

3301-0 (DCDS)

10 July 98

**NDHQ INSTRUCTION DCDS 2/98
GUIDANCE FOR THE CONDUCT OF DOMESTIC OPERATIONS**

References: A. HQDP 200 83-09-23
B. DCDS 072 282000Z May 96
C. 3120-200(J3 Plans) 31 May 96
D. 3120-200(J3 Plans) 10 Jun 96
E. 3120-DCDS(J3 Plans 2-5) 28 Aug 96
F. 3120-200(J 3 Plans and Ops) 5 Dec 96
G. DCDS 009 152123Z Jan 97
H. 3301-2(J3 Plans & Ops 2-2) 4 Apr 97
I. DCDS 185 271740Z Nov 95
J. B-GS-055-000/AG-001 -- Provision of Services Policy 97-11-01
K. B-GG-005-004/AF-000 -- Canadian Forces Operations 97-05-15
L. B-GG-005-004/AF-004 -- Force Employment 97-12-04
M. *Canadian Forces Assistance to Provincial Police Forces Directions* (JUS-96-273-02)
N. *National Defence Act*
O. *Emergencies Act*
P. NDHQ Instruction DCDS 4/94 Police Security Liaison Program
Q. *Defence Controlled Access Area Regulations*
R. A-SJ-1-00-001/AS-000 Security Orders for DND
S. *Access to Information Act*
T. *Privacy Act*
U. *National Archives of Canada Act*
V. B-GG-005-004/005 Use of Force in CF Operations (Vols 1 and 2) 96-10-01
W. 5000-1 (J3 Coord) VCDS Instruction 1/98 Operational Employment of Reservists on Class "C" Service, 30 Jul 98 (insert 17 Aug 01)

**SECTION 1
INTRODUCTION**

1. The Canadian Forces (CF) is organized, equipped and trained to defend Canada and, in cooperation with Canada's allies, protect and advance Canada's interests in the world community. While the CF focuses on its purely military tasks, the inherent flexibility of military units, many with unique capabilities, makes the CF a potential source of assistance which may be called upon to support Canadian civil authorities and the Canadian public in Canada. CF *domestic operations* are any CF activities which provide assistance in response to requests for support from Canadian civil authorities, or from the Canadian public.

2. Domestic operations are conducted in response to requests from outside the control of the CF, and can take almost infinite form. The response of the CF is, however, strictly bound by the legal responsibilities that enjoin defence activities, and the accountability of commanders at all levels for personnel and material resources under their command.

3. A simplified matrix of the potential scale of CF domestic operations and the necessary levels of approval is illustrated at Annex A. It is important to note that, while in the public eye there is often no clear definition between one type of assistance and another, for the CF there are very distinctive and strict jurisdictional and legal boundaries for different types of assistance, particularly those which may involve the use of force.

AIM

4. The aim of this instruction is to promulgate Chief of Defence Staff (CDS) direction and guidance for the conduct of domestic operations by the CF.

ORGANIZATION OF THIS INSTRUCTION

5. This instruction is divided into sections covering the following topics:

- a. Section 1 - Introduction;
- b. Section 2 - Command and Control;
- c. Section 3 - Provision of Services Policy;
- d. Section 4 - Humanitarian Assistance;
- e. Section 5 - Assistance to Law Enforcement;
- f. Section 6 - National Defence Act Part XI, Aid of the Civil Power;
- g. Section 7 - Emergencies Act;
- h. Section 8 - Planning and Operational Guidance;
- i. Section 9 - Training and Force Generation;
- j. Section 10 - Service and Administrative Support Concepts; and
- k. Section 11 - Conclusion.

6. Amplifying this instruction are annexes covering:

- a. Annex A - Simplified Matrix of Authorities for Domestic Operations;
- b. Annex B - Aeronautical and Maritime Search and Rescue;
- c. Annex C - Assistance to Provincial/Territorial Law Enforcement;

- d. Annex D - Assistance to OGD (Federal) Law Enforcement;
- e. Annex E - Immediate Reaction Forces and States of Readiness;
- f. Annex F - Legal Considerations and Peace Officer Status; and
- g. Annex G - Staff Aide Memoire for Domestic Operations

AUTHORITY AND REVIEW

7. This instruction supersedes ref A, which is cancelled, and incorporates and supersedes refs B thru I. CF doctrinal and educational publications will be reviewed and amended to reflect the terminology and direction this instruction provides.

8. The nature of domestic operations is such that emphasis and focus will shift with time. This instruction will therefore be reviewed annually at the NDHQ Domestic Operations G3 workshop, and briefed by the Deputy Chief of the Defence Staff (DCDS) to the operational commanders at the DCDS Operational Commanders Conference, held each Spring.

SECTION 2 COMMAND AND CONTROL

9. The CDS commands all domestic operations, and has delegated authority for specific domestic operations to operational level commanders as outlined in this instruction.

10. The DCDS controls all domestic operations on behalf of the CDS. For most domestic operations, the CDS will designate a joint task force commander, usually one of the operational level commanders. If circumstances dictate, a formation or unit commander could be designated as a task force or joint task force commander.

11. The operational level commanders for domestic operations are: Commander Maritime Force Atlantic (MARLANT), Commander Maritime Force Pacific (MARPAC), Land Force Areas Commanders (LFA), Commander 1 Canadian Air Division (1 CAD) and Commander Canadian Forces Northern Area HQ (CFNAHQ). Operational level commanders are responsible directly to the CDS for the conduct of all domestic operations, and to their respective Environmental Chiefs of Staff(ECS) for force generation. These two roles, while mutually supporting, are separate and distinct.

DOMESTIC OPERATIONS AND THE USE OF FORCE

12. The CDS retains full command for all domestic operations involving or potentially involving the use of force, e.g. assistance to law enforcement or Aid of the Civil Power(ACP).

ENVIRONMENTAL CHIEFS OF STAFF

13. The Environmental Chief of Staff (ECS) retain, as a primary role, the responsibility for force generation, and operational level commanders are double-hatted as subordinate commanders in

this role. The CDS will task the ECS to provide forces to the designated task force commander. Ideally, these forces will be drawn from the forces that the designated operational commander commands in his force generation role, but may be allocated from any unit or element of the CF.

OPERATIONAL LEVEL COMMANDERS

14. Operational Commanders are responsible for maintaining liaison with civil authorities within their area of responsibility and for the provision of support and assistance to other operational commanders, as mutually agreed between the operational commanders concerned, or as tasked by DCDS. Operational level HQs are not deployable and may require augmentation from within their own resources, or by allocation of resources from the CF deployable Joint HQ for specific domestic operations.

LFA/CFNAHQ COMMANDERS

15. As detailed in the applicable Canadian Forces Organization Orders (CFOOs), LFA/CFNAHQ commanders maintain, on behalf of CDS, liaison with provincial/territorial authorities on all domestic operations.

16. LFAs/CFNAHQ are the preferred point of contact for provision of services and for humanitarian assistance operations (except for aeronautical and maritime search and rescue (SAR), which will be directed to Rescue Coordination Centers(RCCs)). The majority of domestic operations requests and situations can be anticipated and routine procedures developed to handle them. The location of bases and units under different ECSs and operational level commanders, traditional arrangements, and common sense will dictate specific local arrangements in various regions of Canada. LFAs/CFNAHQ will monitor all support provided to non-defence agencies within their geographical areas of responsibility to ensure consistency in application of the provision of services policy.

MARITIME COASTAL COMMANDERS

17. Commanders MARLANT and MARPAC, in cooperation with other operational level commanders, maintain the ability to respond to requests for assistance relating to maritime-based law enforcement activities, marine resource challenges and natural and man-made disasters. Cooperative agreements are maintained in support of provincial/territorial law enforcement agencies, Others Government Departements (OGDs) (in particular the Department of Fisheries and Oceans (DFO)) and the Solicitor General/RCMP.

COOPERATION WITH AND AMONG OPERATIONAL LEVELS OF COMMAND

18. The operational level HQs play a critical role in the coordination and conduct of domestic operations. The timely passage of information to those who are required to maintain situational awareness on potential domestic situations is essential. Operational level commanders and NDHQ/DCDS must be kept informed of any activities which may generate requests for CF assistance involving support to law enforcement, and any situation with potential for public controversy affecting the CF.

19. Requests for support under the *Provision of Services Policy* (ref J) received or generated at National Defense Operation Centre (NDOC) may be coordinated with the appropriate ECS, if necessary, then sent to the operational level HQ best suited to provide the support. In the majority of cases these will be requests for services for which standing procedures or prior arrangements are in place. The requirement for coordination with the ECS will be by exception, when required due to the nature of the request.

20. In the same vein, it is essential that there be early and open collaboration among operational level commanders on situations that have the potential to escalate across geographic boundaries or responsibilities of other operational level commanders, in particular, when they involve support to law enforcement agencies.

21. As the CDS commands all domestic operations involving the use of force, it is imperative that DCDS/NDOC be advised of any potential domestic situation that might involve or escalate to a point where use of force, or if the involvement of CF personnel and/or operational equipment in support to law enforcement operations is contemplated.

