responsibilities of respective aviation unit commanders and the J3/G3. This MOA is not intended to nor may it be used to supersede existing federal or state laws, Department of Defense or Army/National Guard Bureau regulations

3. BACKGROUND: 32 USC § 112 provides the statutory authority for the National Guard Counterdrug (CD) Program and the approved plans for the State of (XX). Consistent with OSD and ONDCP direction and guidance, the (XX) National Guard develops the Governor's State Plan for National Guard Counterdrug Support. It is signed by the Governor and Attorney General, reviewed by the National Guard Bureau, coordinated with NORTHCOM, and approved by the Secretary of Defense. The approval of the plan constitutes authority to utilize appropriated CD funds and requires accountability for the use of those funds. Various actions take place following the OSD approval of the Governor's State Counterdrug Plan resulting in the allocation of funds for the National Guard Bureau to the (XXNG) for personnel, OPTEMPO, and training to support LEA counterdrug operational missions.

The State's Counterdrug Program uses (XX) ARNG aviation assets for operational support to law enforcement counterdrug operations. Aircrews supporting LEA counterdrug operational missions assigned to aviation units on Fulltime National Guard Duty Counterdrug Duty (FTNGDCD) orders and traditional NG personnel that may be periodically placed on CD orders. Aircraft typically used for support operations include the (XX, YY, and ZZ). The Governor's State CD Plan requires (XX ARNG) aviation assets to support approved missions.

4. COORDINATION: This MOA has been coordinated with the (XX) NG:

- A. JA
- B. J3
- C. PA
- D. CoS
- E. USP&FO

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F. HRO

5. LINES of COMMUNICATION: This MOA is not intended to circumvent existing lines of communication between the principle staff and the chain of command as established by The Adjutant General. However, matters of routine nature that can be addressed within the context of this MOA may be communicated directly between the CDC and SAAO. Issues requiring policy, regulatory change, or resource adjudication shall be addressed through the normal staffing process.

6 MISSION: The (XX) National Guard will support law enforcement CD operations with selected (XX) ARNG aviation assets consistent within law, OSD directives, regulations, and the Governor's State Counterdrug Plan. Based on priorities established by ONDCP and missions approved by OSD, the Governor's State Counterdrug Plan provides the framework within which support to LEA counterdrug missions are accomplished. Definitions of missions contained within that framework are detailed in NGR 500-2. All missions performed by (XX ARNG) aviation personnel must fall within one of the missions approved in the Governor's State Counterdrug Plan.

A. Mission Approval / Execution Process: This five step process includes: Receipt, validation, acceptance, prioritization, and execution. All CD mission requests must be received, validated, accepted, and prioritized by the CDC. The CDC validates that the requested mission falls within the definition of one of the approved mission categories noted in the Governors' State Counterdrug Plan. Once validated, the CDC may accept the mission and establish the priority of the mission within the National and/or State counterdrug strategies. Mission execution is coordinated with (XX) ARNG aviation units through the SAAO.

B. Homeland defense / security missions, military assistance to civil authorities, and mobilizations are the purview of the J3/G3.

7. ROLES and RESPONSIBILITIES:

A. Counterdrug Coordinator: The CDC is the point of contact for the Governor's State Counterdrug Plan. In that role the CDC is responsible for initiating and coordinating the development of the Governor's State Counterdrug Plan each fiscal year. The CDC is responsible for all resource management pertaining to Counterdrug support. The CDC validates OPTEMPO requirements contained in the Governor's State Counterdrug Plan. The CDC is the point of contact between the (XX) NG and National Guard Bureau J3-CD, law enforcement agencies and community based organizations on matters relating to the Governor's State Counterdrug Plan and use of CD funds.

B. State Army Aviation Officer: The SAAO is the point of contact for the Adjutant General and is responsible for all ARNG aviation matters including use of aircraft, staff oversight of aviation missions, aviation training, and standardization, and maintenance support. The SAAO is the point of contact between the (XX) NG and National Guard Bureau Aviation and Safety Division.

C. Funding/Resource Management:

(1) CDC: The CDC will manage all funds that support the counterdrug operations for which DoD has provided counterdrug funding based Governor's State Counterdrug Plan. Funds to be managed include, among others:

- (a) Pay and allowance funding for fulltime National Guard Counterdrug personnel.
- (b) Supporting pay and allowances for counterdrug missions that may be applied to traditional personnel supporting periodic and cyclical CD missions.
- (c) Funds used to procure CD mission equipment.

(2) SAAO: The SAAO will assist the CDC in developing aircraft OPTEMPO requirements for inclusion in the Governor's State Counterdrug Plan and manage the CD flying hours required to support the Governor's State Counterdrug Plan.

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D. FTNGD-CD Program Responsibilities:

- (1) CDC: Subject to CD funding availability, the CDC will maintain a FTNGD-CD manning level for pilots and crew chiefs required to support the aviation mission requirements for the Governor's State Counterdrug Plan.
- (2) SAAO: The SAAO will coordinate technician and AGR authorizations/requirements for the Army Aviation Support Facility, S&S battalions, companies, and detachments with the Human Resources Office.
- (3) FTNGDCD personnel shall not be used to fill shortages in fulltime technician or AGR requirements/authorizations.

E. Training.

- (1) CDC:
 - (a) Support counterdrug specific training requirements for FTNGD-CD personnel that may include academic, flight simulator, and flight training directly related to the operational CD mission.
 - (b) Pay and allowances and travel/per diem for CD mission equipment qualification of FTNGD-CD personnel.
 - (c) Travel and per diem for traditional (M-Day) aircrew personnel to qualify on counterdrug mission equipment and the basic mission qualification.
 - (d) Provide initial CD Program qualification noted in NG 500-2 for all aircrew personnel that support LEA CD operations.
- (2) SAAO:
 - (a) Coordinate and/or manage all other aviation training costs.
 - (b) Pay and allowances and travel/per diem required for airframe qualification will be funded/programmed by the SAAO in coordination with the G3/State Training Officer.

F. Logistics.

- (1) CDC:
 - (a) Will ensure any program requirements changes to the counterdrug aviation missions that may require logistical support are coordinated with SAAO.
 - (b) Ensure support operations are projected as far in advance as possible to permit development and execution of appropriate FHP obligation plans.
- (2) SAAO:
 - (a) Ensure CDC visibility on aircraft readiness issues that may impact CD operations.
 - (b) Coordinate FHP obligation plans in coordination with the CDC.

G. Safety:

- (1) CDC shall:

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- (a) Support annual aviation and safety conferences conducted by the SAAO with counterdrug related safety and operational presentations where appropriate.
- (b) Participate in counterdrug related aviation mishap investigations and/or review and comment on related findings and recommendations.

(2) SAAO will include:

- (a) Counterdrug risk management strategies in the appropriate State regulations and policies. Counterdrug unique risk management issues will be coordinated with the CDC.
- (b) The CDC in all counterdrug related mishap investigations and reviews.
- (c) Counterdrug risk management presentations by the CDC in the Aviation and Safety Conferences when appropriate.

H. Inspections and Management Controls

(1) CDC:

- (a) The CDC will be the principle point of contact for the NGB J3-CD Counterdrug Program Evaluations (CPE). The CPE will review the CD resources used in all aviation operations to include the embedded counterdrug mission of the S&S battalions, companies, and detachments. Findings and recommendations shall be coordinated with the SAAO. The CDC will support the SAAO in aviation inspections (ARMS, etc.) when required.
- (b) Establish management controls to ensure counterdrug funding is applied to counterdrug operations.
- (c) Coordinate counterdrug management controls affecting aviation with SAAO.
- (d) Manage data provided through the Counterdrug Management Information System (CMIS).

(2) SAAO:

- (a) Support the Counterdrug Program Evaluations where aviation assessments are required.
- (b) Ensure the financial and management controls relating to counterdrug missions and operations are integrated in appropriate aviation regulations and policies.
- (c) The CDC will ensure timely CMIS data entry. SAAO's will ensure timely reporting of required data to the CDC's.
- (d) Ensure that ARMS and DES inspection results of S&S units are provided to the CDC and endorsements to the respective units are coordinated with CDC.

8. Other State unique issues or concerns:

9. This Memorandum of Agreement shall be effective upon signature and expire upon rescission by (XXXXXXXXXX).

CDC

SAAO

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Glossary

**Section I
Abbreviations**

AASF
Army Aviation Support Facility

AC
Active Component

A/C
Aircraft Commander (ANG)

AD
Active duty

ADAPCP
Alcohol and Drug Abuse Prevention Control Program (ARNG)

ADCO
Alcohol Drug Abuse Control Officer in the ADAPCP

ADCON
Administrative Control

ADPE
Automated Data Processing Equipment

ADSW
Active Duty/Special Work

AFI
Air Force Instruction

AFMAN
Air Force Manual

AFMD
Air Force Mission Directive

AFPD
Air Force Policy Directive

AFR
Air Force Regulation

AFS
Active Federal Service

AFSC
United States Air Force Specialty Code

AFTO
Air Force Technical Order

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AGR
Active Guard/Reserve

AMSCO
Army Management Structure Code

ANG
Air National Guard

ANGI
Air National Guard Instruction

ANG/LG
Directorate of Logistics (ANG)

ANGMD
Air National Guard Mission Directive

ANGP
Air National Guard Pamphlet

ANGR
Air National Guard Regulation

AR
Army Regulation

ARIMS
Army Records Information Management System

ARNG
Army National Guard

AS
Active Service

ASAP
Army Substance Abuse Program

ASC
Allowance Source Code

ASI
Additional Skill Identifier

AT
Annual Training

ATAMS
Automated Training Ammunition Management System

BX
Base Exchange

CA/CRL
Custodian Account/Custodian Request List

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CADCA

Community Anti-Drug Coalitions of America

CBAS

Command Budget Authority System

CBO

Community-Based Organization

CBOP

Counterdrug Budget Obligation Plan

CCDR

Combatant Commander

CDAB

Counterdrug Advisory Board

CDAC

Counterdrug Advisory Council

CD AVOPS

CD Aviation Operations

CDC

Counterdrug Coordinator

CD-GIST

Counterdrug Geographic Information Systems Training

CD GRASS

Counterdrug Geographic Regional Assessment Training

CD-R

Compact Disc – Recordable Media

CEs

Crew Chiefs

CGAC

Counterdrug GRASS Advisory Council

CHL

Center for higher Learning

CID

Criminal Investigation Division

CJCSM

Chairman of the Joint Chiefs of Staff Manual

CMIS

Counterdrug Management Information System

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CMP
Course Management Plan

CMO
Central MASINT Office

CMRC
Crime Mapping Research Center

CNAC
Customs National Aviation Center

CNGB
Chief, National Guard Bureau

COMSEC
Communications Security

CofS
Chief of Staff

CNAC
Customs National Aviation Center

CONUS
Continental United States

CONUSA
Continental United States Army

CPE
Counterdrug Program Evaluation

CQB/CQC
Close Quarters Battle/Close Quarters Contact

CTA
Common Table of Allowance

CTAC
Counterdrug Training Advisory Council

CY
Calendar Year

DAACC
Drug and Alcohol Abuse Control Committee (ANG)

