

**BY ORDER OF THE COMMANDER
AIR COMBAT COMMAND**

**AIR COMBAT COMMAND INSTRUCTION
10-810**



17 DECEMBER 2013

Operations

**OPERATIONS INVOLVING DOMESTIC
IMAGERY SUPPORT REQUEST
(ISR/OPSRECCE/RPA) PROCEDURES FOR
US MISSIONS**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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(Col Ted T. Uchida)

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This instruction implements AFD 10-8, *Defense Support of Civil Authorities (DSCA)* and AFI 14-104, *Oversight of Intelligence Activities*. This publication supersedes Commander ACC's (COMACC) memo, *Operations Involving Domestic Imagery (DI) Support Request (ISR/RPA) Procedures for U.S. Missions*, dated 17 Oct 2012. Use of intelligence surveillance, and reconnaissance, operations reconnaissance; and remotely piloted aircraft (ISR/OPSRECCE/RPA), particularly for Defense Support of Civil Authorities (DSCA) mission(s) operating collection systems outside of DoD-controlled airspace within the U.S. may require Secretary of Defense (SecDef) approval. This ACC Instruction (ACCI) applies to all Air Combat Command active duty, Air Force Reserve (AFR), and Air National Guard (ANG) while under Title 10 authority as well as civilian personnel, including, but not limited, to civil service and contract employees when assigned or attached to ACC units, staffs or when training with ACC assets. ANG units affiliated with ACC acting in Title 32 or State Active Duty (SAD) status will coordinate with ACC using the procedures described herein. This ACCI codifies ACC's reporting and approval policy with respect to ISR/OPSRECCE/RPA during domestic imagery collection missions, including training, outside of DoD-controlled airspace, or in an incident awareness and assessment (IAA) role supporting a Combatant Command's mission in the U.S. Maintain official records in accordance with AFMAN 33-363, *Management of Records*, and disposed of them in accordance with the Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS). Contact supporting records managers as required for approval. Send comments and suggested improvements to this instruction on AF Form 847, *Recommendation for Change of Publication*, to the ACC Operations Center/OPSO

Org box via NIPR or SIPR channels. This publication may be supplemented at any level, but all direct Supplements must be routed through the OPR prior to certification and approval to ACC Operations Center/OPSO Org Box via NIPR or SIPRnet. This publication institutes ACC's standardized procedures for emergent and recurring requests as it applies to ACC's ISR/OPSRECCE/RPA platforms in the U.S. (which includes the District of Columbia, and the territories and possessions of the U.S., to a 12 nautical mile seaward limit of these land areas). It clarifies the roles and responsibilities of ACC assigned and attached units with respect to state and federal domestic imagery (DI) supports requests. It further defines DoD-controlled airspace, operation of collection systems outside of DoD-controlled airspace and identifies ISR platforms. The approval authority to use ISR/OPSRECCE/RPA for other missions, including, but not limited to: DSCA, Search and Rescue, support to Law Enforcement Activities, and Civil Disturbance Operations, in the U.S. varies depending on the mission and final destination of the source data/imagery. Based on the situation, authority may or may not reside at the Wing level.

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1. Purpose. Operations involving DI support using ISR/OPSRECCE/RPA involve a balancing of fundamental interests: conducting aircrew training in support of national security objectives and providing incident awareness and assessment support when requested while also protecting individual rights guaranteed by the Constitution and the laws of the U.S. The primary objective of the ACCI is to ensure that ACC units conducting DI missions within U.S. do not infringe on or violate the Constitutional or privacy rights of U.S. persons. Commanders, inspectors general, and judge advocates at all levels must be cognizant of DI policies. This is also consistent with AFI 14-104, which directs intelligence oversight (IO) requirements for Air Force flying operations.

2. Definitions.

2.1. DI is defined here as, “any imagery collected by airborne platforms that cover the land areas of the 50 states, the District of Columbia, and the U.S. Territories and possessions, to a 12 nautical mile (NM) seaward limit of these land areas.”

2.2. “DoD-controlled airspace” is defined as DoD-restricted or warning airspace, designated Military Operating Areas (MOAs) or Federal Aviation Administration (FAA)-designated low-level training routes. Imaging of surface objects located under the lateral confines of DoD-controlled airspace is permitted, to include, but not limited to, private property such as homes and vehicles and without prior consent IAW AFI 14-104, so long as there is no intent to target specific U.S. persons.

2.3. “Operating collection systems outside of DoD-controlled airspace” is defined as either an ISR/OPSRECCE/RPA platforms physically located outside of DoD-controlled airspace or where sensors are pointed at and acquiring imagery on surface areas outside the lateral boundaries of DoD-controlled airspace.

3. Approval Authority. DI operations must comply with all applicable laws, regulations and policies, to include, but not limited to, restrictions on collecting intelligence on U.S. persons, and must avoid actual or perceived violations of the Posse Comitatus Act. ACC requires that all operations involving ISR/OPSRECCE/RPA DI outside of DoD-controlled airspace be coordinated through the ACC Operations Center. The bar for approval will be high, based on mission requirements, and may need approval at the ACC/A3 level or ultimately the SecDef, prior to execution. ACC Wing Commanders are therefore encouraged to work with Federal, State and local authorities to identify non-DoD options prior to initiating an ISR/OPSRECCE/RPA DI request.