SECTION 3 PROVISION OF SERVICES

22. On a continuing basis, units of the CF support community- based activities with short term loans of such items as tents or mobile cooking facilities for such events as municipal celebrations and youth organization jamborees. As outlined at ref J, *The Provision of Services Policy*, this type of assistance must not adversely affect CF training or readiness, compete with commercial alternatives or create a charge against the public. This type of CF support provides CF units the opportunity to participate in the communities in which they live and work, and, at a personal level, show the public the human face of the CF.

23. CF commanders are allocated resources to discharge their assigned portion of the Defence Service Program and are accountable for how they expend these resources. However, there are occasions when it is consistent with the government policy to provide a service in response to a request from a non-defence agency, even though the service is outside the immediate scope of the Defence Services Program. These requests may be received at any level, and may involve the use of any component of the CF.

24. Ref J is universally applicable, and provides substantial latitude and authority which allow commanders to deal with the majority of situations at the lowest practical level. In some situations, due to the national scope of the assistance provided, the requirement for operational level commanders to apply ref J will be assumed by DCDS. Usually, these situations are CF missions where the allocation of costs will be determined by the Federal Government.

25. While the authority to recover costs (or otherwise) may change with evolution of the situation, what will remain constant is the requirement to keep a complete record of what was requested and supplied, who requested it, and who authorized it.

SECTION 4 HUMANITARIAN ASSISTANCE

26. Humanitarian assistance is any action taken to save lives, prevent human suffering, or mitigate property damage. CF humanitarian assistance falls in three classes:

- a. civil disaster relief (natural or man-caused);
- b. CF SAR, for aeronautical and maritime incidents within the Canadian SAR area of responsibility; and
- c. other humanitarian assistance.

PROVINCIAL/TERRITORIAL CIVIL DISASTER RELIEF

27. Emergency management of natural disasters is a provincial/territorial responsibility. Federal assistance is usually provided, but federal involvement in management of the disaster will always be in support of the provincial/territorial authority, unless the scale of the disaster results in a declaration under the *Emergencies Act* as outlined at Section 7 below. CF involvement occurs at local levels in affected areas, and additional assistance is often provided on request of the provincial/territorial authorities to operational level HQs, usually LFAs/CFNAHQ.

28. Depending on the magnitude of the disaster, requests from the province/territory affected, CF resources available to the operational level commander involved, and/or direction from the federal government, this may evolve into a major CF operation directed by the CDS. CF assistance should be limited to essential support, and should be ended as soon as the situation becomes manageable by the responsible civil authority. The decision to end support will be agreed upon by the CDS, in consultation with the provincial/territorial authorities and the responsible military commander.

29. The major impact of CF support in a humanitarian assistance operation will occur in the first 24 to 36 hours after the disaster has taken place. Initial response will usually include the despatch of liaison officers to obtain information and provide a point of contact to the responsible civil agencies, so that requirements can be determined, assistance directed, and effective, coordinated planning in cooperation with the responsible provincial/territorial agencies begun.

30. Fine judgement will be necessary in deciding to commit troops and resources into a disaster area before actual requirements and tasks have been determined. Increasing readiness and preliminary movement of immediately available CF resources to staging locations may be appropriate and must be considered if there is a possibility they will be needed. At the same time, it is important to ensure that CF resources are actually needed, have an effective role to fulfill, and will not become part of the problem, rather than a positive contribution to a solution.

31. Commanders at all levels may have to act to provide an immediate response to save lives, prevent human suffering, or mitigate property damage, as outlined at paras 36-39 below.

RECOVERY OF COSTS

32. Ref J will apply in most cases, however; where the scale of the disaster causes the initial CF response to evolve into a national level operation commanded by the CDS, specific direction on cost recovery will be issued.

PROVINCIAL/TERRITORIAL CIVIL DISASTER ASSISTANCE PLANNING

33. LFAs/CFNAHQ are responsible for establishing effective liaison with provincial/territorial emergency measures authorities, other relevant agencies and law enforcement agencies for civil disaster assistance planning. It is essential that LFAs/CFNAHQ have their civilian counterparts include them in the provincial/territorial planning process so that:

- a. LFAs/CFNAHQ understand provincial/territorial authorities plans and capabilities;
- b. provinces/territories understand the potential for assistance from the CF and the practical and legal limitations of CF support;
- c. effective liaison and personal contacts are in place before they are needed; and
- d. there is a clear understanding on both sides of who has the formal authority to request CF assistance, and how this is accomplished.

34. In liaison with provincial/territorial authorities, care must be taken not to engage in planning that implies a pre-commitment of specific resources, or to allow civil authorities to assume the ready or guaranteed availability of specific CF assets. CF resources must not be encumbered by such assumptions or presumed commitment as military operations, training, or restructuring may require CF resources to be temporarily or permanently unavailable. When faced with a requirement for civil disaster assistance, the CF will respond to the situation that develops using resources that are available, in accordance with the capability-based planning process described at refs K and L (the CF Operations and Force Employment manuals).

35. When providing civil disaster assistance, whether requested by a responsible provincial/territorial authority or directed by the federal government, the CF will operate in support of provincial/territorial emergency measures organizations. The designated operational level commander will, in consultation with his/her provincial counterparts, identify areas where CF assistance may be requested or is particularly applicable. Areas of CF support may include, but are not limited to:

- a. Humanitarian activities: medical support; potable water; food; fuel; field kitchens; shelters; transportation; hygiene; heaters; lighting; generators; communications support; or engineer support; and
- b. Logistic and transportation assistance: strategic transportation; emergency shelter; emergency clothing and blankets; cots; and hygiene support.

HUMANITARIAN EMERGENCY SITUATIONS REQUIRING AN IMMEDIATE RESPONSE

36. Actual or imminently serious conditions resulting from any humanitarian emergency may result in requests which require immediate action by military commanders to save lives, prevent human suffering, or mitigate property damage. When time does not permit prior approval from higher headquarters, local military commanders may take necessary action to immediately respond to such requests, subject to any specific overriding military direction that they have been issued. Specifically, this authority to provide an immediate response does not extend to situations covered by Sections 5, 6, and 7 of this instruction.

37. While any immediate response should be provided on a cost-recovery basis in accordance with ref J, a CF response in a life-threatening situation shall not be delayed or denied because of the inability or unwillingness of the requester to make a commitment to reimburse DND.

38. Any commander acting to provide an immediate response to an emergency shall advise DCDS, through their chain of command, by the most expeditious means available.

39. The scope of immediate response will be limited by the capabilities of the forces available, and may include, but is not limited to, the following types of assistance:

- a. rescue, evacuation, emergency medical capabilities, the safeguarding of the public health;
- b. emergency restoration of essential services(including fire-fighting, water, communications, transportation, power, and fuel);
- c. emergency clearance of debris, rubble, and dangerous items from public facilities and other areas to permit rescue or movement of people and the restoration of essential services;
- d. recovery, identification, registration, and disposal of the dead;
- e. detection and monitoring of radiological, chemical, and biological effects, controlling contaminated areas, and reporting of such incidents
- f. transportation and movement control;
- g. safeguarding, collecting, and distributing essential supplies and material;
- h. damage assessment; and/or
- i. interim emergency communications.

ASSISTANCE TO PROVINCIAL/TERRITORIAL LAW ENFORCEMENT OPERATIONS AS A PART OF HUMANITARIAN ASSISTANCE

40. Unlike the all-encompassing responsibility that provincial/territorial authorities have in dealing with a disaster, a CF response to a request for humanitarian assistance must be clearly differentiated from CF assistance to law enforcement operations. In civil disasters, substantial police forces exist in municipal, provincial and federal jurisdictions which will be called on first. Historically, policing problems are minor in humanitarian crises and the presence of military forces engaged in their humanitarian assistance mission will be a substantial stabilizing measure in and of itself. If a potential, or actual, request for CF assistance to law enforcement operations arises in a humanitarian assistance situation, the procedures outlined in Section 5 must be followed.

41. In the absence of a request for assistance for law enforcement operations, the CF will not engage in law enforcement duties. CF humanitarian assistance will be in a supporting role, and planning must include, in conjunction with the responsible law enforcement agencies, provision for civil police to be present (or readily available) to discharge their responsibilities as part of a joint operation to deal with the humanitarian situation.

THE DISASTER ASSISTANCE RESPONSE TEAM (DART)

42. The CF maintains the DART as a cadre unit, the primary focus of which is to provide a rapidly deployable, military- based response to assist with humanitarian emergencies in foreign countries. The DART will not normally be used in domestic operations. In exceptional circumstances, the CDS may authorize the use of the DART due to the remote location and/or magnitude of the disaster, however, in most situations the same capability is available from within existing CF units.

ROLE OF EMERGENCY PREPAREDNESS CANADA (EPC)

43. While EPC reports to DCDS, it operates as a separate agency with a separate legislative mandate (the *Emergency Preparedness Act*) and responsibilities different from those of the CF. For the CF, EPC serves an important function as a coordinating agency between the CF and outside agencies to prepare and deal with emergency situations. EPC will ensure, to the maximum extent possible, the coordination of assistance by:

- a. acting as a clearing house for the provision of Federal Government assistance from departments **other than DND** to agencies (usually provincial/territorial) in need;
- b. conducting training and seminars in emergency management for civil disaster response;
- c. maintaining federal contact with the provincial emergency measures organizations and, in times of emergency, acting as a conduit of first hand information (as opposed to intelligence or operational guidance) through this liaison; and

d. discharging certain EPC responsibilities for federal financial assistance.