DA
Department of the Army

DAF
Department of the Air Force

DAI
Digital Archive Initiative

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DANG

Director, Air National Guard

DA PAM

Department of the Army Pamphlet

DARNG

Director, Army National Guard

DASD/CN, CP & GT

Deputy Assistant Secretary of Defense for Counternarcotics, Counterproliferation, and Global Threats

DAT

Drug Analysis Testing

DBMS

Director of Base Medical Services (ANG)

DDANG

Deputy Director, Air National Guard

DDARNG

Deputy Director, Army National Guard

DDR

Drug Demand Reduction

DDRA

Drug Demand Reduction Administrator

DES

The US Army Department of Evaluation and Standards

DFAS

Defense Finance Accounting Service

DLEA

Drug Law Enforcement Agency

DMC

Digital Mapping Center

DMS

Digital Mapping Server

DoD

Department of Defense

DoD

Department of Defense Directive

DoDI

Department of Defense Instruction

DoDPM

Department of Defense Pay Manual

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DOIM

Director of Information Management

DPP

Dedicated Procurement Program

DPRM

Demand Reduction Program Manager

DSN

Defense Switched Network

DTPAM

Drug Testing Program Administration Manager

EMS

Equipment Management Section

ENTNAC

Entrance National Agency Check

EOR

Elements of Resource

EPA

Environmental Protection Agency

EPIC

El Paso Intelligence Center

EPR

Enlisted Performance Report

ESP

Emergency Special Program

ESSO

Executive Support Staff Officer (ANG)

FAD

Financial Authorization Document or Force Activity Designator

FATS

Funding Allowance Targets

FHP

Flying Hour Program

FICA

Federal Involuntary Contributions Act

FLETC

Federal Law Enforcement Training Center

FLIR

Forward Looking Infrared

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FM
Field Manual

FMFIA
Federal Managers' Financial Integrity Act

FOIA
Freedom of Information Act

FOUO
For Official Use Only

FRIES
Fast Rope Infiltration/Exfiltration

FTCA
Federal Tort Claims Act

FTDTL
Forensic Toxicology Testing Laboratory

FTNGDCD
Full-Time National Guard Duty Counterdrug

FY
Fiscal Year

GIS
Geographic Information System

GPRA
Government Performance Results Act

GS
General Staff

GSR
Ground Surveillance Radar

GSU
Geographically Separated Unit (ANG)

HELOCAST
Helicopter cast and recovery

HRMO
Human Resources Management Office

HRO
Human Resources Officer or Human Resources Office

IAD
Inactive Duty (ANG equivalent to IDT)

IAW
In Accordance With

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IDT
Inactive Duty Training (ARNG equivalent to IAD)

IO
Intelligence Oversight

IPMS
Information Processing Management System (USAF)

ISA
Inter-Service Agreements

ISSA
Inter-Service Support Agreement

JA
Judge Advocate

JAG
Judge Advocate General

JCS
Joint Chiefs of Staff

JER
Joint Ethics Regulation

JFHQ-ST
Joint Force Headquarters-State

JFTR
Joint Federal Travel Regulation

JNGSAP
Joint National Guard Substance Abuse Program

JTF
Joint Task Force

LAN
Local Area Network

LAV
Light Armored Vehicle

LEA
Law Enforcement Agency/Agent

LEO
Law Enforcement Officer

LES
Leave and Earnings Statement

LFC
Local files check (criminal records)

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LIN
Line Item Numbers

LOI
Letter of Instruction

LP/OP
Listening Post/Observation Post

LSP
Litigation Support Package

MAMSCO
Modified Army Management Structure Code

MASINT
Measurement and Signature Intelligence

MCA
Master Cooperative Agreement

MCTFT
Multijurisdictional Counterdrug Task Force Training

ME
Maintenance Examiner

MEPS
Military Entrance Processing Station

METL
Mission Essential Task List

MILPO
Military Personnel Officer

MPs
Military Police

MOA
Memorandum of Agreement

MOI
Memorandum of Instructions

MOS
Military Occupational Specialty

MOU
Memorandum of Understanding

MOUT
Military Operations in Urban Terrain

MPA
Military Personnel Appropriation

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MRD

Mandatory Removal Date

MRO

Medical Review Officer (ANG)

MSCA

Military Support to Civil Authorities

MSD

Mandatory Separation Date

MSO

Mission System Operator

MUTA

Multiple Unit Training Assembly

MUTPM

Medical Urinalysis Testing Program Monitor (ANG)

MVACIS

Mobile Vehicle And Cargo Inspection System

MWR

Morale, Welfare, and Recreation

NAC

National Agency Check

NAF

Nonappropriated Funds

NCIC

National Crime Information Center

NCO

Noncommissioned Officer

NCOER

Noncommissioned Officer Evaluation Report

NCOES

Noncommissioned Officer Education System

NCTC

Northeast Counterdrug Training Center

NDIC

National Drug Intelligence Center

NDS

Normal Duty Station

NGB

National Guard Bureau

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NGR

National Guard Regulation

NGTC

National Guard Training Circular

NII

Non-Intrusive Inspection

NORAD

North American Aerospace Defense Command

NSSEs

National Special Security Events

OCONUS

Outside Continental United States

OCR

Office of Collateral Responsibility (Assist)

OER

Officer Evaluation Report

O&M

Operations and Maintenance

OMNG

Army National Guard Operations and Maintenance Appropriation

OMPF

Official Military Personnel File (OMPF)

OPCON

Operational Control

OPLAN

Operations Plan

OPORD

Operations Order

OPSEC

Operations Security

OPR

Office of Primary Responsibility

OSD

Office of the Secretary of Defense

OTD

Other training duty

P&A

Pay and Allowances or Personnel and Administration (ARNG)

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PAO
Public Affairs Officer

PBO
Property Book Officer

PCS
Permanent Change of Station

PDS
Permanent Duty Station

PEC
Professional Education Center

PEC
Project Element Code

PIC
Pilot in Command (ARNG)

PMD
Program Management Directive

PMD
Position Manning Document

PME
Professional Military Education

PN
Part Number (ANG IPMS)

POC
Point of Contact

POE
Port of Entry

POI
Program of Instruction

POM
Program Objective Memorandum

POMSO
Plans, Operations, and Military Support Officer (ARNG)

POST
Police Officer Standards of Training

POTO
Plans, Operations, and Training Officer (ARNG)

PX
Post Exchange

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RCAS

Reserve Component Automation System

RCTA

Regional Counterdrug Training Academy

RLSO

Regional Logistical Support Office

RO-RO

Roll On-Roll Off

RPAM/TAPDB

Retirement Points Accounting Management /Total Army Personnel Data Base

RRS-A

Records Retention Schedule – Army

RUF

Rules for Use of Force

SA

Substance Abuse

SAAC

Substance Abuse Advisory Council

SAAO

State Army Aviation Officer (ARNG)

SAD

State Active Duty

SAO

Social Actions Officer (ANG)

SAPC

Substance Abuse Program Coordinator

SAPO

Substance Abuse Program Officer

SECDEF

Secretary of Defense

SEI

Special Experience Identifier

SF

Standard Form

SIC

Senior Installations Commander (ANG)

SIP

Standardization Instructor Pilot

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SITREP

Situation Report

SOC

Special Operations Command

SOP

Standing Operating Procedures

SPIES

Special Operations Patrol Infiltration/Exfiltration

SSB CD RAID

Security and Support Battalion Counterdrug Reconnaissance and Interdiction Detachment

SSN

Social Security Number

ST

Special Training

STABO

Stability Airborne Operations

STAM

State Ammunition Managers

TA

Table of Allowances

TAADS

The Army Authorization Documents System

TAG

The Adjutant General

TAMIS-R

Training Ammunition Management Information System – Redesign

TC

Training Circular

TDA

Table of Distribution and Allowances

TDC

Type Duty Code

TI

Technical Inspector

TM

Technical Manual

TPFP

Total Package Fielding Program

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TPR

Technician Personnel Regulation

TRADOC

US Army Training and Doctrine Command

UADC

Unit Alcohol and Drug Coordinator

UAV

Unmanned Aerial Vehicle

UIC

Unit Identification Code

UMD

Unit Manning Document

UMR

Unit Manning Report

USA

United States Army

USADAOA

United States Army Drug and Alcohol Operations Agency

USAF

United States Air Force

USAFR

United States Air Force Reserve

USAMPS

United States Army Military Police School

USAR

United States Army Reserve

USCS

United States Customs Service

USMEPCOM

United States Military Entrance Processing Command

USPFO

United States Property and Fiscal Officer or United States Property and Fiscal Office

USSID

United States Signals Intelligence Directives

VCNGB

Vice Chief, National Guard Bureau

VTC

Video Tele-Conference

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WAN
Wide Area Network

WRCT
Western Regional Counterdrug Training

WUC
Workday Utilization Code

Section II **Terms**

Active Duty (AD)
Full-time duty in the active military service of the United States (10 USC § 101(d)(1)). Active duty is always performed in a Title 10 (Federal) status. Active duty includes active duty for training (ADT) and active duty other than for training (ADOT).

Active Service
Service on active duty or full-time National Guard duty (10 USC § 101(d)(3)).

Adjutant General
ARNG or ANG officer responsible for management of the National Guard of a State and Territory, Puerto Rico, and the District of Columbia not on federal duty (In Washington D.C. and Rhode Island, there is a Commanding General rather than an Adjutant General; they perform most of the same functions as Adjutants General).

Administrative Control
Direction or exercise of authority over subordinate or other organizations in respect to administration and support, including organization of Service forces, control of resources and equipment, personnel management, unit logistics, individual and unit training, readiness, mobilization, demobilization, discipline, and other matters not included in the operational missions of the subordinate or other organizations.