4. Approval Process. Units will initiate a staff package, including the unit’s Proper Use Memorandum (PUM), FAA Certificate of Authorization (CoA) (for RPAs only), unit level JA legal review and a modified 8-line request (**Attachment 2** and **Table A2.1**), and forward it to the ACC Operations Center. The modified 8-line request is specifically intended to provide sufficient detail of the mission, Combatant Commander (CCDR)/Lead Federal Agencies supported, and type of imagery to be collected. Packages must be forwarded with sufficient time for appropriate level of approval. Packages must be submitted no later than duty days prior to mission execution for ACC approval only. Reference the Airborne Domestic Imagery Authorities Matrix (**Attachment 3** and **Table A3.1**) for event categories and approval authorization level(s). Notification packages to ACC will include sufficient information on the

event to make an informed judgment on its propriety and approval level, including a statement of detail where collection systems will be operated outside of DoD-controlled airspace. A comprehensive notification for recurrent events will suffice, but must be submitted annually to higher headquarters (HHQ) authorities.

4.1. ACC will require 30 calendar days minimum when the ACC Operations Center is required to staff packages for Chairman of the Joint Chiefs of Staff (CJCS) or SecDef approval authority. In addition to modified 8-line package requirements, include a map of DI area if it must be staffed to CJCS or SecDef. Reference the Airborne Domestic Imagery Authorities Matrix (**Attachment 3** and **Table A3.1**) for the event types and approval authorities.

4.1.1. In the 8-line, units must identify the potential involvement of non-DoD agencies or groups, including media, Non-Governmental Organizations (NGOs), Congressional representative/staff/delegations, state/local/trial government representatives or foreign military or government officials in any DI training or mission. Specifically include whether or not DI will be disseminated to them in some manner, as this may require special approval from the ACC/A2X, ACC/IA and/or ACC/PA. [Normally only real-time displays will be permitted in the presence of appropriate public affairs and operations security personnel, after proper security classification review. For foreign officials, dissemination will only be permitted to participating nations listed in the appropriate delegation of disclosure authorization letter.]

4.2. ANG units affiliated with ACC acting in Title 32 or State Active Duty (SAD) status will submit a modified 8-line package to ACC for Title 10 events when it may impact other SecDef-ordered missions (i.e., future scheduled deployments or U.S. reach back support). If the doesn't apply, then ANG units will submit a modified 8-line package to NGB if operating outside of DoD-controlled airspace per their own procedures and will coordinate with ACC for situational awareness only. AFR units will submit a modified 8-line package to AFRC if operating outside of DoD-controlled airspace per their own procedures and will coordinate with ACC for situational awareness only.

4.3. ISR platforms identified: MC-12, U-2, MQ-1, RQ-4, E-8 and tactical unmanned aircraft systems (e.g., RQ-11 and RQ-20). The MQ-9 will be considered an ISR platform when conducting ISR or IAA missions. Approval authority for flying these ISR assets while operating collection systems outside of DoD-controlled airspace approval authorities mostly likely will be above the wing level.

4.4. The Airborne Domestic Imagery Authorities Matrix and the modified 8-line request can be found on the ACC Operations center website at <https://acc.eim.acc.af.mil/org/A3/A30/A303OP/default.aspx> on NIPR and on the ACC OC at <http://intelshare.intelink.sgov.gov/sites/acccat/Director/default.aspx> on SIPR.

4.5. The unit will coordinate CoA approval with the FAA directly (if required) and submit CoA with the 8-Line. When sending a request, wings will use the 8-line data lines to relay the required information, to include data needed to complete the PUM, to HQ ACC to begin the review and approval process. The unit will submit the request to the ACC Operations Center Operations Officer (OPSO), who will staff the request for approval. ACC wings will submit modified 8-line requests to ACC's Operations Center OPSO, (acc.contingencyteam.opssofficer@langley.af.mil), via the Non-classified Internet Protocol

Router Network (NIPRNet) or Secret Internet Protocol Router Network (SIPRNet) as appropriate.

4.6. Civil and Search and Rescue (SAR) support – ISR unit support to SAR actions, typically requires ACC coordination and may require SecDef approval if utilizing an RPA asset. IAW DoDD 3025.18. Defense Support of Civil Authorities, the unit CC may have IMMEDIATE RESPONSE AUTHORITY to give direct support to civil authorities if judgment of immediate threat to life, limb, to save lives, prevent human suffering, or mitigate great property damage when local capabilities are overwhelmed and they request assistance. Absent HHQ direction, the local CC should re-assess his position at least every 72 hours. After-the-fact HHQ notification is required per AFI 10-801 Defense Support of Civilian Authorities (DSCA). Units must always consider that coordination with higher headquarters is required.

5. Roles and Responsibilities.

5.1. ACC/A3O Operations Center. ACC/A3O coordinates all ISR/OPSRECCE/RPA DI approval requests in coordination with ACC/JAO, ACC/A3M, ACC/A3C, ACC/A3A and ACC/A2X. For 8-line requests requiring Headquarters Air Force (HAF), CJCS, or SecDef notification, coordination or approval, ACC/A3O will coordinate through AF/A3O.

5.2. ACC/JAO. ACC/JAO will review all modified 8-line packages submitted by wings for compliance with applicable laws and policies for the mission described in the package. ACC/JAO will also review all ACC PUMs for legal sufficiency.

5.3. ACC/A2X. ACC/A2X will review and approve all modified 8-line packages submitted by wings for compliance with IO policies. ACC/A2X POCs will review and staff all ACC PUMs for approval IAW AFI14-104.