44. EPC=s mission is to safeguard lives and reduce damage to property by fostering better preparedness for emergencies in Canada. EPC=s mandate is the coordination and promotion of emergency preparedness. Actual responsibility to deal with the effects of disaster is almost always provincial/territorial. Experience over the last decade indicates that, in a domestic humanitarian crisis, the responsible affected provincial/territorial government/agency will seek to deal directly with its sources of additional support, particularly with DND for logistic, transportation, manpower, or other specialist assistance. Recent major civil emergencies have demonstrated the limits of EPC's capacity to manage major crises, and on an exceptional basis, the CF has provided intervention and support to EPC in its coordination function.

AERONAUTICAL AND MARITIME SAR

45. The CF is only one of the government agencies with a responsibility for aeronautical and maritime SAR in Canada. CF roles and responsibilities for aeronautical and maritime SAR are clearly outlined at ref K, Chap 17. Specific CF resources have been allocated for aeronautical and maritime SAR tasks, and a dedicated control structure established, with delegated authority to coordinate and execute the SAR missions assigned to Rescue Coordination Centres (RCCs). The distinction between aeronautical and maritime SAR incidents, and other humanitarian assistance must be understood in terms of this jurisdictional distinction. Incidents involving other than aeronautical and maritime SAR, such as searches for missing persons, are usually situations where assistance is provided to a law enforcement or other agency and is coordinated by LFAs/CFNAHQ.

46. The nature of this division of CF SAR responsibilities requires special coordination arrangements to ensure that SAR tasks are handled properly. These are detailed at Annex B.

SECTION 5 ASSISTANCE TO LAW ENFORCEMENT

47. The CF does not have a standing mandate to enforce the laws of Canada. However, there are instances where municipal, provincial/territorial or federal law enforcement agencies may seek CF assistance in discharging their duties, and CF support to law enforcement operations may be authorized. Usually, the required assistance is for a unique or special skill or equipment that is only available from the CF.

48. The CF is also prepared to provide, under legislative or statutory arrangements with federal OGDs, resources to support the enforcement of federal laws, or the maintenance of public safety.

ASSISTANCE TO PROVINCIAL/TERRITORIAL LAW ENFORCEMENT AGENCIES

49. The federal government has approved an Order in Council (OIC) *Canadian Forces Assistance to Provincial Police Forces Directions* (ref M), and its associated *Principles for Federal (Military) Assistance to Provincial Policing*. Under ref M, provincial and territorial law enforcement agencies address requests for assistance to the federal Solicitor General. The Solicitor General will either satisfy these from the resources of the RCMP, or may request the MND authorize the CDS to provide CF assistance.

50. CF assistance, when provided, is always in a supporting role to the police force of jurisdiction, which retains full responsibility for enforcing the law.

51. Procedures for assistance to provincial/territorial law enforcement agencies are outlined at Annex C. LFA/CFNAHQs will usually conduct liaison with provincial/territorial law enforcement agencies. The appropriate LFA/CFNAHQ must be informed of any requests for assistance to provincial/territorial policing handled by MARLANT, MARPAC, or 1 CAD.

ASSISTANCE TO FEDERAL LAW ENFORCEMENT AGENCIES

52. While the issue of CF support to provincial/territorial law enforcement operations is clearly defined, the parallel initiative to clarify and standardize arrangements for support to federal law enforcement operations has been overtaken by the 1997 initiative to amend the *National Defence Act* (ref N). If and when ref N is amended, the CF will review its arrangements and procedures for provision of assistance to federal law enforcement agencies. In the interim, requests for operational equipment and/or CF personnel in support of federal law enforcement operations, other than assistance provided under existing legislation, OIC or Memoranda of Understanding (MOU), must be directed to the MND by the requesting department.

53. The CF preference is that the approach and procedures outlined for assistance to provincial/territorial law enforcement authorities (ref M) be used as a model for responding to requests from federal OGDs. Therefore, while OGDs may direct their requests directly to the MND, the CF will encourage OGDs to initially refer their requests to the federal Solicitor General for assessment and response who, in turn, formally requests CF assistance. If the CF is requested to assist, and the MND authorizes CF assistance, then the CDS will determine the composition of any CF support, its mission, and the level of force authorized.

54. An outline of the arrangements currently in place with certain OGDs for specific support is included at Annex D.

DEFENCE EXPLOSIVE ORDNANCE DISPOSAL (DEF EOD)

55. The CF has a defence mandate to dispose of explosive ordnance within Canada (including CF installations and HMC ships) currently (or formerly) the property of the CF, allied or other military force. ECSs and operational level commanders are responsible for developing and maintaining the military capability to deal with DEF EOD in accordance with directions issued by DCDS. Dealing with DEF EOD is not a domestic operation and must not be confused with support to law enforcement, although reports of DEF EOD (discarded >war trophies= or recovered stolen ordnance) may be received from law enforcement agencies. LFA/CFNAHQs are the preferred point of contact with civil agencies for receiving such reports and assigning DEF EOD taskings, but all CF installations must be prepared to deal with def EOD as required to meet local needs.

56. Civil EOD incidents may require a CF response only to determine if defence explosives are involved. If defence explosives are not involved, then the incident will be left in the control of the appropriate jurisdiction.

IMPROVISED EXPLOSIVE DEVICE DISPOSAL (IEDD)

57. As the civil authorities have developed their own capability to deal with IEDD, the system of CF EOD centers created in the early 1970's to support civil law enforcement in this area has become redundant. While the CF will maintain a IEDD capability for CF operational air, land and navy requirements (which will be available for support to law enforcement as are all other CF capabilities), the CF will not maintain a specific capability to support the IEDD function of civil law enforcement agencies. A request for CF support for IEDD is a Class 1 request for assistance to law enforcement operations, and handled using the appropriate procedures outlined in this section and Annexes C and D.

58. CF IEDD capability may be used to deal with non-operational IEDD incidents on CF installations, if this capability is available and suitable for the task. In situations where a CF IEDD capability is not available or suitable, civil law enforcement capabilities will be utilized.

SECTION 6 NATIONAL DEFENCE ACT, PART XI - AID OF THE CIVIL POWER (ACP)

59. In Canada, the administration of justice is primarily vested in provincial authorities. However, Canadian provinces and territories may not maintain military forces and have no internal recourse for situations beyond the control of their law enforcement agencies. Therefore, each province and territory has the power, under the *National Defence Act Part XI* (ref N) to requisition the CDS to take action to restore the authority of the Civil Power, if the attorney general of that province or territory declares in writing that a disturbance of the peace is, or is likely to be, beyond the capability of its law enforcement agencies to deal with.

60. The CDS exercises sole discretion in determining the necessary CF response, but must act to restore the situation to a level within the capability of the civil power to discharge its responsibilities.

61. Members of the CF (when employed), in ACP will only act as members of military units under military command, and are individually liable to follow the orders of their superior officers. The CF does not replace the responsible law enforcement agencies. The CF will address the situation that is beyond the capacity of the law enforcement agencies using military organization, equipment and methods while the law enforcement agencies continue to discharge all duties within their mandate and powers. In responding to an ACP requisition, the CF will act to restore the situation to the control of the civil authorities as quickly as possible, and CDS will be notified by the provincial/territorial attorney general when this has been accomplished.

62. Deployment of the CF in ACP is the ultimate law enforcement action of a provincial/territorial government. Such use of the CF as a force of last resort should not occur until all other options have been exhausted, or have been judged insufficient. The CF may use all necessary legal force to restore the situation to normalcy. The very prospect of such a CF deployment should be seen as a powerful deterrent, and any commitment of personnel or resources must be deliberate and

decisive.

SECTION 7 EMERGENCIES ACT

63. In the event of an urgent and critical situation of a temporary nature that seriously endangers the lives, health or safety of Canadians and is of such proportions or nature as to exceed the capacity or authority of a province/territory to deal with it, or seriously threatens the ability of the government to preserve the sovereignty, security and territorial integrity of the country, and cannot be effectively dealt with under any other law, the federal government may, in consultation with the provinces/territories concerned, assume special powers under the terms of the *Emergencies Act (ref O)*.

64. Ref O permits the federal government to take on, for a limited period, the powers deemed necessary to deal with the emergency. These are intentionally not specified, and in practical terms would be primarily focused on assuming jurisdiction and directing the allocation of resources, such as transportation and communications. These would likely include special powers for the CF. A proclamation under ref O is an extreme action which would only be taken in very exceptional circumstances.

65. In the context of CF domestic operations, there are two contingencies that could conceivably result in CF involvement under ref O:

- a. a humanitarian disaster, natural or man-made, the magnitude of which overwhelms provincial/territorial capacity to manage the situation. In a sudden catastrophe (i.e. major earthquake affecting a metropolitan area) operations would commence immediately at the affected local and operational level HQ levels, while Joint Staff at NDHQ would arrange additional support as necessary; or
- b. a disturbance of the peace, the magnitude of which overwhelms provincial/territorial and federal law enforcement authorities. In this instance, it is most likely that the CF would already be engaged in assistance to law enforcement, or under a requisition for ACP, prior to a proclamation under ref O.

66. In either of these situations, the CF is likely to have already become engaged, and the practical impact on CF operations of a proclamation under ref O will be minimal.