Army Substance Abuse Program
Drug testing program applicable to members of the Active Army, the Army National Guard of the United States, the Army National Guard, the U.S. Army Reserve, and Department of the Army Civilian Employees, as prescribed by AR 600-85.

Attorney General
Principal legal officer of state government (or equivalent in states without an Attorney General).

Civil Authorities
Elected and appointed public officials and employees of Federal, state, and local governments.

Coalition
A combination into one body of different factions, parties, or organizations for a specific purpose.

Combatant command (command authority)
Nontransferable command authority established by title 10 ("Armed Forces"), United States Code, section 164, exercised only by commanders of unified or specified combatant commands unless otherwise directed by the President or the Secretary of Defense. Combatant command (command authority) cannot be delegated and is the authority of a combatant commander to perform those functions of command over assigned forces involving organizing and employing commands and forces, assigning tasks, designating objectives, and giving authoritative direction over all aspects of military operations, joint training, and logistics necessary to accomplish the missions assigned to the command. Combatant command (command authority) should be exercised through the commanders of subordinate organizations. Normally this authority is exercised through subordinate joint force commanders and Service and/or functional component commanders. Combatant command (command authority) provides full authority to organize and employ commands and forces as the combatant commander considers necessary to

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accomplish assigned missions. Operational control is inherent in combatant command (command authority). Also called COCOM. See also combatant command; combatant commander; operational control; tactical control.

Combatant commander

A commander of one of the unified or specified combatant commands established by the President. Also called CCDR. See also combatant command; specified combatant command; unified combatant command.

Commingling

Per "The American Heritage Dictionary" – To blend or cause to blend together; mix. Per "Webster's Third New International Dictionary" – To mingle or mix together.

Community

People with common interests living in a particular area, the area itself, or a group linked by a common history and/or social, economic or political interests.

Community Based Organizations

Civilian agencies, coalitions, committees, councils, task forces, and similar groups who support drug abuse education, awareness, and prevention.

Counterdrug Nexus. CD nexus means that the operation's primary purpose is counterdrug, counternarcotics or counternarcoterrorism. The CD purpose must be preeminent; all other purposes must be incidental.

Counternarcoterrorism. Funds provided pursuant to 32 USC 112 may be used in support of law enforcement agencies engaging in counternarcoterrorism. For the purposes of this regulation, two separate, but related types of narcoterrorism exist: (1) Narco-driven terrorism, which is terrorism conducted by drug traffickers to further their aims of drug trafficking; and (2) Narco-supported terrorism, which is terrorism that benefits from or uses drug trafficking to further individual or group activities. 32 USC 112 assets may be used to support activities countering either of these types of narcoterrorism.

Counterdrug Security Manager

The counterdrug security manager will be appointed to assist with personnel and physical security issues affecting only the state counterdrug programs.

Counterdrug Support Program

Support provided to federal, state, or local LEAs, civil authorities or Community Based Organizations to assist with drug interdiction and demand reduction activities under authority of Title 32 USC § 112, in support of the National Drug Control Strategy. This includes both the Army Substance Abuse Program and the ANG Drug Abuse Testing Program. It also includes the National Guard Counterdrug School Program.

Decentralized Drug Testing Program

When the paperwork for the drug testing is generated by the SAPC and sent to the Units/Wings. The Units/Wings will have personnel appointed as Unit Prevention Leaders (UPLs)/Drug Testing Administrative Program Managers (DTPAMs) to administer the collection process. The specimens will then be sent to the SAPC for a quality control inspection before sending the specimens to the laboratory for testing.

Exigent Circumstances

Circumstances in which immediate action is necessary to protect police officers, National Guard personnel or other persons from injury, to prevent loss or destruction of evidence, or to prevent the escape of a suspect already in custody.

Full-Time National Guard Duty

Training or other duty, other than inactive duty performed by a member of the Army National Guard of the United States Training or the Air National Guard of the United States in the member's status as a member of the National Guard of a State or territory, the Commonwealth of Puerto Rico, or the District of Columbia under section 316, 502, 503, 504, or 505, of Title 32 for which the member is entitled to pay from the United States or for which the member has waived pay from the United States. Generally, counterdrug duty is performed in FTNGD status, although it may be performed in State Active Duty (SAD) status.

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Immediate Response

Imminently serious conditions resulting from any civil emergency or attack may require immediate action by local National Guard commanders or other responsible National Guard officials to save lives, prevent human suffering or mitigate great property damage. When such conditions exist and time does not permit prior approval from higher headquarters, local National Guard commanders or other responsible National Guard officials are authorized to take necessary action to responds to requests of civil authorities.

Imminently Serious Conditions

Emergency conditions in which, in the judgment of the local National Guard commander or other responsible National Guard official, immediate and possibly serious danger threatens the public and prompt action is needed to save lives, prevent human suffering or mitigate great property damage. Under these conditions, timely prior approval from higher headquarters may not be possible before action is necessary for effective response. Higher headquarters must be notified as soon as possible.

Inactive Duty for Training

Training or duty performed by members of the ARNG in state status under Title 32 USC § 502(a)(1) or 502(f), or under Title 37 USC § 1002.

Inactive Duty for Training

Training or duty performed by members of the ANG in state status under Title 32 USC § 502(a)(1) or 502(f) and 37 USC § 1002.

Incidental to Training

Term describing Counterdrug Support Program operations conducted during a training period, which would have been conducted regardless of counterdrug operations. Routes and schedules may be altered in order to maximize counterdrug benefits.

Inter-Service Agreements

Formal, long-term or operational specific support agreements between Services, Department of Defense (DoD), and/or non-DoD agencies governed by DoD Instruction 4000.19, Interservice and Intragovernmental Support. These agreements, normally developed at the Service Secretariat and governmental agency director level, document funding and reimbursement procedures as well as standards of support between the supplying and receiving Services or agencies.

Inter-Service Support Agreements

Action by one Military Service or element thereof to provide logistic and/or administrative support to another Military Service or element thereof. Such action can be recurring or nonrecurring in character on an installation, area, or worldwide basis.

Law Enforcement Agency

An organization, coordinating council, or a task force comprised of several LEAs, empowered by Federal, state or local law to investigate, enforce or prosecute criminal laws regarding illegal drugs and controlled substances.

Military Personnel Appropriations an-days

MPA man-days provided by active AF organizations to support active duty missions accomplished by ANG members.

Mishap Sequence

All events that lead up to and all action or inaction's that involve an accident or incident that results in death, bodily injury, and/or loss or damage to property and/or equipment which may create liability for an individual or the United States.

Narcoterrorism

The financing of terrorist activities by participation in the drug trade. This includes, but is not limited to measures taken to detect, interdict, disrupt, or curtail activities related to substances, materiel, weapons, or resources used to finance, support, secure, cultivate, process, and/or transport illegal drugs.

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National Guard

Except as stated otherwise, National Guard means a state National Guard when not in Federal service, or all such organizations collectively.

Nexus

A means of connection, link or tie.

Operational Control

Transferable command authority that may be exercised by commanders at any echelon at or below the level of combatant command. Operational control is inherent in combatant command (command authority). Operational control may be delegated and is the authority to perform those functions of command over subordinate forces involving organizing and employing commands and forces, assigning tasks, designating objectives, and giving authoritative direction necessary to accomplish the mission. Operational control includes authoritative direction over all aspects of military operations and joint training necessary to accomplish missions assigned to the command. Operational control should be exercised through the commanders of subordinate organizations. Normally this authority is exercised through subordinate joint force commanders and Service and/or functional component commanders. Operational control normally provides full authority to organize commands and forces and to employ those forces as the commander in operational control considers necessary to accomplish assigned missions. Operational control does not, in and of itself, include authoritative direction for logistics or matters of administration, discipline, internal organization, or unit training.

Other Training Duty

Training, other than IADT or AT, (i.e., special training, formal school training) that provides all other structured training, to include on the job training, for individuals or units to enhance proficiency.

Rules for Use of Force/Use of Force Policy

Policy guidance issued by the Adjutant General (or Commanding General) on the use of force and weapons within the state for counterdrug missions.

Security and Support Battalion

The CD element of a SSB (company or detachment) that includes FTNGDCD personnel and equipment. The SSB receives Counterdrug P&A and O&M funding to conduct their mission. Refer to para. 9-1.c. for clarification of SSB companies/detachments in support of CD missions or conduct IDT/IAD incidental to training or AT in support of CD missions that meet the METL or readiness of the SSB.

Standing Operating Procedures (SOP)

Also known as Standard Operating Procedures, however, the DoD Dictionary prefers Standing to Standard.

State Active Duty

Duty performed by a member of the National Guard of a State or territory, the Commonwealth of Puerto Rico, or the District of Columbia in the member's status as a member of the State organized militia pursuant to State law and not pursuant to Title 10 or Title 32.

States

For the purpose of this regulation/instruction: all 50 states, the Commonwealth of Puerto Rico, the United States Virgin Islands, the Territory of Guam and the District of Columbia are inclusive per 10 USC § 10001.

State Plans

Plan submitted annually by the states for National Guard Counterdrug Support Program activities under authority of Title 32 USC § 112.

Substance Abuse programs

A term referring collectively to the ARNG ASAP and the ANG Drug Abuse Testing Program.

Title III

Title III of Omnibus Crime Control and Safe Streets Act of 1968 (18 USC § 2510 et seq) as amended.

APPENDIX 6: COUNTERDRUG OPERATIONS

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Use of Force Continuum

Composed of five color-coded levels of force designed to correspond to officers' perceptions of the level of threat with which they are confronted and describes the progression or de-escalation of force on the basis of the demonstrated level of compliance or resistance from a subject.

Workdays

Workdays is a general term for all categories of training funded by the Air National Guard: Annual, Special, School, ADSW or inactive duty periods: Unit Training Assemblies, Proficiency Training, Training Period Preparation Assemblies or Additional Flying Training Periods.

APPENDIX 6-8: Memorandum, Deputy Secretary of Defense, Subject: Department of Defense Counternarcotics Policy (31 Jul 2002)



DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

31 JUL 2002



MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARY OF DEFENSE FOR POLICY
GENERAL COUNSEL OF THE DEPARTMENT OF
DEFENSE
COMMANDERS OF THE COMBATANT
COMMANDS
DIRECTOR OF ADMINISTRATION AND
MANAGEMENT
DIRECTOR, DEFENSE SECURITY COOPERATION
AGENCY
DIRECTOR, DEFENSE INTELLIGENCE AGENCY
DIRECTOR, NATIONAL SECURITY AGENCY

000.5

SUBJECT: Department of Defense Counternarcotics Policy

As the consequence of the changed national security environment, the corresponding shift in the Department's budget and other priorities and evolving support requirements, the Department carefully reviewed its existing counternarcotics policies. Attached reflects the current DoD counternarcotics policy. Detailed implementing instructions for counternarcotics policy and support operations will follow.