5.4. ACC/A3M and ACC/A3C. As appropriate, ACC/A3C and A3M will review all modified 8-line packages from or for wings under their functional responsibility. Requests from A3C or A3M functional wings will be reviewed for completeness. Requests not originating at A3C or A3M functional wings will be evaluated for Global Force Management impacts.

5.5. ACC/A3A. ACC/A3A will assist units with ACC CoA requests with the FAA as required.

5.6. ACC/A3T. ACC/A3T will review and coordinate on all wing OPSRECCE packages as required.

5.7. ACC/PA. ACC/PA will review and coordinate any subordinate units' talking points or media plans associated with RPA use as required.

5.8. ACC/IA. ACC/IA will review all 8-line requests involving foreign government participation to ensure compliance with Foreign Disclosure requirements and to determine whether the particular nation has an appropriate delegation of disclosure authorization letter on file as required.

Maj Gen JAMES N. POST, III
ACC Director of Operations

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION***References*

COMACC Memo, *Operations Involving Domestic Imagery (ISR/OPSRECCE) Support Request Procedures for CONUS Missions*, 17 October 2012

DepSecDef Memo, *Interim Guidance for the Domestic Use of Unmanned Aerial Systems*, 28 September 2006

Joint Publication 3-28, *Defense Support of Civil Authorities*, 31 July 2013

DoD Directive 3025.18, *Defense Support of Civil Authorities (DSCA)*, 29 December 2010/Ch1, 21 September 2012

AF Policy Directive 10-8, *Defense Support of Civil Authorities (DSCA)*, 15 February 2013

AF Instruction 11-202 Vol 3, *General Flight Rules*, 22 October 2010

AF Instruction 14-104, *Oversight of Intelligence Activities*, 23 April 2012

18 U.S.C. 1385, *Posse Comitatus Act (PCA)*

Executive Order 123334, *United States Intelligence Activities*, as Amended

DoD Directive 5240.01, *DoD Intelligence Activities*, 27 August 2007

DoD 5240.1-R, *Procedures Governing the Activities of DoD intelligence Components that Affect United States Persons*, December 1982

Chairman, Joint Chiefs of Staff (CJCS) Message, DTG 071415Z Jun 13, *subject: Standing Defense Support of Civil Authorities (DSCA) Execute Order (EXORD) M*.

AF Instruction 10-801, *Defense Support of Civil Authorities*, 19 September 2012

National Guard Regulation 500-2/Air National Guard Instruction 10-801, *National Guard Counterdrug Support*, 28 August 2008

DoD Directive 5200.27, *Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense*, 1 January 1980

AF Instruction 14-119, *Intelligence Support to Force Protection*, June 2011

AF Doctrine Document 3-10, *Force Protection*, 28 July 2011

AF Instruction 31-101, *Integrated Defense*, 8 Oct 2009

DoDI 3025.21, *Defense Support of Civilian Law Enforcement Agencies*, 27 Feb 2013

Joint Publication 3-28, *Civil Support*, 14 Sept 2007

Directive Type Memo 08-052, *DoD Guidance for Reporting Questionable Intelligence Activities and Significant or Highly Sensitive Matters*, 17 June 2009, Incorporating Change 3, 30 July 2012

10 U.S.C. 371, *Use of information collected during military operations*

DoDI 1322.28, *Realistic Military Training (RMT) Off Federal Real Property*, 18 March 2013,

Secretary of Defense Memorandum, *Leveraging Military Training for Incidental Support of Civil Authorities*, 11 December 2012

Prescribed Forms

This instruction does not prescribe any forms.

Adopted Forms

AF Form 847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

ACC—Air Combat Command

ACCI—Air Combat Command Instruction

AF—Air Force

AFI—Air Force Instruction

AFNORTH—Air Forces Northern

AFOSI—Air Force Office of Special Investigations

AFR—Air Force Reserve

AFRC—AF Reserve Command

AFRCC—Air Force Rescue Coordination Center

ANG—Air National Guard

ASD (HD & ASA) —The Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs

OC—Operations Center

CBRNE—Chemical, Biological, Radiological, Nuclear and High-Yield Explosives

C²—Command and Control

CC—Commander

CCDR—Combatant Commander

CD—Counterdrug

CI—Counterintelligence

CJCS—Chairman of the Joint Chiefs of Staff

CoA—Certificate of Authorization (pertaining to this ACCI), or Course of Action

COMACC—Commander, ACC

CONOPS—Concept of Operations

DHS—Department of Homeland Security

DI—Domestic Imagery

D & M—Detection and Monitoring

DoD—Department of Defense
DSCA—Defense Support of Civil Authorities
EO—Electro-Optical
FAA—Federal Aviation Administration
FEMA—Federal Emergency Management Agency
FI—Foreign Intelligence
FMV—Full Motion Video
GCC—Geographic Combatant Command
GFM—Global Force Management
HAF—Headquarters Air Force
HHQ—Higher Headquarters
IAA—Incident Awareness and Assessment
IAW—In Accordance With
ID—Identification
IO—Intelligence Oversight
IC—Intelligence Component
ICC—Intelligence Component Capability
IRA—Immediate Response Authority
IRD—Intelligence, Surveillance and reconnaissance Division
ISR—Intelligence, Surveillance and Reconnaissance
JA—Judge Advocate
JDOMS—Joint Director of Military Support
JWICS—Joint Worldwide Intelligence Communications System
LEA—Law Enforcement Agency
NIPRNet—Non-Classified Internet Protocol Router Network
MAJCOM—Major Command
MOA—Military Operation Area
OPSRECCE—Operations Reconnaissance
PAD—Processing, Analysis and Dissemination
POTUS—President of the United States
PUM—Proper Use Memorandum
QIA—Questionable Intelligence Activity