SECTION 8 PLANNING AND OPERATIONAL GUIDANCE

67. Domestic operations encompass a broad range of activities. Operational level commanders are responsible for monitoring the civil situation within their areas of responsibilities, taking action as appropriate to inform themselves of potential situations that may call for a CF response, taking action to address situations that are within their purview, and advising DCDS and other affected operational level commanders when required.

68. Domestic operations will be organized and commanded using the standard CF doctrine in refs K and L. While CF standard operating procedures will be used to the extent possible, because of the nature of domestic operations, there are policy and legal limitations that apply which require special emphasis in some areas, as amplified in this instruction.

69. The CF is the resource of last recourse to civil authorities at both the provincial/territorial and federal levels. In taking action to deal with an emergency situation, the advantages the CF brings to crisis are cohesive command and control and an effective, flexible and responsive organization. The CF is particularly capable of providing logistics, transportation, information gathering and communications support which can be used to support the responsible agency which has jurisdiction over the emergency situation.

70. The key role of operational level commanders is to support the responsible civil authorities in planning and effective management within their mandate and responsibility. More physical CF resources, such as equipment and manpower, are always available, but should be considered as backup and in support to those with the primary mandate, and not as the first line of response for any emergency situation.

71. There is a natural human tendency during crises to off-load problems to the CF which appears capable of resolving the problems. While operational commanders must develop personal channels of communication with responsible provincial/territorial decision makers and establish effective liaison with local emergency planning agencies, they must guard against self-fulfilling planning and liaison which could result in de facto commitment of CF resources in the absence of requests based on actual needs. The focus of planning must be to demonstrate the benefits of consultations prior to a crisis. The purpose of establishing personal channels of communications and effective liaison with civil authorities is to ensure that all concerned have a clear understanding of the scope and limits of CF capabilities and the process for seeking CF support.

72. The CF shall not be used as a general store or free labour pool. Except in situations where the saving of lives or potential for grave property damage are factors, decisions to employ defence resources for non-defence tasks shall be based on:

- a. the need to use specialized capabilities only the CF possesses;
- b. the non-availability of timely or cost-effective alternatives for more general assistance; and
- c. full-cost recovery when defence resources are used to execute tasks for which other agencies have both a mandate and resource allocation.

STANDBY FORCES AND READINESS

73. Forces for domestic operations can be drawn from any component of the CF. Routine domestic operations are normally conducted by units under command of the authorizing operational level commander, or provided under operational control by a supporting operational level commander, through pre-arrangement, mutual agreement, or as tasked by NDHQ.

74. To cater to emergencies that may require the immediate deployment of self-contained units, the CF maintains designated stand-by forces. DCDS will direct the minimum requirement for standby forces and their readiness (see Annex E). ECSs, other force generators and operational level commanders may increase the level of standby forces and shorten their degree of notice to move as necessary, based on local conditions and tasks.

INFORMATION AND INTELLIGENCE GATHERING

75. The actions of CF personnel employed on domestic operations are governed by the laws of Canada. CF personnel shall not gather intelligence on Canadian citizens, including any exploitation of the electro-magnetic spectrum aimed at fulfilling intelligence requirements, without a specific legal mandate and direction issued by CDS. CF doctrine and procedures for the production of intelligence for joint and combined operations must not be applied in domestic operations without clear and specific authority. J2 Security Intelligence (J2 SI) maintains the unique DND/CF responsibility for the assessment of national domestic security intelligence, in accordance with instructions issued annually by CDS. Operational level commanders will assess security intelligence in their areas of responsibility, however, responsibility for the collection of domestic security intelligence is vested solely in the Canadian Forces National Counter Intelligence Unit (CFNCIU).

76. Nothing in the foregoing should be construed to stand in the way of CF commanders collecting and maintaining open source information (i.e. media monitoring, press releases, government documents, open-source research and geographic materials, etc) for CF education and situational awareness, unrelated to planning and active operations, in open and unclassified files, or the briefing of commanders and staffs on current events. However, when situations arise where CF involvement is possible, commanders must take care to provide explicit direction and closely supervise information gathering to ensure that limitations on CF intelligence production are observed.

77. The Canadian Forces National Investigative Service (CFNIS), commanded by the Canadian Forces Provost Marshall(CFPM), and the CFNCIU, under NDHQ/J2, are the only agencies authorized to liaise with civil law enforcement agencies and other civilian authorities through the Police Liaison Security Programme (PLSP) (ref P) for police intelligence. In accordance with ref P, the CFNIS and CFNCIU shall only report on intelligence items with a direct DND/CF nexus, which is defined as any situation or event:

- a. that threatens DND/CF property or personnel;
- b. involving DND/CF personnel; and/or
- c. where a civil law enforcement agency has requested DND/CF assistance, or has indicated such a request is imminent.

78. The CFNIS and CFNCIU will participate in the various joint intelligence committees of which they are members. Any information deemed to have a DND/CF nexus, as defined above, will be reported. The CFNIS and CFNCIU will continue to ensure their access to as broad a range of information as possible, but any information assessed to not have a DND/CF nexus shall not be

reported, except to confirm that there is not a DND/CF nexus, unless authorised and directed by CDS.

79. In the operation of the PLSP, there are a two distinct and separate aspects to information with a CF nexus:

- a. commanders at all levels have the responsibility to keep abreast of the domestic environment within their area of responsibility, and a responsibility to establish open, harmonious working channels of communication with all elements of the public with whom they interact, including law enforcement agencies. LFA/CFNAHQ commanders have specific liaison responsibilities to provincial/territorial authorities, including provincial/territorial law enforcement agencies. These channels of communication will be used to maintain situational awareness and seek indications of situations which may give rise to a request for CF support; however, commanders must ensure that, while monitoring media sources and maintaining liaison, there is no CF operational focus or potential for the appearance of a CF operational focus on situations for which there is no CF mandate. CFNIS and CFNCIU detachments have the mandate to assess civil law enforcement intelligence contacts for any indication that a law enforcement agency is considering a request for CF support. CFNIS and CFNCIU detachments will report this to operational level commanders for their situational awareness. Operational level commanders will coordinate appropriate liaison to monitor situations and advise both the civil authority and NDHQ on any potential or actual request; and
- b. commanders at all levels have the responsibility to be aware of any security threat to, or criminal activity that directly affects their commands. Securing any information that is available from civil law enforcement intelligence contacts is a primary duty and responsibility of CFNIS and CFNCIU detachments as outlined at ref P. This aspect of the PLSP is not a domestic operations issue (except if it occurs during, and is connected to, a domestic operation) and must be clearly differentiated from intelligence for domestic operations.

80. Until a formal request for support to law enforcement is approved, the CF is limited to assessing the validity and practicality of the type of support which may be requested. This will be based on the information and analysis of the law enforcement agency which has jurisdiction. Ref P gives CFNIS and CFNCIU detachments authority to obtain pertinent information from police sources to support option analysis for specific situations. Only the information necessary in making recommendations on the suitability of the type of CF support being considered will be sought, on behalf of the responsible operational level commander in the case of Class 2 or 3 requests, or the CDS for Class 1 requests, as outlined at Annex C.

INTELLIGENCE PRODUCTION FOR DOMESTIC OPERATIONS

81. There is a critical distinction between the duty and requirements for commanders and headquarters to keep informed, and the military intelligence function. The CF policy on intelligence production for domestic operations dictates that:

- a. the CF shall not produce domestic intelligence nor maintain domestic operations

- intelligence data bases without a specific legal mandate, based on a request for assistance which has been approved by the CDS; and
- b. only information and analysis necessary to address the specifics of the support approved will be sought, and domestic operations intelligence data bases created will only be maintained during the specific operation. On completion, these files will be closed and disposed of in accordance with departmental policies for file disposal.

82. The CF must not break the letter or the spirit of the law. The limitations imposed by law will not affect CF capability in most situations, where time to produce the required intelligence will normally be available. In most cases, the need for CF produced domestic operations intelligence will not arise. For situations where CF intelligence is required for a domestic operation, the CDS will direct the level of intelligence support to be provided.

SECURITY OF DEFENCE ESTABLISHMENTS

83. CF policy and procedures for the security and protection of defence establishments flow from the authority of the *Defence Controlled Access Area Regulations* (ref Q) and are the responsibility of Vice Chief of the Defence Staff (VCDS)/Canadian Forces Provost Marshall in accordance with DND Security Orders (ref R). The CF mandate for physical security is limited to CF property, equipment and personnel. In the context of domestic operations (as at all other times), commanders of CF establishments are responsible for their own security. Operational level commanders retain responsibility for the security of their subordinate units and establishments. They will also maintain liaison with other operational level HQs with collateral interests, for contingency planning purposes.

USE OF RESERVISTS

84. The CDS has directed (ref I) that in all cases where there is a risk of injury, reservists employed on domestic operations shall be on Class C reserve service. This is to ensure that all CF members serving side-by-side on a mission are equally entitled to compensation and benefits in the event of injury or death while employed on operational tasks.

85. No Reservist will be employed in a domestic operation without that member's consent to serve. Reservists employed on Class C contracts who have consented to serve with regular force units may be employed on operations without the need for further consent. In all other cases, consent in writing must be given before employment.