Attachment
As stated

31 Jul 02

U09505-02

DoD Counternarcotics Policy

I. The Department of Defense will execute drug demand and supply reduction programs consistent with statutory responsibilities, Presidential direction, and Department priorities. The Department will implement:

- *Demand reduction* programs that promote the readiness of the Armed Forces and the Department's civilian personnel and that reduce illegal drug use within the Department's communities; and
- *Supply reduction* programs that collect, analyze and disseminate intelligence, support interdiction operations, and train host nation counternarcotics forces.

A. Demand Reduction. The Department will expand its testing, education, and prevention programs. The Department's demand reduction programs shall include:

- Active-duty and civilian drug testing;
- Expanded testing of the Reserves and National Guard;
- Consistent Service Department and Defense Agency policies regarding drug use;
- Community outreach programs for Department dependents; and the
- Expanded use of the Reserves and National Guard in demand reduction programs.

B. Supply Reduction. The Department will execute:

- **Detection and Monitoring** programs that integrate military, United States law enforcement agency, and foreign capabilities against illegal air and maritime drug shipments to the United States. These programs will use:

(1) Military command, control, communications and intelligence resources; and

(2) Military operational planning capabilities that support the interdiction of suspected drug shipments.

APPENDIX 6: COUNTERDRUG OPERATIONS

- **Other Programs that:**

- (1) Support foreign military and law enforcement counternarcotics activities; and

- (2) Benefit the Department.

II. The Department will focus its counternarcotics activities on programs that:

- Enhance the readiness of the Department of Defense;
- Satisfy the Department's statutory detection and monitoring responsibilities;
- Contribute to the war on terrorism;
- Advance the Department's security cooperation goals; or
- Enhance national security.

III. The Department will review counternarcotics activities and transfer functions to law enforcement agencies, where appropriate, to ensure the efficient and effective use of resources and to complement efforts that combat transnational threats to the United States.

IV. Program Execution

The Deputy Assistant Secretary of Defense for Counternarcotics, reporting through the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict to the Under Secretary of Defense (Policy), shall:

- Develop and implement the Department's counternarcotics policy, conduct analyses, make recommendations and issue guidance regarding the Department's counternarcotics plans and programs;
- Coordinate and monitor the Department's counternarcotics plans and programs to ensure adherence to this policy; and
- Direct and oversee the planning, programming, and budget formulation, justification, and execution for the Department's counternarcotics programs.

APPENDIX 6: COUNTERDRUG OPERATIONS

- **Work with the Joint Staff, Unified Commanders, and Chiefs of the Reserve and National Guard on all issues and actions relating to the execution of the Department's counternarcotics program and their missions.**

**APPENDIX 6-9: DepSecDef Memo: USE OF COUNTERNARCOTICS FUNDING FOR
COUNTERTERRORISM**

See next page.

APPENDIX 6: COUNTERDRUG OPERATIONS



DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010



APR 26 2006

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR OF ADMINISTRATION AND MANAGEMENT
DIRECTOR, DEFENSE SECURITY COOPERATION AGENCY
DIRECTOR, DEFENSE INTELLIGENCE AGENCY
DIRECTOR, NATIONAL SECURITY AGENCY
DIRECTOR, JOINT STAFF

SUBJECT: Use of Counternarcotics Funding for Counterterrorism

This memorandum provides policy guidance pertaining to the use of Department of Defense (DoD) counternarcotics (CN) resources during Fiscal Years 2006 and 2007 to support law enforcement agencies conducting counterterrorism (CT) activities, pursuant to section 1022 of the National Defense Authorization Act for Fiscal Year 2006 Public Law 109-163, January 6, 2006 "Section 1022."

When Congress passed Section 1022, it recognized that narcotics traffickers and terrorists often use the same methods to smuggle money, people, information, weapons, and substances, and that in many cases, narcotics traffickers and terrorists are one and the same. Based on this recognition and the Department's request, Congress authorized DoD Joint Task Forces with CN funds to use those funds to provide support to law enforcement agencies conducting CT activities during Fiscal Years 2006 and 2007.

Accordingly, I authorize DoD Joint Task Forces that support or participate in CN activities, including but not limited to Joint Task Force variations such as Joint Inter-Agency Task Forces, Joint Inter-Agency Coordination Groups, Combined Joint Task Forces, and Joint Headquarters that control Joint Task Force variations, to make incidental use of CN resources, capabilities, and structures to detect, monitor, and interdict terrorists and terrorist-related activities and material, and to increase the capacity of partner nation security forces within the Joint Task Force's geographic area of responsibility that address these common threats.

Joint Task Force commanders may approve the use of this authority when it is employed incidentally to ongoing CN and counter-narcoterrorism (CNT) activities. "Incidental use" includes emergency situations (whether CN, CNT, or not) where the Joint Task Force is required to respond immediately. All non-incidental use of this authority requires the prior approval of the Deputy Assistant Secretary of Defense for

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APPENDIX 6: COUNTERDRUG OPERATIONS

Counternarcotics (DASD-CN). This authority is not to be used as a means to shift resources from CN missions to CT missions, and its use shall not materially affect Department of Defense support to narcotics interdiction and CN and CNT activities.

Combatant Commanders that intend to employ DoD Joint Task Forces using this authority will notify the DASD-CN of the identity of the Joint Task Force within 30 days of their determination.

In order to prepare the congressionally-requested report on employment of this authority, Joint Task Force commanders that exercise this authority must provide a report through operational channels to the Office of the DASD-CN no later than November 10, 2006. The report will explain and evaluate the factual circumstances under which the authority was exercised, describe the cost and type of support provided, and evaluate;

1. any additional costs,
2. the effect on counternarcotics and counterterrorism activities, and
3. the objectives of using counternarcotics funds to provide counterterrorism support.

Joint Task Force commanders should be prepared to provide data concerning the use of this authority at any time upon request by the DASD-CN.

The types of activities that Joint Task Force commanders may conduct using this authority are those contained in Title 10, United States Code, Section 124; Chapter 18, Title 10, United States Code; Title 32, United States Code, Section 112, Section 1004, National Defense Authorization Act for Fiscal Year 1991, as amended¹; and Section 1033, National Defense Authorization Act for Fiscal Year 1998, as amended². Nothing in this policy precludes Joint Task Force Commanders from providing information to commands engaged in counterterrorism operations. Finally, the authority provided by Section 1022 does not pre-empt, and is additional to Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375, October 28, 2004).

Questions concerning this policy may be directed to DASD-CN at (703) 697-3186.



¹ Pub. L. No. 101-510, amended by §1088(a), National Defense Authorization Act (NDAA) for Fiscal Year (FY) 1992 and 1993, Pub. L. No. 102-190; §1041, NDAA for FY 1993, Pub. L. No. 102-484; §1121(a) and (b), NDAA for FY 1994, Pub. L. No. 103-160; §1011, NDAA for FY 1995, Pub. L. No. 103-337; §1021, NDAA for FY 1999, Pub. L. No. 105-261, and §1021, NDAA for FY 2002, Pub. L. No. 107-107.

² Public Law No. 105-85, Nov. 18, 1997, amended by §1021, National Defense Authorization Act for Fiscal Year 2001, (Pub. L. No. 106-398), amended by §1021, National Defense Authorization Act for Fiscal Year 2004, Pub. L. No. 108-136.

APPENDIX 6-10: ASD MEMO: COUNTERDRUG SUPPORT TO COUNTER-NARCOTERRORIST ACTIVITIES



SPECIAL OPERATIONS/
LOW-INTENSITY CONFLICT

THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301-2500

26 August 2005

MEMORANDUM FOR CHIEF, NATIONAL GUARD BUREAU

SUBJECT: Counterdrug Support to Counter-Narcoterrorist Activities

This memorandum responds to your July 22, 2005 memo regarding Counterdrug Support to Counter-Narcoterrorist Activities.

When I published the April 12, 2004 Policy on the definition, I neglected to include the National Guard along with the combatant commands. It was an oversight. To the extent that state laws allow it, please apply the April 12, 2004 policy to state counternarcotics plans.

The point of contact is LTC Larry Wilbanks, USA, ODASD for Counternarcotics, at (703) 697-3325.

A handwritten signature in black ink, appearing to read "J. H. Brownell".



SPECIAL OPERATIONS/
LOW-INTENSITY CONFLICT

THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301-2500

APR 12 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
COMMANDER, U.S. SPECIAL OPERATIONS COMMAND
GENERAL COUNSEL OF THE DEPARTMENT OF
DEFENSE
DIRECTOR, DEFENSE INTELLIGENCE AGENCY
DIRECTOR, DEFENSE SECURITY COOPERATION AGENCY
DIRECTOR, NATIONAL SECURITY AGENCY
DEPUTY UNDER SECRETARY OF DEFENSE FOR
READINESS
DEPUTY UNDER SECRETARY OF DEFENSE
FOR RESOURCE PLANNING AND MANAGEMENT
DIRECTOR, JOINT STAFF
CHIEF, NATIONAL GUARD BUREAU

SUBJECT: Policy Definition of "Narcoterrorism"

To assist the Combatant Commands developing and implementing new strategies against terrorism linked to drug trafficking, several of the Commands asked us to review and, as appropriate, revise the definition for narcoterrorism contained in DoD publications.

The Deputy Assistant Secretary of Defense for Counternarcotics previously defined the term "Counterdrug Activities" (Memorandum, 23 Oct 2002) as:

- Those measures taken to detect, interdict, disrupt, or curtail any activity that is reasonably related to narcotics trafficking.
- This includes, but is not limited to, measures taken to detect, interdict, disrupt, or curtail activities related to substances, materiel, weapons, or resources used to finance, support, secure, cultivate, process, and/or transport illegal drugs.

This definition allows the Combatant Commanders to use the Department's counternarcotics authorities and funds to assist in the War on Terrorism when an illegal drug nexus is known or suspected. The Department and the interagency have recognized the growing links between terrorism and drug trafficking and have begun using counternarcoterrorist as a term to reflect those links.

The current definition for narcoterrorism contained in Joint Pubs does not reflect the terrorist linkage, but rather tools that could be used by drug traffickers, such as assassinations, extortion, hijackings and bombings. We believe that the definition should, instead, be adapted to reflect terrorists' exploitation of narcotics trafficking to support terrorist activities.