RFA—Request for Assistance
RFF—Request for Forces (RFF)
RMT—Realistic Military Training
RPA—Remotely Piloted Aircraft
SA—Situational Awareness
SAD—State Active Duty
SAR—Search and Rescue
SecDef—Secretary of Defense
SIPRNet—Secret Internet Protocol Router Network
TTP—Tactics, Techniques and Procedures
UAS—Unmanned Aircraft System
USAF—United State Air Force
USNORTHCOM—United States Northern Command
USPACOM—United States Pacific Command

Attachment 2

MODIFIED 8-LINE

Table A2.1. ISR/OPSRECCE/RPA Request (DIIR) Format (8-line Request) For U.S. Training, Operations and Missions.

1. Desired ISR/IAA support or effect (*e.g., full motion video (FMV), positive identification (ID), electro-optical (EO), infrared (IR), etc.*):
2. Area of Interest - name: (*Annotate if U.S. Person(s) will be observed*)
3. Area of Interest - location:
4. Mission, Platform and Sensor Information:(*Also used for Intelligence Oversight*)
 - a) Unit, Platform and Sensor identification
 - b) Mission Purpose (*i.e. Detailed Mission Data, Training, Exercises, Law Enforcement Agency (LEA) support, Incident Awareness & Assessment (IAA) operation, and/or Defense Support of Civil Authorities (DSCA) support information*)
 - c) Mission Location and dates (*specific areas that will be collected to include federal and state/private properties*)
 - d) Wing Commander Justification and Assessment of Mission
 - e) What will the imagery data be used for
 - f) Processing, Analysis and Dissemination (PAD): who will receive/process/exploit/analyze/utilize the data (*organizations, gov't/contractor, commercial participants, foreign governments, etc.*)
 - g) How will the data/products be controlled and destroyed after the event is over and the unit no longer has use for the data
 - h) CCDR/Federal Agency supported (*if applicable*)
 - i) Unit/Mission Commander POC contact information
5. Latest Time Information of Value (LTIOV):
6. Reporting/Product Dissemination instructions: (*mIRC, IPL, classification*):
7. ISR detection level (low, medium, or high) if asset exposure is a concern:
8. Airspace deconfliction information: If you need the asset to stay clear of an area for deconfliction or airspace control.

a) Certificate of Authorization (CoA) submitted/approved by the FAA (*Only required for RPA's within FAA controlled airspace*)

b) CoA generating official/POC (*ie. CCDR, Component, MAJCOM, Wing*)

9. Any state drone legislation which may impact mission(s)

Note: Lines 1 to 6 are mandatory; lines 7, 8 and 9 are as required

Required Coordination: All CONUS DIIRs must be submitted to the ACC Operations Center, Operations Officer (OPSO), DSN 574-1537/1536 // Comm 757 764-1537/1536 // NIPRNet acc.cat.opso@acc.af.mil // SIPRNet accatopsoff@acc.af.smil.mil

ACC OPSO Coordination:

1. Joint Staff/ J31/J33/J39, as required
2. AF/A3O-OB (AF Operations Group)
3. NGB/ANG, as required
4. AFRC, as required
5. ACC/A2X
6. ACC/JA
7. ACC/PA
8. ACC/IA Foreign Disclosure, as required
9. ACC/A3 SMEs, as required
10. ACC/A3 (Final Approval)

Attachment 3

**THE AIRBORNE DOMESTIC IMAGERY AUTHORITIES MATRIX A/O 26 APRIL
2013**

Table A3.1. The Airborne Domestic Imagery Authorities Matrix.

Mission	Asset	Approval Authority	Applicable Guidance (see References for cites)	Notes
Counter Intelligence/ Foreign Intelligence (CI/FI)	RPA, “Intelligence Component Capability” (ICC) or Non-RPA / Non-ICC	Varies (depends on collection procedures to be used).	EO 12333; DoD 5240.01; DoDD 5240.1-R; AFI 14-104	<ul style="list-style-type: none"> - Only “Intelligence Components” (ICs) are authorized to conduct CI/FI (e.g., AFOSI). “Intelligence Oversight” (IO) rules (EO 12333 et al) apply. - USAF operational support to a non-AF CI/FI mission will require SecDef approval.
Defense Support of Civil Authorities (DSCA)	RPA	SecDef	DoDD 3025.18; DoD 5240.1-R	<ul style="list-style-type: none"> - Para 4.0 requires SecDef approval for RPA support to DSCA - *There is no stated exception for SecDef approval in immediate response situations. (see EN x). - DoD 5240.1-R requires SecDef approval for all use of IC equipment for other than FI/CI purposes
	ICC	SecDef or USNORTHCOM / USPACOM CC	Standing DSCA EXORD 191905zAug11; EO 12333; DoD 5240.01; DoDD 5240.1-R ;AFI 14-104	<ul style="list-style-type: none"> - IAW DSCA EXORD, SecDef approval of listed resources for seven delegated authorities includes ability to use traditional ICCs to conduct DSCA missions for non-intel purposes. Missions must be conducted IAW DoD 5240.01-R. - There is no stated exception for