86. Authority to employ individual reservists on domestic operations is delegated to the operational level commanders, operating from within their own resources. There is a critical legal distinction between the employment of individual Reservists who have volunteered for operational duty, and the deployment of Reserve units *per se*. The mustering and deployment of Reserve force units must be authorized by government and may only be ordered by the CDS.

87. The force generation agency which provides each Reservist is responsible for the suitability of reservists in terms of training standard to meet the anticipated operational requirement, his or her availability for the duration of the operation forecast, and supporting administration for his/her

employment.

USE OF CANADIAN RANGERS

88. The unique capabilities of the Canadian Rangers will occasionally enhance CF domestic operations, and Canadian Rangers may participate in class 3 and 4 support to provincial/territorial law enforcement, as outlined in Annex C. Canadian Rangers often participate on a voluntary basis in providing assistance to their communities for such activities as ground search parties. In such cases, they are acting as private individuals and in a private capacity. Accordingly, as a general guiding principle, commanders should encourage such community action without issuing formal taskings that result in such assistance becoming a CF domestic operation.

DOCUMENTATION AND RECORDS KEEPING

89. The *Access to Information Act* (AIA) (ref S), the *Privacy Act* (ref T), and the *National Archives of Canada Act* (ref U) are legal obligations which shall be complied with. These Acts serve to reinforce the imperative for complete record keeping and the accountability of all commanders and staff for their actions in domestic operations. Commanders must develop the necessary expertise to staff AIA requests promptly, as required by law.

SECTION 9 TRAINING AND FORCE GENERATION

90. The CF is organized, equipped and trained for general purpose combat operations in accordance with its defence mandate. General purpose combat training gives the CF a wide range of both specific and general capabilities that can be employed across the broad range of domestic operations. Domestic operations will normally rely on the skills and equipment already possessed through general military training or trades training. Training for law enforcement duties or scenarios will only be conducted if explicitly directed by the CDS.

91. Humanitarian assistance missions and natural disaster response will often involve the general employment of combat arms troops using industrial tools and equipment not normally used by the troops employed, and requiring specialized supervision and safety equipment. In these situations, commanders and troops will require appropriate training combined with prudence, common sense -- commensurate with the urgency of the situation - to effect their mission. This time requirement must be allowed for in planning.

TRAINING FOR ROLES WHERE USE OF FORCE IS AUTHORIZED

92. CF units will deploy for domestic operations with their integral vehicles, equipment and weapons, recognizing that any restrictions placed on the use of particular capabilities (such as tracked or other armoured vehicles) will limit flexibility in unit selection for a particular operation, or affect the capability and/or increase the administrative impact on the unit selected. Instructions concerning the deployment and potential use of specific types of equipment or weaponry will be specified in each case by the CDS.

93. The CF will not develop any capability for which it does not have a mandate. Specifically,

training for law enforcement duties such as crowd and riot control shall not be conducted. The CF will not acquire equipment (including ammunition) for specific use in the civil law enforcement context. This policy must not be confused with the fact that the CF possesses certain equipment which has been acquired for operational and training reasons. Such equipment may have application in CF assistance to law enforcement operations.

94. ECSs and other force generators are responsible for conducting use of force training for domestic operations as judged necessary and prudent to meet any anticipated need. Such training will be carried out with standard combat equipment and weapons, and with strict emphasis on the policy and legal limitations which apply to domestic operations.

95. The minimum training on use of force required before individuals are operationally ready for domestic operations where force might be used shall be in accordance with ref V. The requirement to conduct or confirm training in the use of force may increase preparation time, and this must be allowed for in planning. Commanders and subordinate officers will require a more detailed knowledge of the application of ref V, including the process for requesting rules of engagement, and the implications of the authorization or denial of various measures.

SECTION 10 SERVICE AND ADMINISTRATIVE SUPPORT CONCEPTS

96. In domestic operations, logistics, transportation and other service support functions are provided by CF formations, units and bases augmented as required by national capabilities, resources, civil services and infrastructure, in accordance with refs K and L. Domestic operations are normally short duration commitments using in-place resources, which are self-contained or supported through the parent bases and formations. When the scale or location of a domestic operation dictates, DCDS direction will be issued for service support arrangements.

97. Domestic disaster relief operations may involve CF support in the form of logistics, transportation, and communications support to the responsible civil agency, and to OGDs. This support may be provided by an operational level HQ, but will more usually be directed and coordinated by the DCDS.

98. CF strategic transportation resources are normally a critical resource requiring national control, and will be coordinated by NDHQ/J4 Movement based on DCDS priorities. Depending on the scale and scope of the domestic operation, it will usually be preferable that the units used be self-deployed and self-sustaining.

SECTION 11 CONCLUSION

99. The CF maintains a de-centralized approach to domestic operations founded on the liaison, coordination and educational functions of the operational level commanders with provincial/territorial authorities and, as authorized by OIC or MOU, with federal OGDs. The potential political implications of major domestic operations situations will influence the CF response, and NDHQ will act as the interface between operational level commanders and the federal government.

100. This instruction fills a void in operational guidance that has been apparent for some time. It will be reviewed annually and reissued as the DCDS=s personal direction to the operational level commanders each spring, confirming command relationships, passing information in anticipation of situations forecast to occur in the next year, and reinforcing transient policy issues.

Matrix of Authorities for Domestic Operations

Governor in Council				Public Order / Public Welfare Emergency
MND		Class 1 sp to prov/terr law enforcement & sp to fed law enforcement not covered by OIC or MOU		
CDS		Class 2 & 3 sp to prov/terr law enforcement & sp to fed law enforcement covered by MOU	Aid of the Civil Power	
Operational Level Commanders	Humanitarian assistance operations	Class 2 & 3 sp to prov/terr law enforcement & sp to fed law enforcement covered by MOU, as auth by CDS		
Fmn/ Base /Unit Commanding Officer	Class 4 sp to prov/terr law enforcement agencies Routine provision of services, locally and within delegated authority			
Approval Authority	Provision of Services Policy	OIC and MOU for assistance to law enforcement	NDA Part XI	Emergencies Act

AERONAUTICAL AND MARITIME SEARCH AND RESCUE

1. CF RCC are responsible for all aeronautical and maritime SAR incidents in the Canadian SAR area of responsibility, and have other responsibilities that are outlined at ref K, Chap 17. LFA/CFNAHQs have primary responsibility for the provision of all other humanitarian assistance to civil authorities. Requests for SAR can come from any civil source and may be received by any CF headquarters. Often these are forwarded directly to an RCC and, when the urgency of the situation dictates, the RCC will take action to respond immediately. Conversely, other headquarters may require the use of primary SAR resources and/or the command and control capabilities of an RCC. To ensure that urgent/life threatening situations are handled quickly and that duplication of effort is avoided, guidelines must be established.
2. RCCs will immediately take necessary action to deal with any life-threatening emergencies reported to them. If an RCC initiates action on a non-aeronautical or maritime incident, the RCC will, as soon as practicable, inform the appropriate LFA/CFNAHQ for necessary coordination. If time is available, requests for CF assistance for non-aeronautical and maritime incidents will be passed to the appropriate LFA/CFNAHQ for action.
3. LFA/CFNAHQs may directly request the use of primary SAR resources for other humanitarian assistance from RCCs (i.e. searches for missing persons). If available and if judged suitable for the task, RCCs will task primary SAR resources; otherwise, the LFA/CFNAHQ will request air resources directly from 1 CAD. If primary SAR resources are utilized, these may have to be reallocated at any time to deal with a higher priority aeronautical or maritime SAR incident. Should this occur, the LFA/CFNAHQ will be informed and coordination with 1 CAD to obtain other air resources may be necessary.

THE MAJOR AIR DISASTER PLAN (MAJAID)

4. Specific NDHQ direction covering the former Air and Land Force Command plans dealing with this subject has still to be formulated. 1 CAD and LFCA continue to maintain plans inherited from the reorganization of the CF command structure, that provide the basis for a CF response. In the event of a major air incident, MAJAID would normally be implemented by an RCC; but, because of the extensive number of military resources that would be involved, coordination of the operation would be transferred to 1 CAD HQ or NDHQ, as dictated by the situation and level of CF response.

COST RECOVERY

5. Cost recovery for aeronautical and maritime SAR is the responsibility of the HQ which exercises command and control of the resources employed, in accordance with ref J. Commander 1 CAD retains authority for cost recovery for all other humanitarian assistance air operations, and for aeronautical and maritime SAR incidents controlled by RCCs. LFA/CFNAHQs are responsible for cost recovery for other humanitarian assistance operations such as searches for missing persons. In most cases, the responsible commander will choose to recover less than full cost; however, the decision rests with the commander.

OTHER HUMANITARIAN ASSISTANCE WITH SEARCH AND RESCUE ASPECTS

6. Other humanitarian assistance which may involve SAR resources is the ground search for a missing person. Missing persons are the responsibility of various municipal/provincial/territorial/federal agencies covering many jurisdictions, which have the mandate and responsibility to assess such situations and judge the necessary action to be taken. In turn, these municipal/provincial/territorial/federal agencies may seek military assistance in locating a missing person, or in rescuing stranded individuals. These situations will usually be dealt with through the appropriate LFA/CFNAHQ. Depending on the situation, this may result in CF support under provision of services, humanitarian assistance, or assistance to law enforcement.