In coordination with the Joint Staff, and within the context of supporting the activities of any other department or agency of the Federal Government or of any State, local, or foreign law enforcement agency; we define the term "narcoterrorism" as:

Narco-terrorism: Terrorism that is linked to drug trafficking. Two separate, but related, types of narco-terrorism exist: (1) narco-driven terrorism, which is terrorism conducted by drug traffickers to further their aims of drug trafficking; and (2) narco-supported terrorism, which is terrorism that benefits from or uses drug trafficking to further terrorist individual or group activities.

Questions regarding this policy shall be directed to the Office of the Deputy Assistant Secretary of Defense for Counternarcotics.



Thomas W. O'Connell

¹ Joint Pub 1-02, DoD Dictionary of Military and Associated Terms, 12 Apr 01 As Amended through 5 Sep 03 (page 355) and Joint Pub 3-07.4 Joint Counterdrug Operations, 17 Feb 98 (page GL-16).

**APPENDIX 6-11: CALIFORNIA NATIONAL GUARD COUNTERDRUG TASK FORCE
STANDING RULES OF ENGAGEMENT**

**CALIFORNIA
NATIONAL
GUARD
COUNTERDRUG
TASK FORCE**



**STANDING
RULES OF
ENGAGEMENT**

**STANDING RULES OF ENGAGEMENT
(CONTINUED)**

in custody. The use of deadly force is not authorized to protect property, prevent the loss of evidence, or prevent the escape of a suspect unless it is immediately necessary to protect against unlawful deadly force.

1. CD Personnel serve in a support role to LEAs and will not directly engage in law enforcement duties. CD Personnel at all levels will ensure that a risk assessment analysis of potential threats to personnel and equipment is conducted during the planning stage of any operation.

c. Exigent circumstances exist when:
(1) Immediate action is necessary to protect LEOs, National Guard personnel or others from death or injury.
(2) Immediate action is necessary to prevent the loss or destruction of evidence.
(3) Immediate action is necessary to prevent escape of a suspect already in custody.

2. Investigative Case and Analyst Support.

a. Independent intelligence activities are prohibited. Intelligence information may not be maintained or stored in National Guard facilities or databases. CD Personnel can assist LEAs in the establishment of counterdrug intelligence system databases and may come into temporary possession of criminal intelligence information while in a support role.

4. Surface/Aerial Reconnaissance

a. During approved reconnaissance/observation missions by mobile patrol, listening posts/observation posts (LPs/OPs) or CD RAID/C-26/FLIR aerial missions:

b. CD Personnel will not participate in active/real time conversation monitoring or directly participate in interrogations activities. CD Personnel can provide transcription/translation of audio/video tapes, seized documents and other information media.

(1) LEO must be present or in direct contact with the CD Personnel.

(2) CD Personnel are prohibited from pursuing or targeting specific persons for surveillance.

3. Arrests, searches and seizures.

a. Unless specifically authorized or exigent circumstances exist, CD personnel will not directly participate in the arrest of suspects, conduct searches that include direct contact with suspects or the general public or become involved in the chain of custody for any evidence. Law Enforcement Officers (LEOs) should seize, handle, and/or maintain custody of potential evidentiary items.

b. Restraining, detaining, subduing are examples of the appropriate level of force that can be used in exigent circumstances to protect property, prevent loss/destruction of evidence, or prevent the escape of a suspect

VERSION 00-01

1. **MINIMUM FORCE:** All counterdrug personnel (CD Personnel) in the California National Guard Counterdrug Task Force (CD Task Force) will use minimum force to accomplish the mission. Minimum force is lowest level of force required under the circumstances.
 2. **SELF-DEFENSE:** Nothing in these Rules of Engagement shall limit a commander's inherent duty to safeguard his or her force or an individual soldier's or airman's inherent right of self-defense.
 3. **DEADLY FORCE:** Deadly force refers to the use of any type of physical force in a manner, which could reasonably be expected to result in death whether or not death is the intent. Before resorting to deadly force, all the following conditions must be met:
 - a. All other means have been exhausted or not readily available, including but not limited to restraining, detaining, and subduing.
 - b. The use of deadly force does not significantly increase the risk of death or serious bodily harm to innocent persons.
 - c. It is used for one or more of the following circumstances:
 - (1) Self-defense to avoid death or serious bodily harm. The threat of harm is not restricted to firearms, but may include assault with bricks, pipes or other heavy missiles, incendiary and explosive devices, or any other material which could be reasonably expected to cause death or serious bodily harm.
 - (2) Prevention of crime that involves a substantial risk of death or very serious bodily harm, including the defense of others (e.g., arson, sniping, and assault).
 - (3) Detention or prevention of the escape of a person who during detention or in the act of escape presents a clear threat of loss of life or serious bodily harm to another person. Attempt to escape by itself does not justify the use of deadly force. Use of deadly force is justified only when it is immediately necessary to protect against unlawful deadly force.
 - d. If the need to fire a weapon occurs, the individual will shoot to stop. No warning shots will be fired. No blanks are authorized. The discharge of a firearm is always considered to be deadly force.
 4. **ARMING ORDERS:**
 - a. CD Personnel will be armed only in coordination with the supported law enforcement agency (LEA) and with appropriate approval delegated from The Adjutant General through the Commander, Joint Task Force-Domestic Support, to CD Task Force Commander and the subordinate chain of command.
 - b. CD Personnel shall be armed only for force protection with only military issued weapons and ammunition.
 - c. CD Personnel who are armed must be trained, qualified, and tested on the type of weapon issued, IAW current qualification standards.
 - d. Arms and ammunition will be secured at all times IAW appropriate regulations and policies. Military weapons will not be secured in private dwellings at anytime.
 - e. Rounds will be chambered only on order of the commander/senior officer/senior NCO present, in coordination and conjunction with the supported LEAs, except in cases of exigent circumstances.
 - f. When the M16/16A1/16A2 rifle is employed, a lock plate must be installed to prevent automatic firing.
 - g. Team/mission commanders will determine which of the following will be used based on mission requirements.
 - h. Arming order matrix:
- | RIFLE | * PISTOL | MAGAZINE | CHAMBER | |
|-------|----------|------------|-----------|---------------|
| AO-1 | SLUNG | IN HOLSTER | IN POUCH | EMPTY |
| AO-2 | PORT | IN HOLSTER | IN POUCH | EMPTY |
| AO-3 | PORT | IN HOLSTER | IN WEAPON | EMPTY |
| AO-4 | PORT | IN HAND | IN WEAPON | LOCKED/LOADED |
- * Port arms is defined as having the rifle at the ready.
5. **WEAPON LIMITATION:** There will be no deployment of automatic weapons (e.g., M60, squad automatic weapons), shotguns, riot batons, or riot control agents, except upon express order of The Adjutant General.
 6. **AIRCRAFT & VEHICLE OPERATIONS:**
 - a. Firing of weapons from aircraft is not authorized under any circumstances.
 - b. Pilots in Command (PC) of aircraft have the authority to override an order to chamber rounds while onboard the aircraft.
 - c. Firing of weapons from moving vehicles is not authorized unless exigent circumstances exist for self defense or defense of others in a life threatening situation.
 - d. PC have the authority to prohibit passengers from carrying any CS gas onboard the aircraft.
 7. **CHANGES TO ROE:** The CD Task Force Commander will approve changes to these Standing Rules of Engagement should timely changes be required by mission, terrain, troops, time or security of the force. The Commander will report such changes to Commander, Joint Task Force-Domestic Support as soon as practicable.

APPENDIX 6-12: JOINT PUB. 3-07.4, APPENDIX E, LEDETS

APPENDIX E
LAW ENFORCEMENT DETACHMENTS

1. General

USN ships contribute significantly to the D&M phase of CD operations, as they are frequently in a position to intercept and apprehend maritime drug smugglers. However, since the Department of Defense does not participate in drug apprehensions, USCG personnel (who are authorized to perform law enforcement activities) are frequently embarked in USN ships to act in this capacity (as prescribed in 10 USC section 379).

2. Command Relationships

The USN Fleet Commanders and the USCG area commanders for the Atlantic and Pacific areas have drafted memorandums of agreement (MOAs) to govern LEDET procedures. Under these MOAs the Navy fleet commanders, and occasionally the USCG commanders, provide ships and cutters to operate under JIATF TACON when engaged in the D&M mission. The USCG deploys LEDETs aboard USN combatants to perform law enforcement activities. The JIATFs hold periodic scheduling conferences to match JIATF D&M requirements, Navy ships, and USCG LEDETs. While under JIATF TACON, any surface vessel with a LEDET aboard will coordinate to shift TACON to either USCG area or district TACON when it detects a target deemed suitable for interception and boarding. Boardings are conducted in accordance with USCG law enforcement procedures and policy, including Use of Force Policy. USN ships carrying LEDETs must display the USCG ensign. The ensign also must be illuminated at night when engaged in law enforcement operations.

3. Availability of Ships

Geographic combatant commanders make USN ships available in support of USCG law enforcement operations. These ships are categorized as either "specially designated," or "ships of opportunity."

a. **Specially Designated.** Specially designated (or dedicated) ships are ones under JIATF TACON being used in direct support of CD operations, and which conduct the interception and/or apprehension phase of law enforcement operations under USCG TACON.

b. **Ships of Opportunity.** USN ships of opportunity are ones that are operating in or transiting through possible drug trafficking areas and are not under the control of a CD JIATF and/or USCG command. These ships may be diverted for a law enforcement role after TACON has been shifted to the USCG.

4. Assignments

A LEDET is normally a seven-person team assigned on a temporary basis to US or foreign military vessels. The LEDET consists of an officer in charge (E-7 through O-3) assigned to serve as the command maritime law enforcement advisor for the host commanding officer; a boarding officer (E-5 or above); and boarding team members. While assigned to a USN ship, LEDET activities are governed by the MOAs signed between the USCG area commanders and the respective Navy fleet CINC.

