



## Support Annex 2 Military Support

### Coordinating Agency

West Virginia National Guard (WVNG)

### Support Agencies and Organizations

West Virginia Office of the Governor (GO)  
 WV Department of Military Affairs and  
 Public Safety (WVDMAPS)  
 West Virginia Division of Homeland  
 Security and Emergency Management  
 (WVDHSEM)

### Purpose

This annex supplements the West Virginia Emergency Operations Plan (WVEOP) by providing guidance to those individuals and organizations involved in the management of military support to civilian authorities responding to and recovering from an emergency or disaster.

### Scope

- A.** This annex applies to any type of disaster (natural, technological, or man-made) and any magnitude of incident (minor, major and catastrophic) that exceeds the local and State agencies' response capabilities and requires the activation of the West Virginia National Guard.
- B.** The WVNG will plan and execute emergency response missions in accordance with a separately maintained All-Hazards Response Plan. The All-Hazards Plan is produced and maintained by the WVNG J5 - Strategic Planning and Interagency Coordination Directorate.

### Policies

- A.** This annex is intended to be consistent with the WVEOP, the National Response Framework (NRF), the National Disaster Recovery Framework (NDRF), and the National Incident Management System (NIMS).
- B.** All agencies assigned responsibilities within this Annex will develop and maintain the necessary plans, standard operating procedures, and mutual aid agreements to successfully accomplish their tasks.
- C.** The WVDHSEM and the WVNG are responsible for the development and maintenance of this annex. This should occur at minimum once every two years.

D. All records are preserved and kept in accordance with local, State, and Federal records retention schedules.

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## Situation

An incident has occurred that exceeds local response and recovery capabilities and requires the activation of the WVNG in an emergency response capacity.

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## Planning Assumptions

A. The Adjutant General (TAG) for the State of West Virginia and the assets of both the Army and Air National Guard units of the WVNG are under the command and control of the Governor of West Virginia until such time as they are Federalized. While under State control they may perform law enforcement duties. National Guard units performing duty under Title 32, United States Code, are under State control but are funded by the Federal government.

B. The Federal government may call units of, or the entire Army and/or Air National Guard of West Virginia to Federal duty. As a rule, the Federal government does not call individual National Guard members to active duty.

C. Upon being called to active Federal duty under Title 10, United States Code, the units are no longer under the command and control of the Governor of West Virginia. When activated, the units and the individuals within them come under the command and control of the United States Army or Air Force. The units called to Federal service are not permitted to perform law enforcement functions because of the provisions of the Posse Comitatus Act, 18 U.S.C. § 1385.

D. In accordance with the Posse Comitatus Act, National Guard personnel in State Active Duty (SAD) or Title 32, U.S.C. are exempt. Section 502 of Title 32, United States Code. DoDI 3025.21 February 27, 2013, Defense Support of Civilian Law Enforcement Agencies, Enclosure 3, pg. 22.

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## Organizational Structure

### *State Government*

The WVNG assets are controlled from one location, either the WVNG Joint Operations Center (JOC) or the WV State Emergency Operations Center (WVSEOC). One or more Forward Operating Headquarters (FOH) may be established in the field with command and control over local assets.

Requests for military assistance are made to the WVSEOC via E Team and tasked to the WVNG if they are appropriate military tasks. If accepted by the WVNG, requests are assigned to the appropriate WVNG unit on a mission-by-mission basis.

The tasked units are to perform as directed by the WVNG headquarters on behalf of the WVSEOC and are to coordinate with a local liaison. When the mission is completed, the tasked units are to be released by the local emergency manager and returned to State control.

#### *Local Government*

WVNG assets are allocated to local authorities for mission tasking.

A designated person or organization (i.e. the County Emergency Management official, sheriff's office, or local police department) is identified to serve as liaison with the military for the purpose of assigning and coordinating missions.

The highest ranking military officer assigned to the locality is to coordinate missions with the authorized liaison for the civil authorities. The highest ranking military officer in the locality is to have final authority in determining if the mission is appropriate for his/her units.

Tasking of requests is to be on a mission-by-mission basis. When concluded, the unit assigned the mission reports back to their local command for reassignment.

#### *Federal Military Integration:*

The Federal government may assign active-duty military to assist with the disaster. The Federal government may also call reserve units or individual reservists to active duty to assist with the disaster.

Integration of Federal Military assets will be in accordance with the WVNG All Hazards Plan utilizing a Joint Task Force structure and Dual Status Commander.

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## **Concept of Operations**

### **A. General**

1. When called to SAD, WVNG personnel remain organized in their traditional unit structure under the command and control of their military lines of authority.
2. The WVNG will determine the resources necessary to support the requests assigned to it; organize a task force(s) that is capable of accomplishing the support mission within the limits of authorized strength for SAD call-up provided by the Governor; and orders the necessary units to the area of operations. Command and control remain within military channels.