7. If an RCC receives a request for humanitarian assistance, and if human life is at serious risk, the RCC will action the request directly and advise the appropriate LFA/CFNAHQ. The LFA/CFNAHQ will establish liaison with the coordinating police force to assess the situation and coordinate subsequent military assistance as necessary.

ASSISTANCE TO PROVINCIAL/TERRITORIAL LAW ENFORCEMENT

1. The Federal Government has approved the OIC *Canadian Forces Assistance to Provincial Police Forces Directions (ref M)*, and the associated *Principles for Federal (Military) Assistance to Provincial Policing*. Under this OIC, provincial and territorial law enforcement agencies must go through the provincial/territorial minister responsible for policing, who must address any request for assistance to the federal Solicitor General. If, after consultation with the MND, the federal Solicitor General concludes that the issue affects or is likely to affect the national interest and, if it can not be dealt with without the assistance of the CF, the Solicitor General may request that the MND to authorize the CDS to provide support.
2. CF assistance, when provided, will always be in a supporting role. General management of the response at the site of a disturbance of the peace shall remain under the control of the police force of jurisdiction.
3. As LFAs/CFNAHQ are the preferred CF points of contact with provincial/territorial authorities, requests for assistance will normally be coordinated by the appropriate LFA/CFNA HQ. It is incumbent on LFA/CFNAHQs to provide advice and assistance with the aim of ensuring that requests are realistic and complete and are forwarded expeditiously, with the fullest possible military consultation. In all cases where a potential for a request for assistance to provincial/territorial policing arises, the appropriate LFA/CFNA HQ must be kept informed. This includes Class 4 requests where the support provided may be locally approved. Police authorities have much greater independence and delegation of authority than in the CF, and are not averse to approaching any CF agency seeking the same support. LFA/CFNA HQs will monitor all support to provincial/territorial policing to ensure there is consistency in the CF response.
4. Ref M formalizes the basis for DND/CF assistance to provincial and territorial law enforcement agencies, and affirms the CF preference for the RCMP to be the agency of initial response at the federal level. In some cases, the RCMP will be able to provide support without CF involvement. In others, CF involvement will be limited to indirect support provided through the federal RCMP. The intent of ref M is to ensure that the responsible law enforcement agency is fully engaged in its law enforcement functions, and that the CDS retains the authority to decide the level of CF support.
5. Ref M also makes it very clear that the CF is not to be used as a general store or free labour pool for the convenience of provincial or territorial police. CF resources will only be provided when the police require a unique capability that only exists in the CF or once all other sources (police and/or commercial) have been exhausted. It is also important to distinguish between the support provided under these references, and the deployment of the CF under Part XI of the NDA.
6. Ref M refers to >operational equipment and CF personnel= and to >non-operational equipment.= The critical consideration in determining whether equipment is operational or not is the potential public visibility of CF resources. Operational level commanders have primary responsibility for making decisions on this criteria when advising provincial or territorial authorities

and authorizing requests within their delegated authority. Operational level commanders are responsible for determining any potential involvement in a disturbance of the peace. In practical terms, a potential disturbance of the peace will exist when it is reasonably likely that there may be a confrontation or direct interface between CF personnel and members of the Canadian public.

7. The definition of such equipment such as armoured vehicles, weapons and other war fighting equipment as "operational equipment" is self-evident. The operational nature of other CF resources is more nebulous, and the potential for their employment in an operational or non-operational role will require careful consideration, based on the specifics of situations that will arise.

CLASSES OF SUPPORT

8. The classes of support for assistance to provincial/territorial law enforcement agencies are:
- a. Class 1. CF assistance, **in support of provincial or territorial law enforcement operations**, where a disturbance of the peace is occurring or may occur, and where the support is in the form of CF personnel and/or operational equipment;
 - b. Class 2. CF assistance, **in support of provincial or territorial law enforcement operations**, where a disturbance of the peace is occurring or may occur, and where the support is limited to non-operational equipment;
 - c. Class 3. CF assistance, **in support of provincial or territorial law enforcement operations**, where there is no potential for a disturbance of the peace, where the support is in the form of CF personnel and/or operational or non-operational equipment; and
 - d. Class 4. CF assistance to provincial/territorial law enforcement agencies, **in support of other than law enforcement operations**, where the support is in the form of CF personnel, and/or operational or non-operational equipment, and/or the use of ranges, training areas or other infrastructure facilities.

APPROVAL AUTHORITY

9. The approval authority for these classes of support are:
- a. the MND may approve any request and is the sole authority for approval of Class 1 requests. The MND has delegated authority to approve Classes 2 and 3 requests to the CDS;
 - b. the CDS may approve Classes 2 and 3 requests. The MND has approved the designation of operational level commanders by the CDS for the purposes of approving Classes 2 and 3 requests; and
 - c. Class 4 requests may be approved at any appropriate level in accordance with the *Provision of Services Policy*.

PROVISION OF CLASS 1 SUPPORT

10. The procedure for requesting CF Class 1 support to provincial and territorial authorities is detailed at reference M. The minister responsible for policing in a province or territory must make a request to the Solicitor General of Canada who, after consultation with the MND and other appropriate ministers may submit a request to the MND, who may authorize the CDS to provide support.

11. The CDS shall command the CF in support of provincial/territorial law enforcement operations. Additionally, the CDS shall designate the responsible operational level commander, decide the level of support to be provided, and order the Rules of Engagement (ROE) to be employed. Operational level commanders will usually provide liaison and operational control including providing the CDS with options and initiating ROE requests.

12. The CF is deployed only in support of the police force of jurisdiction, which retains control of the operational situation. This is a key distinction between operations under this OIC and a requisition under the NDA Part XI, where the civil authority requisitions the CDS directly and the CDS becomes responsible for controlling the situation and for employing the CF as the force of last resort.

13. In implementing a request under these procedures, there are three separate lines of authority working in cooperation:

- a. first is the management of the police response at the scene of the disturbance, which is the responsibility of the police force of jurisdiction;
- b. second is the requesting chain, which goes from the minister responsible for policing in a province or territory to the Solicitor General of Canada and to the MND, who may authorize the CDS to take action; and
- c. third is the military chain of command, originating with the CDS, who shall determine the level of response. In each case, the CDS shall designate the chain of command to be followed, issue direction on the type of assistance to be provided, and authorize the level of force that may be employed.

14. When deployed on Class 1 support operations, members of the CF shall remain under military command at all times, shall provide support and assistance only as directed by their military chain of command, and shall use force only as authorized in the mission ROE.

15. There is always the potential for Class 2 and 3 requests to escalate into Class 1 situations. Operational level commanders, in approving requests under Class 2 or 3, must be absolutely clear with the police authority that such changes will require approval of the MND, and this may take time to achieve. Appropriate monitoring of situations and timely notification to NDOC are essential to ensuring that planning does not become self-fulfilling. The prerogatives of the MND to approve or disapprove a Class 1 request and of the CDS to determine the level of CF response for a Class 1 request, must not be undermined.

16. Class 4 assistance to provincial/territorial law enforcement agencies is a provision of services situation, which is handled as detailed at Section 3 of this instruction. Class 4 is included in this annex for completeness, and to ensure that it is absolutely clear to all concerned that no support provided under Class 4 will form the basis for, or be transmuted into, Classes 1, 2, or 3 assistance, unless a separate formal request is made and approved.

COST RECOVERY POLICY

17. CF support to provincial/territorial policing under Classes 1,2, or 3 will be provided on a full cost recovery basis as directed by ref M.

18. Class 4 support will be provided in accordance with the *Provision of Services Policy*. The commander who controls the resources and authorizes the provision of support is responsible for any decision to recover less than full cost.

ASSISTANCE TO OGD(FEDERAL) LAW ENFORCEMENT

1. There are a number of specific government directions and formal agreements with OGDs covering potential assistance tasks, which are outlined below. Requests for CF support in federal law enforcement operations falling outside these specific directions and agreements must be forwarded from the minister of the federal OGD concerned, to the MND. In most instances, consultation between departments will seek to follow a procedure paralleling the provision of support to provincial/territorial police forces. This means that, if possible, the matter will be referred first to the federal Solicitor General for consideration of support from the federal RCMP. If the RCMP is unable to provide the necessary response, then the Solicitor General would request the MND to authorize the CDS to provide CF support.

ORDERS IN COUNCIL (OIC)

2. **Assistance to Correctional Services Canada(CSC) -- Federal Penitentiaries.** OIC PC 1975-131 directs and authorizes the Solicitor General or the Commissioner of Penitentiaries to obtain military assistance from the CDS for the purpose of aiding in suppressing, preventing or otherwise dealing with a disturbance which occurs, or is likely to occur, and which is beyond the powers of the penitentiary staff to suppress or prevent.

3. Two specific scenarios are foreseen:

- a. any circumstance that would reduce the number of correctional services officers available to supervise a prison below acceptable limits; and/or
- b. a major penitentiary riot or other disturbance.

4. CF assistance to CSC will be provided in response to a written requisition made to the CDS by either the Solicitor General or the Commissioner of Penitentiaries. The CDS must respond and will determine the level of the CF response.