Appendix E

a. **Officer in Charge (OIC).** The team leader advises the Navy Commanding Officer on USCG policies and maritime law enforcement procedures. His duties are similar to those of an operations officer aboard a medium or high endurance cutter in regards to law enforcement. During boardings, the OIC directs all searches and makes all law enforcement decisions. The OIC coordinates USN vessel support for the boarding party during boarding operations, provides guidance for the boarding officer, and is responsible for all law enforcement message traffic. The team leader will be a graduate of maritime law enforcement (MLE) school at Reserve Training Center, Yorktown, Virginia, be a qualified boarding officer, and possess at least a SECRET clearance.

b. **Boarding Officer.** The duties of a LEDET boarding officer are the same as any other USCG boarding officer. The boarding officer is responsible to the OIC for the safety and conduct of the boarding party, and will be guided by current USCG policies in executing these responsibilities. The boarding officer will be a graduate of MLE school, be qualified by the group or district commander, and have at least a CONFIDENTIAL clearance.

c. **Boarding Team Members.** The remainder of the LEDET will be comprised of five qualified boarding team members. Ideally, all boarding team members should be graduates of either the boarding officer course at the MLE school or the boarding team member course at Training Center, Petaluma, California.

d. **Specialty Billets.** Each LEDET will have at least one person designated as a Spanish linguist and at least two personnel qualified in accordance with current Naval Air Training Operating Procedures Standards requirements as helicopter special mission

passengers (including 9D5 multiple egress Navy "Dunker" training).

5. Boarding Procedures

The following paragraphs provide an overview of LEDET boarding procedures. More detailed guidance for the LEDETs themselves are found in COMDTINST M16240.1, "Law Enforcement Detachment (LEDET) Administrative and Operating Guidelines."

a. Boarding parties consist of at least two members and are armed and equipped as required. Utilizing the appropriate boarding kit and the USCG boarding checklist, the boarding party will expeditiously carry out their assigned duties.

b. The boarding party will approach a vessel of interest and note its location, activities, and identifying characteristics. While maintaining continuous surveillance of the vessel and in an *enhanced state of readiness*, the boarding party will hail the vessel.

c. If the determination is made to board the vessel, the master will be instructed to heave to and prepare for boarding. The vessel is boarded and, in cases where a felony violation is suspected or when it is believed that there is a potential threat to the boarding party's safety, the vessel's crew will be instructed to move to a single open location such as the vessel's fantail. The boarding party will secure any weapons found on board and conduct a personnel security sweep for hidden or missing crewmembers.

d. Once the boarding party's safety is deemed secure, the accuracy of any information provided by the vessel's crew is verified. The vessel is inspected and any arrests or seizures are made. Debriefings and documentation of the boarding are completed after debarking the suspect vessel.

APPENDIX 6-13: SAMPLE LEDET MOA

**AGREEMENT BETWEEN
THE GOVERNMENT OF [STATE ONE]
AND
THE GOVERNMENT OF [STATE TWO]
CONCERNING COOPERATION TO SUPPRESS ILLICIT TRAFFIC**

Preamble

The Government of [STATE ONE] and the Government of [STATE TWO] (hereinafter, "the Parties");

Bearing in mind the complex nature of the problem of illicit traffic by sea;

Having regard to the urgent need for international cooperation in suppressing illicit traffic by sea, which is recognized in the 1961 Single Convention on Narcotic Drugs and its 1972 Protocol, in the 1971 Convention on Psychotropic Substances, in the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (hereinafter, "the 1988 UN Convention"), and in the 1982 United Nations Convention on the Law of the Sea;

Recalling that the 1988 UN Convention requires the Parties to consider entering into bilateral agreements to carry out, or to enhance the effectiveness of, its provisions;
Desiring to promote greater cooperation between the Parties, and thereby enhance their effectiveness, in combating illicit traffic by sea;

Conscious of the fact that, in order to combat drug-related activities effectively and efficiently, the active participation of all States affected is needed, that is, consumer and producer States, States whose territories are used as transshipment points for narcotic drugs, and States used to launder the proceeds of drug trafficking;

Conscious of the fact that [STATE TWO] is experiencing increased use of its maritime zones for the transshipment of drugs;
Have agreed as follows:

I. DEFINITIONS

In this Agreement, it shall be understood that:

1. "Illicit traffic" has the same meaning as in Article 1(m) of the 1988 UN Convention.
2. "[STATE TWO]'s waters and airspace" means the territorial sea and internal waters of [STATE TWO], and the air space over [STATE TWO].
3. "Law enforcement vessels" means warships of the Parties and other ships of the Parties clearly marked and identifiable as being on government non-commercial service and authorized to that effect, including any boat and aircraft embarked on such ships, aboard which law enforcement officials are embarked.
4. "Law enforcement aircraft" means military aircraft of the Parties and other aircraft of the Parties engaged in law enforcement operations or operations in support of law enforcement activities clearly marked and identifiable as being on government non-commercial service and authorized to that effect.

APPENDIX 6: COUNTERDRUG OPERATIONS

5. "Law enforcement authorities" means for the Government of [STATE TWO], the _____, without prejudice to the powers of the appropriate judicial authorities, and, for the Government of [STATE ONE], the [STATE TWO] _____.
6. "Law enforcement officials" means, for the Government of [STATE ONE], uniformed members of the [STATE TWO] _____, and for the Government of [STATE TWO], uniformed members of the _____.
7. "Shiprider" means one or more law enforcement officials, including boarding teams, of one Party authorized to embark on a law enforcement vessel of the other Party.
8. "Suspect vessel or aircraft" means a vessel or aircraft used for commercial or private purposes in respect of which there are reasonable grounds to suspect it is involved in illicit traffic.

II. NATURE AND SCOPE OF AGREEMENT

1. The Parties shall cooperate in combating illicit traffic by sea to the fullest extent possible, consistent with available law enforcement resources and related priorities.
2. The Government of [STATE ONE] shall continue to provide the Government of [STATE TWO] with available information collected by electronic, air and maritime surveillance means, on the presence of suspect vessels or aircraft in or over [STATE TWO]'s waters or airspace, so that the law enforcement authorities of [STATE TWO] may take appropriate control measures. The Parties undertake to agree on procedures for improving intelligence sharing.

III. OPERATIONS IN AND OVER NATIONAL WATERS

Operations to suppress illicit traffic in and over the waters of a Party are subject to the authority of that Party.

IV. PROGRAM FOR LAW ENFORCEMENT OFFICIALS ABOARD THE OTHER PARTY'S VESSELS

1. The Parties shall establish a joint law enforcement shiprider program between their law enforcement authorities. Each Party may designate a coordinator to organize its program activities and to notify the other Party of the types of vessels and officials involved in the program.
2. The Government of [STATE TWO] may designate qualified law enforcement officials to act as law enforcement shipriders. The Government of [STATE TWO] may assign boarding teams to conduct boardings, searches and detentions from [STATE ONE] law enforcement vessels under the flag of [STATE TWO] of suspect [STATE TWO]'s vessels and other suspect vessels located in [STATE TWO]'s waters in accordance with paragraph 5, subject to subparagraphs b and c of paragraph 6. Subject to [STATE TWO]'s law, these shipriders may, in appropriate circumstances:
 - a. embark on [STATE TWO] law enforcement vessels;
 - b. authorize the pursuit, by the [STATE ONE] law enforcement vessels on which they are embarked, of suspect vessels and aircraft fleeing into [STATE TWO]'s waters;
 - c. authorize the [STATE ONE] law enforcement vessels on which they are embarked to conduct patrols to suppress illicit traffic in [STATE TWO]'s waters; and
 - d. enforce the laws of [STATE TWO] in [STATE TWO]'s waters, or seaward therefrom in the exercise of the right of hot pursuit or otherwise in accordance with international law.
3. The Government of [STATE ONE] may designate qualified law enforcement officials to act as law enforcement shipriders. Subject to [STATE TWO] law, these shipriders may, in appropriate circumstances:

APPENDIX 6: COUNTERDRUG OPERATIONS

- a. embark on [STATE TWO]'s law enforcement vessels;
 - b. advise [STATE TWO]'s law enforcement officials in the conduct of boardings of vessels to enforce the laws of [STATE TWO];
 - c. enforce, seaward of the territorial sea of [STATE TWO], the laws of the [STATE TWO] where authorized to do so, in accordance with the principles of international law; and
 - d. authorize the [STATE TWO]'s vessels on which they are embarked to assist in the enforcement of the laws of the [STATE TWO] seaward of the territorial sea of [STATE TWO], in accordance with the principles of international law.
4. The Government of [STATE ONE] shall, whenever feasible, assign as shipriders persons fluent in _____, and to have liaison officials fluent in _____ on board [STATE ONE] law enforcement vessels on which [STATE TWO]'s shipriders are embarked.
5. When a shiprider is embarked on the other Party's vessel, and the enforcement action being carried out is pursuant to the shiprider's authority, any search or seizure of property, any detention of a person, and any use of force pursuant to this Agreement, whether or not involving weapons, shall be carried out by the shiprider, except as follows:
- a. crewmembers of the other Party's vessel may assist in any such action if expressly requested to do so by the shiprider and only to the extent and in the manner requested. Such request may only be made, agreed to, and acted upon in accordance with the applicable laws and policies; and
 - b. such crewmembers may use force in self-defense, in accordance with the applicable laws and policies.
6. The Government of [STATE ONE] may only conduct operations to suppress illicit traffic in [STATE TWO]'s waters and airspace with the permission of the Government of [STATE TWO] in any of the following circumstances:
- a. an embarked [STATE TWO]'s shiprider so authorizes;
 - b. In those exceptional occasions when a suspect vessel, detected seaward of [STATE TWO]'s waters, enters [STATE TWO]'s waters and no [STATE TWO]'s shiprider is embarked in a [STATE ONE] law enforcement vessel, and no [STATE TWO]'s law enforcement vessel is immediately available to investigate, the [STATE ONE] law enforcement vessel may follow the suspect vessel into [STATE TWO]'s waters, in order to board the suspect vessel and secure the scene, while awaiting expeditious instructions from [STATE TWO]'s law enforcement authorities and the arrival of [STATE TWO]'s law enforcement officials.
 - c. In those equally exceptional occasions when a suspect vessel is detected within [STATE TWO]'s waters, and no [STATE TWO]'s shiprider is embarked in a [STATE ONE] law enforcement vessel, and no [STATE TWO]'s law enforcement vessel is immediately available to investigate, the [STATE ONE] law enforcement vessel may enter [STATE TWO]'s waters, in order to board the suspect vessel and secure the scene, while awaiting expeditious instructions from [STATE TWO]'s law enforcement authorities and the arrival of [STATE TWO]'s law enforcement officials.
- The [STATE TWO] shall provide prior notice to the [STATE TWO]'s law enforcement authority of action to be taken under subparagraphs (b) and (c) of this paragraph, unless not operationally feasible to do so. In any case, notice of the action shall be provided to the [STATE TWO]'s law enforcement authority without delay.
7. Law enforcement vessels of a Party operating with the authorization of the other Party pursuant to Section IV of this Agreement shall, during such operations, fly, in the case of [STATE ONE], [STATE TWO]'s flag, and in the case of [STATE TWO], the [STATE TWO] _____ flag.