Mission	Asset	Approval Authority	Applicable Guidance (see References for cites)	Notes
				SecDef or COCOM approval in immediate response situations. (see EN x).
	Non-RPA / Non-ICC	SecDef, ASD(HD&ASA) or USNORTHCOM / USPACOM CC *Local CC if Immediate Response Authority (IRA)	Standing DSCA EXORD; DoDD 3025.18; AFPD 10-8; AFI 10-801; ANGI 10-8101	<p>- SecDef has delegated approval authority for Non-RPA / Non-ICC AF DSCA events to the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs (ASD(HD&ASA) except: CBRNE, most assistance to law enforcement agencies (LEA), responding with assets with the "potential for lethality" and any time USAF equipment is operated under C² of civilian authorities.</p> <p>- IAW DSCA EXORD, USNORTHCOM / USPACOM CC is approval authority if validated Mission Assignment (from SecDef) from Primary Agency (e.g., the Federal Emergency Management Agency (FEMA)) & falls within seven delegated authorities</p> <p>* IAW DoDD 3025.18, local CC has limited IRA "to save lives, prevent human suffering, or mitigate great property damage" when local capability overwhelmed"</p>

Mission	Asset	Approval Authority	Applicable Guidance (see References for cites)	Notes
				and they request assistance Absent HHQ direction the local CC should re-assess his position at least every 72 hours. After-the-fact HHQ notification is required per AFI 10-801. See also EN viii.
Force Protection (FP)	RPA	SecDef or Local CC (depends on whether an ISR platform, location, and purpose of use)	DoDD 5200.27; DoD 5240.1-R	<ul style="list-style-type: none"> - There is no guidance on use of RPAs for FP. Local CC has the responsibility for FP. The below is extrapolated from other regulations. - DoD 5240.1-R requires SecDef approval for all use of IC equipment such as ISR equipment (RPA) for other than FI/CI purposes - <u>Within DoD controlled-controlled airspace:</u> (including perimeter / fence line) Local CC has authority to use RPA - <u>Outside airspace:</u> Local CCs should seek to use other assets first and if RPAs are necessary, should seek SecDef approval in addition to necessary coordination or approvals with MAJCOM, LEA and FAA Certificate of Authorization (COA). If time does not permit prior approval (similar to IRA), the local CC is responsible for the decision to use RPAs and

Mission	Asset	Approval Authority	Applicable Guidance (see References for cites)	Notes
				must appropriately report after- the fact.
	ICC	SecDef	DoDD 5240.1-R ; AFI 14-104; AFI 14-119	- SecDef approval (see EN iv), regardless of location, unless incidentally acquired.
	Non-RPA / Non-ICC	SecDef, SecAF, USD(P&R) or Local CC (depends on location – see LEA)	DoDD 5200.27; AFDD 3-10; AFI 31-101	<u>Within DoD-controlled airspace</u> - Local CC has responsibility for FP and has authority to use the non-RPA/non-ICC assets under his control when DoD 5200.27 criteria are met <u>Outside DoD controlled-controlled airspace</u> - Threats emanating from off base are a generally matter of civilian criminal jurisdiction. For approval authorities, <i>See</i> LEA, Non-RPA/Non-ICC section below.
Civil Disturbance Operations (CDO)	RPA, ICC and Non-RPA / Non-ICC	POTUS *Local CC if Emergency Response Authority (ERA).	10 U.S.C. 331-334; DoDD 5200.27; DoDD 3025.18; DoDI 3025.21	- CDOs are dependent on POTUS invoking the Insurrection Act, regardless of asset used. -* IAW DoDD 3025.18 and DoDI 3025.21, local CC could invoke ERA for civil unrest in <i>extraordinary</i> emergency circumstances where prior authorization by the POTUS is <i>impossible</i> and duly constituted local authorities are unable to control the situation. - Local CCs do not have the independent authority

Mission	Asset	Approval Authority	Applicable Guidance (see References for cites)	Notes
				to use ICCs even if ERA (SecDef) - Given that RPA use for DSCA requires SecDef approval, local CCs should seek to use other assets first and if RPAs are necessary, the local CC is responsible for the decision to use RPAs and must appropriately report after –the-fact. (See ENviii)
Search and Rescue (SAR)	RPA	SecDef	National SAR Plan; National SAR Supplement; ICAO / Chicago Convention; DoDD 3025.18; DoDI 3003.01; DoDI 3025.21; AFDD 10-45; DoD 5240.1-R	- DoD 5240.1-R requires SecDef approval for all use of IC equipment such as ISR equipment (RPA) for other than FI/CI purposes - SAR is a form of DSCA. Per DoDD 3025.18, para. 4(o) SecDef approval is required to use RPA ISO DSCA. (*there is no stated exception for IRA – see (ENviii).
	ICC	SecDef or USNORTHCOM/USPACOM CC	National SAR Plan National SAR Supplement; ICAO / Chicago Convention; Standing DSCA EXORD; EO 12333; DoD 5240.01; DoDD 5240.1-R ; AFI 14-104; AFDD 10-45	- SAR is a form of DSCA. SecDef approval is required. (See EN v) There is no stated exception for SecDef or COCOM approval in immediate response. (see EN vii). - IAW DSCA EXORD, SecDef approval of listed resources for 7 delegated authorities includes ability to use traditional ICCs to conduct SAR missions. Missions must be conducted IAW DoD