## B. Phases of Management

### 1. Activation

a. When a local government wishes to request National Guard assistance, and notifies the Governor through the WVSEOC that adequate response is beyond the capability of the local government.

b. To activate the WVNG, the Governor may issue an executive order, putting the Guard on SAD. All requests for assistance are to be coordinated through the WVSEOC.

c. Generally, an “advance party” can be on-site within 8 to 24 hours after the unit is called to SAD. A company size unit (100-150 personnel) customarily is assembled at its duty station (armory) within 24 hours.

d. The unit moves as a group to the area of operation (AO). Some unit members may be out of State or unable to report in time for the troop movement. Few units arrive with their full complement. Typically, 10-25% of the unit roster is not to be affected for the activation. Those typically excused from reporting include but not limited to:

- 1) Those on active duty for training
- 2) Pregnant females
- 3) College students during the school year
- 4) Those in critical civilian jobs (law enforcement, hospital employees, etc.)
- 5) Those known to be out of the State for their civilian job
- 6) Those with medical conditions
- 7) Those at the end of their enlistment or awaiting discharge.
- 8) Unit Self Activation

e. Local WVNG units are not permitted to respond to requests for assistance from local officials except to save human life, prevent extreme human suffering, or to prevent great damage to or destruction of property. The unit commander, not local civilian authorities, make the determination. If the commander does not believe the circumstances meet the requirements, the local authority is referred to the WVSEOC.

f. The WVSEOC determines if the WVNG should respond or if another agency could better accomplish the task. If the National Guard is committed to a mission, the responding National Guard unit is authorized to coordinate directly with the local officials to accomplish the objectives.

## 2. Demobilization

- a. When the mission is completed the tasked units are to be released from the local level, by the local emergency manager, and returned to State military control.
- b. Upon release from SAD, units will perform retrograde, maintenance, and demobilization operations in accordance with the WVNG All Hazards Plan and unit standard procedures.

### C. Functional Duties of the National Guard

1. The WVNG can perform three functions when called to State active duty. All National Guard activations for SAD are unique. The WVNG is not required to perform all three functions.

- a. The National Guard performs law enforcement and security missions under the direction and supervision of either State or local law enforcement officers. In these cases the National Guard has limited law enforcement authority. Generally only selected units that have received special training can perform these functions.

- 1) Traffic control
- 2) Checkpoint operations
- 3) Roving patrol
- 4) Anti-looting control measures
- 5) Anti-riot/crowd control measures
- 6) Evidence collection/protection
- 7) Inmate transport
- 8) Correctional facility security
- 9) Intelligence gathering

- b. Humanitarian

- 1) Search and rescue missions
- 2) Engineering activities

- 3) Road repair
- 4) Debris clearance and removal
- 5) Support to utility service
- 6) Sheltering and feeding of public or relief workers
- 7) Transportation support
- 8) Limited Medical and Emergency Medical Services
- 9) Limited fire suppression
- 10) Damage assessment
- 11) Chemical decontamination
- 12) Communications support

c. Self-Sustainment

- 1) Personnel management
- 2) Billeting and feeding
- 3) Transportation
- 4) Health and medical
- 5) Morale, Welfare and Recreation
- 6) Pay management
- 7) Line of duty investigations
- 8) Internal security

d. Liaison Roles

1) A liaison team from the WVNG is available to the WVSEOC on request of the WVDHSEM Director. WVNG liaison officers assigned to duty in the WVSEOC serve as a point of contact representing TAG of the WVNG. They serve as advisors on military capabilities and limitations to the WVSEOC staff. The liaison officers do not control troops nor have the

authority to direct unit missions. Command and control rests with TAG and orders originating from the WVNG’s headquarters.

2) National Guard Liaison Officers are provided to the affected areas on request from the WVDHSEM Director. Liaisons officers assigned to duty in the local EOCs are to act as a line of communications with WVSEOC and the WVNG to serve as advisors on military capabilities and limitations to local civilian authorities. The liaison officers do not control or task troops.

### Agency Responsibilities Matrix

Supporting Agency	Acronym	Responsibilities
Governor’s Office	GO	<ul style="list-style-type: none"> <li>• Issue executive order authorizing the activation of the WVNG in an emergency response capacity</li> <li>• Provide direction, coordination, and oversight as required</li> <li>• Establish and issue SAD authorized strength limits</li> </ul>
WV Department of Military Affairs and Public Safety	WVDMAPS	<ul style="list-style-type: none"> <li>• Provide direction, coordination, and oversight as required</li> </ul>
West Virginia Division of Homeland Security and Emergency Management	WVDHSEM	<ul style="list-style-type: none"> <li>• Coordinate all Emergency Management response functions</li> <li>• Receive, validate, and approve local requests for military assistance</li> </ul>
West Virginia National Guard	WVNG	<ul style="list-style-type: none"> <li>• Provide trained and equipped units to protect life and property, and to preserve peace, order, and public safety when ordered by the governor</li> </ul>

**Authorities & References***Authorities*

The Homeland Security Act of 2002, Public Law 107-296, 6 U.S.C. 101 et seq., November 25, 2003

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5121-5206

The Posse Comitatus Act, 18 U.S. 1385

The National Emergencies Act of 1976, 50 U.S.C. 1601 et seq.

West Virginia Code §15- 5, as amended

*References*

State of West Virginia Emergency Operations Plan, Basic Plan

West Virginia National Guard All-Hazards Response Plan

National Response Framework

Joint Publication 3-0, Joint Operations, 11 August 2011

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

Joint Publication 3-33, Joint Task Force Headquarters, 30 July 2012