5. In either of these scenarios, the CF is the last line of response in CSC's contingency plans. CSC will initially respond by reallocating internal CSC resources. If these are insufficient, then RCMP and other (available) police resources would be called. LFA HQs maintain contingency plans for federal prisons within each LFA, and conduct liaison on a regular basis.

6. Except in the most extreme circumstances, the CF role in assistance to CSC will be external perimeter security, so as to prevent the unlawful entrance or exit of persons to and from the penitentiary.

7. This order applies only to federal penitentiaries; requests for assistance to provincial authorities are dealt with using the procedures at Annex C.

8. **The Canadian Forces Armed Assistance Directions(CFAAD).** This OIC facilitates CF assistance to law enforcement agencies for incidents under the *Security Offences Act*. Generally speaking, these are situations involving internationally protected persons (diplomats) or terrorist situations as identified by the Federal RCMP. The DCDS maintains a liaison cell to deal with CFAAD matters.

MEMORANDUMS OF UNDERSTANDING (MOU)

9. **CF/RCMP Counter-drug Operations.** Canada's Drug Strategy designates the RCMP, through the Federal Solicitor General, as the lead agency for drug interdiction. DND, although not specifically designated in the strategy, has become involved as a supporting department.

10. CF Counter drug operations are governed by an MOU between the MND and Solicitor General that specifies the support the CF may supply. Support under the MOU is limited to surveillance, intelligence sharing and interdiction. Any other support must be the subject of a separate request from the Solicitor General to the MND. CF counter drugs operations are coordinated at the NDHQ level by COS J3, who maintains a liaison cell (CFLO RCMP) with the Federal RCMP.

11. **The Joint Biological and Chemical Response Team.** The purpose of this MOU is to establish the conditions under which the RCMP and CF cooperatively train and respond to terrorist or criminal use of devices or material which are believed to contain hazardous biological or chemical substances. Requests for CF assistance will be made in writing by the Solicitor General to the MND.

12. **Support to Department of Fisheries and Oceans.** The CF supports DFO for the purposes of surveillance and enforcement in waters of Canadian jurisdiction and those waters where Canada has international fisheries commitments. This support is provided by ship patrols and aerial fisheries surveillance. The DFO/DND/CF MOU defines the terms and procedures for this support and allocates ship days and flying hours. CMS and CAS negotiate these allocations annually.

13. The MOU governs the administrative arrangements for routine fisheries surveillance patrols (FISHPATs) to enforce the Fisheries Act and the Coastal Fisheries Protection Act. Coastal commanders plan and execute these patrols with DFO officials as outlined in the MOU. Specific enforcement activities involving CF support to DFO in apprehending alleged violators of Canadian fisheries legislation, particularly foreign-flagged vessels, require NDHQ approval. To obtain CF assistance in these cases, requests for support from DFO must be submitted in accordance with the procedures described in the MOU at Annex D. In these circumstances, Annex D requires regional DFO officials to submit a request for assistance to DFO Ottawa who, in turn, staff the request to DND and DFAIT. If interdepartmental consultation leads to DND approval, the CDS will order the support to DFO, as well as appropriate ROE.

14. **Support to Environment Canada for Environmental Emergencies.** An MOU between Environment Canada and DND/CF governs the use of CF ships and aircraft to assist in environmental disaster clean-up responses, and also to conduct pollution surveillance patrols and the tracking of suspected polluters. Environment Canada will make specific requests and the CF

will respond.

D3/D3

IMMEDIATE REACTION FORCES AND STATES OF READINESS

1. The whole of the CF is potentially available for use in domestic operations. ECSs and other commanders and staff with force generation responsibilities maintain elements of the CF for any military task, including domestic operations. When domestic situations occur that require an immediate CF reaction these assets respond first.
2. This annex describes specific standby forces, their capabilities, and, specified degree of readiness. As a general rule, CF resources are maintained for defence purposes. The forces listed in this Annex are drawn from CF general purpose combat capabilities, and are not maintained specifically for domestic operations. The availability of standby forces and their readiness will be reviewed annually to compare ECS operational requirements and force generation capabilities to DCDS criteria for domestic operations response.
3. That specific CF capabilities are listed in this annex as potential immediate reaction forces does not mean that they are necessarily available for domestic operations. These CF elements may be deployed on military operations or for training, and this may affect their response time or preclude their employment on domestic operations. ECSs or other Commanders responsible for force generation will monitor such deployments and assess the effect that such operations or training will have on availability and readiness for domestic operations. DCDS/NDOC will be advised of the impact and duration of any significant adverse change.
4. In most situations, the CF response is based on the situation which presents itself and the forces available. Geography is a key factor given the vastness of Canada, the limited size of the CF and the location of its bases. Any situation that is beyond the capability of a local commander will be notified to DCDS, where the best response can be coordinated from all CF resources available. Normal standby forces are listed below.

NAVY READY DUTY SHIPS

5. MARPAC and MARLANT each maintain one ship as AReady Duty Ship on 8 hrs notice to sail.

LAND FORCE IMMEDIATE REACTION UNITS(IRU) AND VANGUARDS

6. The four LFAs each maintain an IRU of 350 pers (organized as a headquarters with three sub-units and first line service support) on 24 hours notice to move. Within each IRU, one sub-unit (85 pers) is designated as the vanguard, and is on 12 hours notice to move.
7. The Medical support group to support Land Force Operation Plan 210 (MAJAID) are on 12 hours notice to move.

8. The CF Joint Headquarters, based on 1 Cdn Div HQ, is prepared to provide augmentation to operational commanders for sustaining a joint task force headquarters in circumstances where the duration or location of a domestic operation make this desirable.

AIR FORCES

9. Search and Rescue. Primary SAR aircraft are normally available on 30 mins notice during normal duty hours, and at 2 hours notice otherwise. Aircraft to support Air Command Operation Plan 210 (MAJAID) are on 12 hours notice.

10. Strategic airlift. All strategic movement requirements will be coordinated by NDHQ/J4 Mov. The best means of movement of vanguard or other elements will be determined by J4 Mov based on the situation. Strategic airlift will only be tasked as part of a movement plan.

11. Maritime Surveillance. Comox and Greenwood each maintain one long range patrol aircraft on 8 hours standby.

LOGISTICS

12. OPLAN AGILE caters to the CF commitment to the provision of logistic and movement control support to the Province of British Columbia in the event of a cataclysmic earthquake, and contains details for the identification and readiness of specific plan components.

DISASTER ASSISTANCE RESPONSE TEAM (DART)

13. OPLAN GRIFFON, the deployment of the DART, is intended for the provision of international humanitarian relief. The DART is a national capability requiring augmentation from other agencies, reducing the employability of those agencies. The DART is DCDS controlled, and could be ready to begin air movement 48 hours from a decision to deploy. The DART would most likely only be deployed for domestic operations to support a major air disaster, or for a humanitarian disaster in a remote part of Canada only accessible by air.

NUCLEAR, BIOLOGICAL AND CHEMICAL RESPONSE TEAM (NBCRT)

14. The NBCRT consists of the staff of Canadian Forces Nuclear, Biological and Chemical School (CFNBCS), augmented by personnel from CFB Borden, and a Defence Scientist from the Defence Research Establishment Suffield. The Team Commander is the Commandant, CFNBCS.

15. The NBCRT is a military unit and its detection and protective equipment are designed primarily for nuclear, biological and chemical defence in wartime. Nevertheless, this gives the NBCRT certain capabilities that may be employed in following situations:

- a. Radiological Incidents. The use of an improvised explosive device to disseminate radioactive material would require the conduct of a rapid radiation survey, isolation of the contaminated area, monitoring and possible decontamination of persons in the immediate vicinity, and subsequent detailed decontamination of the affected area. The NBCRT has a limited capability to conduct radiation surveys.
- b. Biological Incidents. The principal initial requirement in an incident involving a

suspected biological hazard would be the taking of samples for rapid laboratory analysis. The results of the analysis would then indicate the nature and magnitude of the hazard, and dictate the measures necessary to deal with it. These might include quarantining specific buildings or facilities, isolation of persons known or suspected to have been exposed, and decontamination. The majority of such actions would be the responsibility of civil health authorities. Nevertheless, the NBCRT may be called upon to assist in the initial collection of samples and advise in any subsequent decontamination operation; and

- c. Chemical Incidents. The NBCRT is equipped with protective clothing, masks, chemical agent detector kits, and mobile chemical decontamination apparatus, which allow it to identify presence of a chemical agent and the extent of contamination. NBCRT masks and detectors cannot be used in the presence of certain industrial hazards, such as carbon monoxide and ammonia fumes. The NBCRT cannot perform large scale chemical decontamination.

16. The NBCRT maintains a Recce Group consisting of the Commander and three persons on eight hours notice to move. The remainder of the team (approximately 21 persons) will only deploy when ordered by DCDS.

17. Potential requirements for NBCRT support to law enforcement agencies will be advised to DCDS and J3 NBC. Reconnaissance and deployment of the NBCRT will be as authorized by DCDS.

18. Operational level Commanders will liaise with their provincial and territorial counterparts to inform them of the NBCRT, and advise them in the event of a potential requirement for its deployment.

19. Operational level Commanders may be required to assume operational control of the NBCRT once it is deployed, and provide necessary operational and administrative support for its activities.