Mission	Asset	Approval Authority	Applicable Guidance (see References for cites)	Notes
	Non-RPA / Non-ICC	SecDef, ASD(HD&ASA) or USNORTHCOM / USPACOM CC *Local CC if IRA	National SAR Plan National SAR Supplement ICAO / Chicago Convention DoDD 3025.18 DoDI 3003.01 DoDI 3025.21 AFDD 10-45	5240.01-R. - SAR is a DSCA mission. See DSCA Non-RPA / Non-ICC above re: Local CC IRA. - The AF Rescue Coordination Center (AFRCC) will directly coordinate with the wing. AFRCC will presume the wing has either IRA or obtained the required ASD(HA&ASA) or SecDef approval.
Support to Law Enforcement Agencies (LEA)			DoDD 3025.21 DoD 5240.1-R	approval for all use of IC equipment such as ISR equipment (RPA) for other than FI/CI purposes - Assistance to LEA (for non-CI/FI) is a form of DSCA. DoDD 3025.18 Para. 4(o) states that SecDef approval is required for RPA ISO DSCA. See also DoDD 3025.21.
	ICC	SecDef	DOD 5240.1-R DoDD 3025.21 AFI 14-104 AFI 14-119	- SecDef (See EN iv) unless incidentally acquired (See EN ix, DoD 5240.1-R, para. C12.2.2.4; AFI 14-104, para. 10 and 12 and AFI 14-119, para. 2.7.1)
	Non-RPA / Non-ICC	SecDef SecAF ASD(HD&ASA)	18 USC 1385 10 U.S.C. § 371 10 U.S.C. § 374 DoDD 3025.18 DoDD 3025.21 AFI 10-801 NGR 500-5/ANGI 10-208	- SecDef approval for most operations - SecAF approval, in coordination with ASD (HD&ASA), for personnel to provide training or expert advice; DoD personnel for equipment maintenance; DoD

Mission	Asset	Approval Authority	Applicable Guidance (see References for cites)	Notes
				<p>personnel to monitor and communicate the movement of air and sea traffic. Seek SAF/GC concurrence.</p> <ul style="list-style-type: none"> - CJCS coordination on any SecDef or ASD(HD&ASA) approval - ASD (HD&ASA) / SecDef for any LEA request recommended for disapproval at a lower level - Restrictions on DoD support listed in DoD 3025.21, Encl. 3, inc. but not limited to vehicle interdiction, searches, surveillance, evidence collection etc. Consult DoDI. - *For funding rules. See DoDI 3025.21, Encl. 9 - reimbursement not required for training/ops under 10 USC 371
Counterdrug Operations (CD)		(SOLIC); or GCCs (NORTHCOM / PACOM / SOUTHCOM CCs)	1991 NDAA 1004, as amended 10 U.S.C. § 371 10 U.S.C. § 374 SecDef Memo 2 Oct 03, Support to Domestic LEA SecDef Memo 24 Dec 08 – International Counternarcotic Support CJCSI 3710.01B	<p>approval for all use of IC equipment such as ISR equipment (RPA) for other than FI/CI purposes</p> <ul style="list-style-type: none"> - CD ops are not DSCA or LEA. - GCCs can approve RPA use for aerial recon (AR) - GCCs can conduct CD missions <u>except</u> to target/track vehicles, buildings, persons in U.S. to provide coordinates to LEAs that is <u>not</u> continuation of detection & monitoring (D&M) mission; or drug

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			NGR 500-2/ANGI 01-801 DoD 5240.1-R	air/surface traffic outside 25 miles inside U.S. territory. USD(P) or ASD(SOLIC) is approval authority for these. -- GCCs must first determine whether T.32 forces can accomplish
	ICC	SecDef; GCCs (* limited approval authority)	DoD 5240.1-R DoDD 5525.5 CJCSI 3710.01B	- See EN iv, if CI/FI, use Procedure 12 of DoD 5240.1-R (per CJCSI 3710.01B). IO rules apply. - If not CI/FI, use DoDD 3025.21 – SecDef approval. IO rules apply. - CJCSI specifically provides limited approval authority to GCCs to support requests for linguists and intel analysts, with concurrence by Service or DoD/GC. IO rules apply.
	Non-RPA / Non-ICC	USD(P) or ASD (SOLIC)	1991 NDAA 1004, as amended 10 U.S.C. § 371 10 U.S.C. § 374 SecDef Memo 2 Oct 03, Support to Domestic LEA SecDef Memo 24 Dec 08 – International Counternarcotic Support CJCSI 3710.01B NGR 500-2/ANGI 01-801	- GCCs approve non-RPA / non-ICC platforms for AR support via visual, photo, imagery - GCCs can conduct CD missions <u>except</u> to target/ track vehicles, buildings, persons in U.S. to provide coordinates to LEAs that is <u>not</u> continuation of D&M mission; or drug air/surface traffic outside 25 miles inside U.S. territory. USD(P) or ASD(SOLIC) is approval authority for these. -- GCCs must first determine whether T.32