APPENDIX 6: COUNTERDRUG OPERATIONS

8. The Government of [STATE TWO] shall permit the mooring or stay of law enforcement vessels of [STATE ONE] at national ports, after authorization by the Minister of Public Security, on the occasions and for the time necessary for the proper performance of the operations required under this Agreement.

9. The Government of [STATE TWO] reserves the right to authorize, in accordance with the laws of [STATE TWO], other operations to suppress illicit traffic not otherwise foreseen in this Agreement.

10. When aircraft of the Government of [STATE ONE] (hereafter, "[STATE ONE] aircraft") are operating to suppress illicit traffic or supporting such operations, the Government of [STATE TWO] shall permit those [STATE ONE] aircraft:

a. to overfly its territory and waters with due regard for the laws and regulations of [STATE TWO] for the flight and maneuver of aircraft, subject to paragraph 11 of this section;

b. to land and remain in national airports, after receiving authorization from _____, on the occasions and for the time necessary for proper performance of the operations necessary under this Agreement; and

c. to transmit orders from competent [STATE TWO]'s authorities to suspect aircraft to land in the territory of [STATE TWO], subject to the laws of each Party.

11. The Government of [STATE ONE] shall, in the interest of flight safety, observe the following procedures for facilitating flights within [STATE TWO]'s airspace by [STATE ONE] aircraft:

a. In the event of planned law enforcement operations, the [STATE TWO] shall provide reasonable notice and communications frequencies to the appropriate [STATE TWO]'s aviation authorities responsible for air traffic control of planned flights by its aircraft over [STATE TWO]'s territory or waters.

b. In the event of unplanned operations, which may include the pursuit of suspect aircraft into [STATE TWO]'s airspace pursuant to this Agreement, the Parties shall exchange information concerning the appropriate communications frequencies and other information pertinent to flight safety.

c. Any aircraft engaged in law enforcement operations or operations in support of law enforcement activities in accordance with this Agreement shall comply with such air navigation and flight safety directions as may be required by [STATE TWO]'s aviation authorities, and with any written operating procedures developed for flight operations within its airspace under this Agreement.

V. OPERATIONS SEAWARD OF THE TERRITORIAL SEA

1. Whenever [STATE ONE] law enforcement officials encounter a suspect vessel flying the [STATE TWO]'s flag or claiming to be registered in [STATE TWO], located seaward of any State's territorial sea, this Agreement constitutes the authorization of the Government of [STATE TWO] for the boarding and search of the suspect vessel and the persons found on board by such officials.

If evidence of illicit traffic is found, [STATE ONE] law enforcement officials may detain the vessel and persons on board pending expeditious disposition instructions from the Government of [STATE TWO].

2. Except as expressly provided herein, this Agreement does not apply to or limit boardings of vessels seaward of any State's territorial sea, conducted by either Party in accordance with international law, whether based, *inter alia*, on the right of visit, the rendering of assistance to persons, vessels, and property in distress or peril, the consent of the vessel master, or an authorization from the flag State to take law enforcement action.

VI. JURISDICTION OVER DETAINED VESSELS

1. In all cases arising in [STATE TWO]'s waters, or concerning [STATE TWO]'s flag vessels seaward of any State's territorial sea, the Government of [STATE TWO] shall have the primary right to exercise jurisdiction over a detained vessel, cargo and/or persons on board (including seizure, forfeiture, arrest, and prosecution), provided,

APPENDIX 6: COUNTERDRUG OPERATIONS

however, that the Government of [STATE TWO] may, subject to its Constitution and laws, waive its primary right to exercise jurisdiction and authorize the enforcement of [STATE TWO] law against the vessel, cargo and/or persons on board.

2. Instructions as to the exercise of jurisdiction pursuant to paragraph 1 shall be given without delay.

VII. IMPLEMENTATION

1. Operations to suppress illicit traffic pursuant to this Agreement shall be carried out only against suspect vessels and aircraft, including vessels and aircraft without nationality, and vessels assimilated to vessels without nationality.

2. A Party conducting a boarding and search pursuant to this Agreement shall promptly notify the other Party of the results thereof. The relevant Party shall timely report to the other Party, consistent with its laws, on the status of all investigations, prosecutions and judicial proceedings resulting from enforcement action taken pursuant to this Agreement where evidence of illicit traffic was found.

3. Each Party shall ensure that its law enforcement officials, when conducting boardings and searches and air interception activities pursuant to this Agreement, act in accordance with the applicable national laws and policies of that Party and with the applicable international law and accepted international practices.

4. Boardings and searches pursuant to this Agreement shall be carried out by law enforcement officials from law enforcement vessels or aircraft. The boarding and search teams may operate from such ships and aircraft of the Parties, and seaward of the territorial sea of any State, from such ships of other States as may be agreed upon by the Parties. The boarding and search team may carry standard law enforcement small arms.

5. While conducting air intercept activities pursuant to this Agreement, the Parties shall not endanger the lives of persons on board and the safety of civil aircraft.

6. All use of force pursuant to this Agreement shall be in strict accordance with the applicable laws and policies and shall in all cases be the minimum reasonably necessary under the circumstances, except that neither Party shall use force against civil aircraft in flight. Nothing in this Agreement shall impair the exercise of the inherent right of self-defense by law enforcement or other officials of either Party.

7. When carrying out operations pursuant to this Agreement, in accordance with the 1988 UN Convention, the Parties shall take due account of the possible advantage of conducting boarding and search operations in safer conditions at the closest [STATE TWO]'s port to minimize any prejudice to the legitimate commercial activities of the suspect vessel or aircraft, or its flag State or any other interested State; the need not to delay unduly the suspect aircraft or vessel; the need not to endanger the safety of life at sea without endangering the safety of the law enforcement officials or their vessels or aircraft; and the need not to endanger the security of the suspect vessel, aircraft or cargo.

8. To facilitate implementation of this Agreement, each Party shall ensure the other Party is fully informed of its respective applicable laws and policies, particularly those pertaining to the use of force. Each Party shall ensure that all of its law enforcement officials are knowledgeable concerning the applicable laws and policies of both Parties.

9. Assets seized in consequence of any operation undertaken in [STATE TWO]'s waters pursuant to this Agreement shall be disposed of in accordance with the laws of [STATE TWO]. Assets seized in consequence of any operation undertaken seaward of the territorial sea of [STATE TWO] pursuant to this Agreement shall be disposed of in accordance with the laws of the seizing Party. To the extent permitted by its laws and upon such terms as it deems appropriate, a Party may, in any case, transfer forfeited assets or proceeds of their sale to the other Party. Each transfer generally will reflect the contribution of the other Party to facilitating or effecting the forfeiture of such assets or proceeds.

10. The law enforcement authority of one Party (the "first Party") may request, and the law enforcement authority of the other Party may authorize, law enforcement officials of the other Party to provide technical assistance to law

APPENDIX 6: COUNTERDRUG OPERATIONS

enforcement officials of the first Party in their boarding and investigation of suspect vessels located in the territory or waters of the first Party.

11. Any injury to or loss of life of a law enforcement official of a Party shall normally be remedied in accordance with the laws of that Party. Any other claim submitted for damage, injury, death or loss resulting from an operation carried out under this Agreement shall be processed, considered, and if merited, resolved in favor of the claimant by the Party whose officials conducted the operation, in accordance with the domestic law of that Party, and in a manner consistent with international law. If any loss, injury or death is suffered as a result of any action taken by the law enforcement or other officials of one Party in contravention of this Agreement, or any improper or unreasonable action is taken by a Party pursuant thereto, the Parties shall, without prejudice to any other legal rights which may be available, consult at the request of either Party to resolve the matter and decide any questions relating to compensation.

12. Disputes arising from the interpretation or implementation of this Agreement shall be settled by mutual agreement of the Parties.

13. The Parties agree to consult, on at least an annual basis, to evaluate the implementation of this Agreement and to consider enhancing its effectiveness, including the preparation of amendments to this Agreement that take into account increased operational capacity of the [STATE TWO]'s law enforcement authorities and officials. In case a difficulty arises concerning the operation of this Agreement, either Party may request consultations with the other Party to resolve the matter.

14. Nothing in this Agreement is intended to alter the rights and privileges due any individual in any legal proceeding.

15. Nothing in this Agreement shall prejudice the position of either Party with regard to the international law of the sea.

VIII. ENTRY INTO FORCE AND DURATION

1. This Agreement shall enter into force upon exchange of notes indicating that the necessary internal procedures of each Party have been completed.

2. This Agreement shall be registered with the Secretary-General of the United Nations for purposes of publication in accordance with article 102 of the Charter of the United Nations.

3. This Agreement may be terminated at any time by either Party upon written notification to the other Party through the diplomatic channel. Such termination shall take effect one year from the date of notification.

4. This Agreement shall continue to apply after termination with respect to any administrative or judicial proceedings arising out of actions taken pursuant to this Agreement during the time that it was in force.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE AT _____, [STATE TWO], this first day of _____, 20__, in duplicate in the _____ and _____ languages, each text being equally authentic.

FOR THE GOVERNMENT OF THE
[STATE ONE] :
/s/
Ambassador
[STATE ONE]

FOR THE GOVERNMENT OF
[STATE TWO]:
/s/
Minister of Government,
[STATE TWO]

APPENDIX 6: COUNTERDRUG OPERATIONS

Appendix 6-14: ASD Memo – Policy Definition of “Narcoterrorism”, 12 APR 04

See next page.



THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301-2500

APR 12 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
COMMANDER, U.S. SPECIAL OPERATIONS COMMAND
GENERAL COUNSEL OF THE DEPARTMENT OF
DEFENSE
DIRECTOR, DEFENSE INTELLIGENCE AGENCY
DIRECTOR, DEFENSE SECURITY COOPERATION AGENCY
DIRECTOR, NATIONAL SECURITY AGENCY
DEPUTY UNDER SECRETARY OF DEFENSE FOR
READINESS
DEPUTY UNDER SECRETARY OF DEFENSE
FOR RESOURCE PLANNING AND MANAGEMENT
DIRECTOR, JOINT STAFF
CHIEF, NATIONAL GUARD BUREAU

SUBJECT: Policy Definition of "Narcoterrorism"

To assist the Combatant Commands developing and implementing new strategies against terrorism linked to drug trafficking, several of the Commands asked us to review and, as appropriate, revise the definition for narcoterrorism contained in DoD publications.