NUCLEAR EMERGENCY RESPONSE (NER) TEAMS

20. DND is responsible for providing NER Teams to support visits of naval nuclear powered vessels (NPV) to authorized Canadian ports and harbours. A NER Team is comprised of trained DND personnel from appropriate units and sections who respond to NPV emergencies. CMS is responsible for providing NER Teams at CFB Halifax and CFB Esquimalt. ADM(Mat) is responsible for providing a NER section at the CF Maritime Experimental and Test Range (CFMETR), which is augmented to full NER Team status by CFB Esquimalt during NPV visits to CFMETR.

LEGAL CONSIDERATIONS AND PEACE OFFICER STATUS

LEGAL CONSIDERATIONS

1. The majority of domestic operations involve the provision of assistance under the *Provision of Services* policy and can be conducted in accordance with this instruction and its associated references without JAG involvement. Nonetheless, domestic operations will often involve legal questions of jurisdiction, liability and authority. This is particularly the case for operations involving assistance to provincial/territorial/federal law enforcement agencies, ACP, or operations under the *Emergencies Act*, which may involve the use of force. If commanders have any doubt about a legal aspect of a domestic operation, they are to seek legal advice from their local JAG representative.

PEACE OFFICER STATUS

2. CF personnel may acquire peace officer status as a result of their employment on domestic operations and questions always arise about this issue. While important legally, having the status of a peace officer has no practical impact on the execution of the duties of officers or non-commissioned members in the field. All CF members will continue to be required to perform their duties as military members and they remain liable to follow the direction and orders issued to them by their military superiors.

3. Peace officer status arises by operation of law. There is no additional formality such as the taking of an oath or an official appointment which is necessary before the status comes into effect. Rather, the law confers the status when certain facts are present. For CF personnel employed on domestic operations, peace officer status is time, situation and duty dependent. CF personnel do not assume peace officer status simply because they are employed on a domestic operation. In other words, officers and non-commissioned members of the CF, other than specially appointed personnel (military police), have the status of a peace officer only during those times that they are performing duties related to law enforcement. Furthermore, only those members who are actually engaged in duties related to law enforcement acquire the status of peace officers, and then only while so employed. The status ceases to have effect when members are no longer engaged in law enforcement duties.

4. Without peace officer status, CF members would have no authority to enforce the law or to use force for such a purpose. Peace officer status permits CF members to enforce the law, to use force while doing so (as directed by the military chain of command). Such status protects them from criminal and civil liability for actions taken within the scope of their duties while enforcing the law. While peace officer status empowers CF members to use force and provides them with protection for actions taken within the scope of their lawful duties, the use of force will always be authorized and controlled by ROE issued by the CDS. CF members must always be aware that the *Code of Service Discipline* and the *Criminal Code* provide that everyone who uses force will be held criminally responsible for any excesses.

STAFF AIDE MEMOIRE FOR DOMESTIC OPERATIONS

Assistance Requested	Who is authorized to make request	Key CF questions	Immediate CF action	Normal CF approval authority	Normal CF response	Normal assigned CF OPI	Cost Recovery Authority	Remarks
GENERAL								
<u>Provision of Services</u> - non-crisis community activities	Anyone	What, where and when?	None - direct to nearest appropriate CF HQ	Lowest possible - also responsible for saying no.	Subject to availability of CF capability, discretionary by authorizing comd. See ref.	Lowest possible level	Provision of Services Policy.	
HUMANITARIAN ASSISTANCE								
<u>Search and Rescue</u> Primary - CF mission for aeronautical and maritime SAR incidents	Info may come from any source	What, when and where?	Immediately direct request to RCC Victoria, Trenton or Halifax as applicable	RCC Search Master	SAR normally on 30 min NTM during normal working hrs, 2 hrs NTM otherwise.	Applicable RCC		
<u>Civil Disasters</u> - floods - forest fires - hurricanes - landslides - earthquakes - ice and snow storms	Requests from appropriate Provincial/territorial agencies Direction from Federal Government	What, where, when?	Info Chain of comd incl applicable LFA/CFNA HQ. Support as necessary to save lives	Op level HQ(usually LFA/CFNA)	Provincial/territorial EMO has jurisdiction. CF will be in supporting role, and respond to provincial/territorial requests	Usually LFA/CFNA. If magnitude of disaster warrants, may be NDHQ controlled	Provision of Services Policy. Authorizing comd may choose to recover less than full cost. If NDHQ controlled, Federal Govt may direct cost recovery policy	
Assistance	Who is		Immediate	Normal CF	Normal CF	Normal	Cost Recovery	

<i>Requested</i>	<i>authorized to make request</i>	<i>Key CF questions</i>	<i>CF action</i>	<i>approval authority</i>	<i>response</i>	<i>assigned CF OPI</i>	<i>Authority</i>	<i>Remarks</i>
Response to environmental emergencies	Federal Dept of Environment	What, where, when?	As requested IAW MOU	Op level HQ (usually MARLANT/MARPAC)	Subject to availability of CF capability	Op level HQ (usually MARLANT/MARPAC)	Provision of Services Policy	MOU between DOE and DND
Other Humanitarian - Missing persons - Mercy flights - Air tn of patients - Tn of vital medical resources - Recompression facilities - Diver assistance	Provincial/territorial premier/cabinet minister/LEA Federal minister/DM/LEA Civilian Agencies	What, when, and where? Have all other sources of support been investigated and found unable to cope? Is the requester prepared to pay for CF costs, if the authorizing comd chooses to recover them?	Info applicable Op level HQ, usually LFA/CFNA	Op level HQ	Subject to availability of capability, discretionary by authorizing comd.	Op level HQ	Provision of Services Policy.	
ASSISTANCE TO PROVINCIAL/TERRITORIAL LAW ENFORCEMENT AGENCIES (LEA)								
Law enforcement operations Class 1 - where a disturbance of the peace is occurring or may occur, and where the support is in the form of CF personnel and/or operational equipment	Federal Solicitor General	What, where, when? Status of provincial/territorial attorney general=s formal request to Federal Solicitor General?	Info through chain of command to NDOC. No support to be provided until CDS directs	Must be approved by MND	CDS will direct level of CF support and level of force authorized for CF pers	CDS will direct. Op level HQ normally designated as Op comd	CFAPPFD	
Assistance Requested	Who is authorized to make	Key CF questions	Immediate CF action	Normal CF approval authority	Normal CF response	Normal assigned CF OPI	Cost Recovery Authority	Remarks

	<i>request</i>							
Law enforcement operations Class 2 - where a disturbance of the peace is occurring or may occur, and where the support is limited to non-operational equipment	Provincial/ Territorial Attorney General	Meets criteria for Class of support? Potential to escalate to Class 1?	Info through chain of command to applicable Op level HQ	MND. (MND has delegated to CDS. CDS has delegated to Op level HQ comds)	Op level Comd will direct level of CF support	Op level HQ	CFAPPF	
Law enforcement operations Class 3 - where there is no potential for a disturbance of the peace, where the support is in the form of CF personnel and/or operational or non-operational equipment	Provincial/ Territorial Attorney General	Meets criteria for Class of support? Potential to escalate to Class 1?	Info through chain of command to applicable Op level HQ	MND. (MND has delegated to CDS. CDS has delegated to Op level HQ comds)	Op level Comd will direct level of CF support	Op level HQ	CFAPPF	
Support to police forces for other than law enforcement operations Class 4 - where the support is in the form of CF personnel and/or operational or non-operational equipment, or the use of ranges, training areas or other infrastructure facilities.	LEAs	n/a	n/a	Provision of Services Policy, may be limited by chain of command	n/a	lowest level practical	Provision of Services Policy	Support provided must not form the basis for any support to law enforcement operations without a formal request under Classes 1,2, or 3
<i>Assistance Requested</i>	<i>Who is authorized to make request</i>	<i>Key CF questions</i>	<i>Immediate CF action</i>	<i>Normal CF approval authority</i>	<i>Normal CF response</i>	<i>Normal assigned CF OPI</i>	<i>Cost Recovery Authority</i>	<i>Remarks</i>
ASSISTANCE TO FEDERAL LAW								

ENFORCEMENT AGENCIES (LEA)								
Fisheries Enforcement Actions	Department of Fisheries and Oceans	When, where and what?	info NDOC	CDS	IAW MOU	MARLANT/ MARPAC	IAW MOU	MOU between DND and DFO
Counter Drug(CD) ops - impromptu interdiction operations	Federal RCMP	When, where and what?	info NDOC for CFLO RCMP	CDS	IAW MOU	COS J3/ DCDS	IAW MOU	MOU between DND and Sol Gen
Correctional Services Canada	Federal Solicitor General/ Comr of Penitentiaries	When and, where? For Federal penitentiaries only.	Info through chain of command to NDOC	CDS	CDS will direct level of support, usually IAW standing plans maintained by LFAs	Applicable LFA comd	IAW OIC	OIC for CF assistance to CSC
Counter Terrorism	Federal Solicitor General	What, when and where?	Info through chain of command to NDOC	CDS	CDS will direct level of support	CDS	CFAAD	
NDA PART XI - AID OF THE CIVIL POWER	Provincial/ territorial Attorney General	What, when and where? Identity and contact point of individual making requisition	Info through chain of command to NDOC	CDS	CDS will direct level of support	CDS	n/a	