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				forces can accomplish
Training (T.10 and T.32)	RPA	SecDef or Local CC	10 U.S.C 8013 DepSecDef Memo, 28 Sep 06, Interim Guidance for the Domestic Use of UAS AFI 14-104	<p>- SecDef if training will include conducting “nonconsensual surveillance on specifically identified U.S. persons” (AFI 14-104, para. 9.6)</p> <p>- <u>Within DoD-controlled airspace</u>- training with RPAs is within command authority – local CCs can authorize such training, with a Proper Use Memorandum (PUM) and proper instructions for the aircraft.</p> <p>- <u>Outside of DoD controlled DoD-controlled airspace</u> - requires notification to the CJCS. Send training notifications through operations channels to HHQ with sufficient time for approvals at all levels (minimum 30 days). Will also require a PUM and FAA Certificate of Authorization (COA), if needed.</p>
	ICC	Local CC	DoD 5240.1-R	- DI may not be collected in training for the purpose of gathering any specific information about a U.S. person or private entity, without consent
	Non-RPA / Non-ICC	Local CC	10 U.S.C 8013 AFI 14-104	- DI may not be collected in training for the purpose of gathering any specific information about a USPER or private entity,

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				without consent.
Other Authorized DoD Missions (e.g., claims)	RPA	SecDef	Varies	- Facts will drive these scenarios and approval authorities. - Assume as a matter of policy, use of an RPA for an authorized DoD mission other than those discussed above would require SecDef approval.
	ICC	SecDef	DOD 5240.1-R AFI 14-104	- See EN v
	Non-RPA / Non-ICC	Varies	Varies	- Facts will drive these scenarios and approval authorities. - Best COA would be to obtain commercially available imagery or seek approval from AFNORTH/1AF CC to have Civil Air Patrol fly an AF-assigned mission

Notes For The Airborne Domestic Imagery Authorities Matrix

- i. To determine whether an asset is an “intelligence component capability,” (ICC) or whether a non-IC asset is being used as an ICC, intelligence law practitioners use the “5 Ps” Test (People, Pipes, Process, Platforms, and Purpose):

People – What is the mission of the unit -- intel, training, operational, or other? What money is used to fund the unit?

Pipes - Are intelligence component systems being used to disseminate the product? (e.g., products hung on J2/A2 portal or use of intelligence systems backbone such as the Joint Worldwide Intelligence Communications System (JWICS) to push products to clients)? What money is used to fund those systems?

Process – Where is the information going? Is an intelligence component or its personnel being used to process, analyze, or create products from the data collected (e.g., 601st Intelligence, Surveillance and Reconnaissance Division (IRD) conduct the processing, exploitation and dissemination (PED))?

Platforms - Is the platform owned or operated by and intelligence unit? If not, is a non-intel platform being used for intelligence gathering? (e.g., F-16 targeting pod used to collect ground information for CC’s situational awareness (SA) for DSCA support)? What money is used to

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<p>fund the equipment?</p> <p>Purpose – What is the purpose of the activity? Is it to gather intelligence? Is it to train? Is it a mission in support of civil authorities?</p> <ul style="list-style-type: none"> ii. The determination as to whether or not an activity or asset constitutes an ICC, and the related approval authority level, is a command decision. It is highly recommended that such decisions be made in full consultation with the A3, A2, and JA and documented in some manner. In potentially controversial cases, coordination with HAF A2, A3 and SAF/GC is recommended. iii. If CI / FI, the approval authority varies depending on special collection procedures to be used : Procedure 5 – Electronic Surveillance; Procedure 6 – Concealed Monitoring; Procedure 7 – Non-Consensual Physical Searches; Procedure 8 – Mail Searches and Examination; Procedure 9 – Physical Surveillance; Procedure 10 – Undisclosed Participation in Organizations. iv. DCSA consists of temporary support to U.S. civil agencies (FEMA, Department of Homeland Security (DHS)) for domestic emergencies. v. ICs/ ICCs are only specifically authorized to conduct CI/FI and all other activities or missions require SecDef approval –with the limited exception of training, under certain circumstances as well as activities approved by SecDef or the President of the U.S. (POTUS). The only regulation that codifies this is Joint Publication 3-28, Defense Support of Civil Authorities 31 July 13. vi. The 7 delegated authorities in the Standing DSCA EXORD are: Situational Awareness, Damage Assessment, Evacuation Monitoring, Search and Rescue (SAR), Chemical, Biological, Radiological, Nuclear and Enhanced Conventional Weapons (CBRNE) Assessment, Hydrographic Survey, Dynamic ground coordination. The DSCA EXORD is currently under revision so refer to the most current version. vii. Normally the request for forces (RFF)/request for assistance (RFA) flows thru SecDef, CJCS, Joint Staff's Joint Director of Military Support (JDOMS), USPACOM, USNORTHCOM, Air Forces Northern (AFNORTH) and then the major command (MAJCOM) / ANG sources. viii. Immediate Response Authority (IRA) is triggered by a request from civil authorities under "imminently serious conditions" with no time to seek approval from higher authority. In today's communications environment, rarely is there insufficient time to seek approval from HHQ. The local CC may respond to the request, but should submit a request for approval to HHQ while continuing to execute until such a time as they receive approval from HHQ or direction to cease and desist. For SAR events, when Air Force Rescue Coordination Center (AFRCC) "asks not tasks" a wing to assist with a mission, typically this gives rise to IRA. <u>There is no direct guidance on using RPAs or ICCs for immediate response.</u> Local CCs should seek to use other assets first and if 				