The Deputy Assistant Secretary of Defense for Counternarcotics previously defined the term "Counterdrug Activities" (Memorandum, 23 Oct 2002) as:

- Those measures taken to detect, interdict, disrupt, or curtail any activity that is reasonably related to narcotics trafficking.
- This includes, but is not limited to, measures taken to detect, interdict, disrupt, or curtail activities related to substances, material, weapons, or resources used to finance, support, secure, cultivate, process, and/or transport illegal drugs.

This definition allows the Combatant Commanders to use the Department's counternarcotics authorities and funds to assist in the War on Terrorism when an illegal drug nexus is known or suspected. The Department and the interagency have recognized the growing links between terrorism and drug trafficking and have begun using counternarcoterrorist as a term to reflect those links.

The current definition for narcoterrorism contained in Joint Pubs does not reflect the terrorist linkage, but rather tools that could be used by drug traffickers, such as assassinations, extortion, hijackings and bombings. We believe that the definition should, instead, be adapted to reflect terrorists' exploitation of narcotics trafficking to support terrorist activities.

In coordination with the Joint Staff, and within the context of supporting the activities of any other department or agency of the Federal Government or of any State, local, or foreign law enforcement agency; we define the term "narcoterrorism" as:

Narco-terrorism: Terrorism that is linked to drug trafficking. Two separate, but related, types of narco-terrorism exist: (1) narco-driven terrorism, which is terrorism conducted by drug traffickers to further their aims of drug trafficking; and (2) narco-supported terrorism, which is terrorism that benefits from or uses drug trafficking to further terrorist individual or group activities.

Questions regarding this policy shall be directed to the Office of the Deputy Assistant Secretary of Defense for Counternarcotics.



Thomas W. O'Connell

¹ Joint Pub 1-02, DoD Dictionary of Military and Associated Terms, 12 Apr 01 As Amended through 5 Sep 03 (page 355) and Joint Pub 3-07.4 Joint Counterdrug Operations, 17 Feb 98 (page GL-16).

Appendix 6-15: CNGB Memo, Implementation of Procedures for Handling Requests for Counterdrug Narcoterrorist Support, 2 JUN 2006

See next page.

APPENDIX 6: COUNTERDRUG OPERATIONS



DEPARTMENT OF THE ARMY AND THE AIR FORCE
NATIONAL GUARD BUREAU
1411 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202-4331

6 2 JUN 2006

NGB-J3-CD

MEMORANDUM FOR THE ADJUTANTS GENERAL OF ALL STATES, PUERTO RICO, THE U.S. VIRGIN ISLANDS, GUAM AND THE COMMANDING GENERAL OF THE DISTRICT OF COLUMBIA

SUBJECT: Implementation of Procedures for Handling Requests for Counterdrug Narcoterrorist Support

1. It is well established that drug trafficking and terrorism are often linked. Some Terrorist organizations provide protection and support to drug traffickers, and drug profits fund terrorist activities. Since the attacks of September 11, 2001, Counterdrug assets are increasingly requested to provide support to the Global War on Terror (GWOT). In recognition of the connection between drugs and terrorism, and in order to facilitate support to law enforcement agencies (LEAs) engaged in activities involving narco-terrorism and as directed in the All States Memorandum 22 December 2005, the following guidance is provided.
2. Counterdrug funds may be used for the purpose of drug interdiction and Counterdrug activities in which drug traffickers use terrorism to further their aims of drug trafficking. Requests for such support will be handled in accordance with NGR 500-2.
3. Counterdrug funds may be used for the purpose of drug interdiction and Counterdrug activities in which terrorists benefit from or use drug trafficking to further the individual, group and/or organization's terrorist activities. Requests for such support will be handled in accordance with NGR 500-2, and must include the following evidence as applicable:
 - a. Evidence that the activity for which the LEA is requesting support involves a terrorist individual and/or organization. Such evidence does not have to show with certainty that a terrorist individual, group and/or organization is involved but should establish a substantial basis for concluding such involvement. Evidence such that a reasonable person could conclude that a terrorist individual, group and/or organization is involved is satisfactory. This can be done by showing the basis of knowledge for such belief and the truthfulness thereof. Unsupported, conclusory statements are insufficient.
 - b. Evidence that the identified terrorist individual and/or organization receives support through the sale and/or trafficking of drugs. Such evidence does not have



APPENDIX 6: COUNTERDRUG OPERATIONS

NGB-J3-CD

SUBJECT: Implementation of Procedures for Handling Requests for Counterdrug Narcoterrorist Support

to establish that specific acts of the identified terrorist individual, group and/or organization are being or have been funded through the sale and/or trafficking of drugs. Evidence such that a reasonable person could conclude that the individual, group and/or organization receives funding from drug trafficking and/or sales is satisfactory. Unsupported conclusory statements are insufficient.

4. Information received pursuant to the requirements of Paragraph 3 will be retained for administrative purposes. All such materials will be marked "LAW ENFORCEMENT SENSITIVE" and treated as though classified as "SECRET". Such information will be disposed of in accordance with the applicable disposition schedules and procedures pertaining to materials classified as "SECRET".

5. States will retain their existing mission approval procedures, however, a new mission request is required for each mission involving narco-terrorism. Each narco-terrorism mission will be entered in CIMS and identified as such.

6. NGR 500-2 / ANGI 10-801 will be updated to include the following:

a. The following definitions will be added:

(1) "Counterdrug activities" means those measures taken to detect, interdict, disrupt, or curtail any activity that is reasonably related to narcotics trafficking. This includes, but is not limited to, measures taken to detect, interdict, disrupt, or curtail activities related to substances, material weapons, or resources used to finance, support, secure, cultivate, process and/or transport illegal drugs.

(2) "Narco-terrorism" means terrorism that is linked to drug trafficking. There are two separate, but related, types of narco-terrorism: (1) narco-driven terrorism, which is terrorism conducted by drug traffickers to further their aims of drug trafficking; and (2) narco-supported terrorism, which is terrorism that benefits from or uses drug trafficking to further terrorist individual or group activities.

b. The procedure for handling narco-terrorism support requests, as detailed in Paragraphs 3, 4 and 5 above.

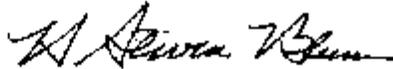
7. Beginning in FY '07, governor's state plans may include counterdrug narco-terrorist support to law enforcement agencies or agencies that support law enforcement.

8. A sample Request for Counterdrug Narco-terrorist Support for Operations Involving Terrorists Groups Who Benefit From or Use Drug Trafficking is enclosed

APPENDIX 6: COUNTERDRUG OPERATIONS

NGB-J3-CD
SUBJECT: Implementation of Procedures for Handling Requests for Counterdrug
Narcoterrorist Support

9. Point of contact is Col Earl Bell at DSN 327-5647 or Commercial (703) 607-5647.



H STEVEN BLUM
Lieutenant General, US Army
Chief, National Guard Bureau

2 Encs
1. Request Format
2. Request Example

CF:
NGB-J3
NGB-J3-CD
NGB-JA
Each State CoS
Each State JA
Each State USPFO
Each State POTO
Each State Counterdrug Coordinator

SAMPLE
AGENCY LETTERHEAD

TO: CDC
Office Symbol
Address
City, State Zip

DATE

RE: Request for Counterdrug Narcoterrorist Support for Operations Involving Terrorists Groups Who Benefit From or Use Drug Trafficking

1. Please provide a brief outline of the type of support required, including time period.
2. Please provide evidence that the activity for which you are requesting support involves an individual, group and/or organization that engages in terrorist activities. Such evidence does not have to show with certainty that a terrorist individual, group and/or organization is involved but should establish a substantial basis for concluding such involvement. Evidence such that a reasonable person could conclude that a terrorist individual, group and/or organization is involved is satisfactory. This can be done by showing the basis of knowledge for such belief and the truthfulness thereof. Unsupported, conclusory statements are insufficient.
3. Please provide evidence that the identified terrorist individual, group and/or organization receives support from the sale and/or trafficking of illegal drugs. Such evidence does not have to establish that specific acts of the identified terrorist individual, group and/or organization are being or have been funded through the sale and/or trafficking of drugs. Evidence such that a reasonable person could conclude that the individual, group and/or organization receives funding from drug trafficking and/or sales is satisfactory. Unsupported, conclusory statements are insufficient.
4. Include a Point of Contact name, telephone and fax number for coordination purposes. To expedite processing, a copy of the request may be faxed to (XXX) XXX-XXXX, and mail the original to the above listed address. Your agency will be contacted upon receipt of the request.

Signature

Name (Agency Official)

Authorized Signature

(If you have any questions about how to complete this and any other paperwork required for National Guard Support, or if you would like to know more about National Guard Counterdrug Support call our Operations Section, (XXX) XXX-XXXX

SAMPLE

AGENCY LETTERHEAD

TO: CDC
Office Symbol
Address
City, State Zip

DATE

RE. Request for Counterdrug Narcoterrorist Support for Operations Involving Terrorists Groups Who Benefit From or Use Drug Trafficking

1. We have received information that a member of Hizballah may attempt to bring components of a weapon of mass destruction (WMD) across the US/Mexico border, vicinity Eagle Crossing. Please provide reconnaissance assistance, either aerial or ground, of this location between April 25-28, 2006.

2. We were provided information from a confidential informant that a member or members of Hizballah may attempt to smuggle components of a WMD into the United States. On at least two prior occasions, information provided by this informant was found to be truthful and accurate. Additionally, the informant provided information that between March 13th and 17th, two individuals traveling on Syrian passports entered Mexico via a flight from London to Mexico City. We have verified that this information is correct.

3. Hizballah has been designated a foreign terrorist organization by the US Department of State. Additionally, it is known to generate significant income by controlling the sale of various types of contraband, including drugs, liquor, cigarettes, weapons, and forged documents. Intelligence suggests that a large sum of the earnings from these illegal activities goes in support of the operatives' respective organizations in Lebanon.
Sources: <http://www.state.gov/s/br/rlr/2002/03/0303167.htm>
<http://www.uscib.gov/idea/cuba/2002/05/050903031.htm>

4. If you have any questions or require additional information, please contact Special Agent R. Paul Coltrane, (202) 555-1212, (fax) 555-1414.

Signature

5/1/06

Special Agent R. Coltrane