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<p>RPAs or ICCs are necessary, the local CC is responsible for the decision to use them and must appropriately report after –the-fact. See EN vii.</p> <p>ix. Using RPAs or ICCs without the appropriate level of approval is a serious matter and requires reporting to the highest levels of the U.S. government. If RPAs or ICCs are used for <u>any</u> purpose without the required level of approval (most commonly SecDef), it is mandatory to submit a DoD 5240.1-R Procedure 15 Questionable Intelligence Activity (QIA) report that: 1) explains why the commander made such a decision (immediate threat to life, limb, mission, government property, etc.); 2) articulates how he/she had determined that law enforcement/public safety/force protection elements could not meet the threat requirement (timeliness, capability, etc.) and that prior approval was not possible; and 3) describes in detail the intelligence or other data that was collected during the mission - particularly anything that could be considered U.S. Persons information- and how it was being retained and/or disseminated. Include recommendations for any changes to policy, tactics, techniques and procedures (TTPs) or training that might be required to better deal with such a situation in the future. This should be reported immediately as a “significant or highly sensitive matter” under DTM 08-052 if any information about the activity is going to be disclosed outside of DoD (Congress, media, public, etc.) and might “impugn the reputation” of the Intelligence Community or Defense Intelligence Components.</p> <p>x. IAW AFI 14-104, paras. 10 and 12 and AFI 14-119, para. 2.7.1, ICs collect information about foreign or international terrorism threats and <u>must</u> report potential threats to life or property to appropriate law enforcement agencies (LEA) when “incidentally acquired.” 10 USC 371 (implemented by DoDI 3025.21) also requires the military to take LEA needs into account when planning or executing military training or operations. Implementation of processes to do this remains pending.</p> <p>xi. Under DoDD 5200.27, para. 4.1, “Protection of DoD Functions and Property,” only collect DI on these threatening activities: subversion of loyalty, discipline, or morale of DoD military / civilian personnel by encouraging violation of law, disobedience of orders, or disruption of mil activities; theft of arms, ammunition, or equipment or destruction or sabotage of DoD facilities, equipment, or records; acts jeopardizing security of DoD elements or operations or compromising classified info by disclosure or espionage; unauthorized demonstrations on DoD installations; direct threats to DoD military or civilian personnel in connection with their official duties or to other persons who have been authorized protection by DoD resources; activities endangering facilities that have classified defense contracts or officially designated as “key defense facilities;” and crimes for which DoD has responsibility for investigating/ prosecuting.</p> <p>xii. Civil Disturbance Operations (CDO) involve sudden and unexpected civil disturbances where local authorities are unable to control the situation. The significant policy concern is the primacy of civilian authorities.</p>				

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<p>i. Under ERA, local CCs can engage temporarily in activities that are necessary to quell large-scale, unexpected civil disturbances when necessary to prevent significant loss of life or wanton destruction of property, to restore governmental function and public order, or when duly constituted Federal, State, or local authorities are unable or decline to provide adequate protection for Federal property or Federal Governmental functions. ERA only applies in extraordinary emergency circumstances where prior authorization by the POTUS is <u>impossible</u> and duly constituted local authorities are unable to control the situation.</p> <p>xiii. The 7 delegated authorities in DSCA EXORD are: Situational Awareness, Damage Assessment, Evacuation Monitoring, SAR, CBRN Assessment, Hydrographic Survey, Dynamic Ground Coordination.</p> <p>xiv. Normally the RFF/RFA flows thru SecDef, CJCS, Joint Staff's Joint Director of Military Support (JDOMS), USPACOM, USNORTHCOM, AFNORTH and then the MAJCOM / ANG sources.</p> <p>xv. For ACC assets, use the 8 line ISR Support Request through the ACC Ops Center for processing. 8 line requests should include a legal review from the local JA.</p> <p>xvi. 10 U.S.C. 371, <i>Use of information collected during military operations</i> requires that the needs of civilian LEA be taken into account in the planning and execution of military training or operations. See also DoDI 1322.28, <i>Realistic Military Training (RMT) Off Federal Real Property</i>, 18 March 2013, which incorporates 10 USC 371 requirements, http://www.dtic.mil/whs/directives/corres/pdf/132228p.pdf; Secretary of Defense Memorandum, <i>Leveraging Military Training for Incidental Support of Civil Authorities</i>, 11 December 2012, which directs future policy changes to widely implement 10 USC 371. USD(P) is drafting new policy implementation.</p> <p>xvii. CD operations consist of either Detection and Monitoring (D&M, 10 USC 124) or Aerial Reconnaissance missions (AR, 10 USC 1004(b)(6) and 1004(b)(10)).</p> <p>xviii. 10 U.S.C. 371 requires that the needs of civilian LEA be taken into account in the planning and execution of military training or operations. USD(P) is drafting new policy implementation. Additionally, airborne assets used for training in conjunction with ground forces "off federal real property" also have unique approval authorities and notification procedures based on the risk associated with the event. DoDI 1322.28, <i>Realistic Military Training (RMT) Off Federal Real Property</i>, requires commanders to work closely with their civilian community partners, the media, and keep HHQ closely apprised of RMT events. Consult the DoDI for details.</p> <p>should include sufficient information on the activity or event to make an informed judgment on its propriety (e.g., Concept of Operations (CONOPS) or 8-line equivalent, PUM, legal review and FAA CoA, if applicable). A comprehensive notification for recurrent events would suffice, but should be re-submitted annually and also when required.</p>				