

STATE OF CONNECTICUT
OFFICE OF THE ADJUTANT GENERAL
NATIONAL GUARD ARMORY
360 BROAD STREET
HARTFORD, CONNECTICUT 06105-3795

AND

DEPARTMENT OF INTERIOR

ON

CONNECTICUT NATIONAL GUARD SUPPORT

TO DRUG ENFORCEMENT OPERATIONS

1. PURPOSE

For the purpose of this memorandum, Connecticut National Guard will be referred to as CTNG and Department of Interior will be referred to as DOI. The term Department of the Interior (DOI) encompasses all subordinate bureaus, services, and offices. The term bureau includes any major component of the Department of the Interior. This memorandum sets forth policies and procedures agreed to by the Adjutant General of the State of Connecticut and the DOI regarding:

- a. The gathering of information concerning drug trafficking in the State of Connecticut acquired by the CTNG as a result of their normal training missions, and the sharing of such information with the DOI.
- b. The use of CTNG personnel in support of drug enforcement operations.

2. OBJECTIVES

Define missions/support agreed upon by CTNG and DOI.

3. AUTHORITY

This Support agreement is entered into by the Connecticut National Guard pursuant to authority contained in National Guard Regulation 500-2 and Air National Guard Regulation 55-04. The Department of the Interior enters into this agreement under 43 U.S.C. Sec. 1733 authorizing the Secretary of the Interior to enforce...federal laws and regulations...relating to public lands and resources.

4. POLICIES AND PROCEDURES

a. CTNG personnel will not be employed in a law enforcement role and will be acting under state active duty status or pursuant to Title 32 orders. No assistance of any kind will be rendered when, in the opinion of The Adjutant General, or his designated representative, the rendering of assistance will degrade the normal training mission of the CTNG.

b. All missions described within this memorandum will be accomplished when the personnel of the CTNG are not in Federal Service and are:

- 1) Under Title 32, U.S. Code, while performing normal training missions or additional duty over and above normal training; or
- 2) Under State Active Duty in compliance with appropriate state laws and regulations.

c. All requests for assistance must be made by the designated DOI official to The Adjutant General of Connecticut, ATTN: MCTGC-P, National Guard Armory, 360 Broad Street, Hartford, Connecticut 06105-3795. The Plans, Operations, and Military Support Officer at (203) 524-4960 will be contacted for all requests for assistance.

4. SERVICES AND RESOURCES

The National Guard will provide as appropriate and available the following services or resources in response to a request for assistance from the DOI:

Mission #4: Aerial Reconnaissance. National Guard members reconnoiter an area by air for cultivation of marijuana, suspicious watercraft, aircraft, or motor vehicles.

Mission #5: Aerial Surveillance. National Guard members maintain an area surveillance on isolated airstrips, drop zones, coastal waterways, international borders, or other suspected drug operation sites or locations.

Mission #6: Aerial Transportation Support. National Guard members provide aerial transportation of LEA personnel, persons in LEA custody, seized property or contraband, to and from counterdrug operations sites. LEA officers are responsible for the security of any evidence or persons in their custody. This transportation assistance must be concurrent with on-going counterdrug operations and is limited to:

- a. Transportation of LEA personnel and persons in their custody to and from an area of counterdrug operations, and to an initial detention facility within CONUS.
- b. Transportation of seized property or contraband to a facility designated by the supported LEA.
- c. Transportation of seized property or contraband for the purpose of:
 - 1) Disposal/destruction
 - 2) Use in active counterdrug operations, regardless of National Guard involvement in those operations. The supported LEA shall be responsible for providing security for the transported items at all times.

Mission #9: Training Program (NG and LEA). National Guard members and LEA personnel training such as aerial identification of cultivated marijuana, legal aspects of drug enforcement support, aircraft safety, aircraft operations, specialized equipment, and other related topics. LEAs must pay for meals, lodging, and transportation for LEA participants.

5. FUNDING

a. Information collected during supported CTNG missions will be referred to the DOI, POC listed below.

b. DOI will be responsible for follow-up on information provided by the national Guard. The DOI contact point will be Coordinator Drug Control Policy and Special Projects at telephone number (202) 208-4108.

c. All activities related to the assistance of the DOI will be performed under the general supervision of DOI personnel; however, all military personnel/equipment will remain under the control of CTNG commanders. DOI personnel must accompany CTNG personnel on all missions where contact with citizens is imminent and where information gathering, or intelligence activity takes place. CTNG personnel will not be placed in the chain of custody of evidence.

d. Information gathered by members of the National Guard will be treated as sensitive law enforcement information and will be protected from public disclosure or disclosure to unauthorized persons. Information reported for law enforcement purposes may be disclosed for civil or criminal judicial purposes, in accordance with national security and Privacy Act requirements.

e. Information that would reveal the identities of individual members of the National Guard involved in counterdrug operations will be protected from disclosure outside the national guard and law enforcement agencies to the extent consistent with law and with the requirements for prosecution of cases arising from such operations.

f. The loan of National Guard equipment and special mission requests will be in accordance with current national Guard policies, procedures, and regulations.

g. DOI will supply the CTNG with information as required for compiling After Action Reports submitted to CTNG higher headquarters.

h. CTNG personnel engaging in counterdrug support activities may conduct area surveillance and reconnaissance including observation of persons incidental to such area surveillance and reconnaissance, and assisting in the observation and tracking of vessels, aircraft, or ground vehicles suspected of involvement in drug activities.

i. CTNG personnel may make arrests to the extent authorized by state law: when exigent circumstances arise, such as an assault upon a law enforcement officer by a suspect, observation of a felony in progress or as otherwise provided by state law for citizen's arrest, or for the prevention of harm to members of the public (See Connecticut General Statutes sections 53a-19, 53a-20, 53a-21, and 53a-22). However, operations will not be designed or conducted in such a manner as to involve significant likelihood of requiring such arrests.

j. Normally, joint DOI/CTNG pre-mission planning will be accomplished at least 72 hours prior to a mission. The DOI will provide a manifest of all DOI employees who will be on the aircraft. The manifest will contain each persons

full name and social security number. The DOI will assure that all persons are essential to the mission.

k. A DOI sponsored participant who is not a DOI employee and considered essential for successful mission completion must be approved by the CTNG before flying on National Guard Aircraft. The federal government will not be held responsible for injury, death, or loss/damage to property.

l. DOI will limit requests for CTNG support to those instances where there is an overriding concern for operational security (confidentiality) or when civilian aircraft are unavailable.

m. DOI will not request aircraft support for administrative point-to-point flights.

7. AIRCRAFT SAFETY

a. In addition to other guidance on aircraft safety, Pilot In Charge (PIC) will not fly into or land in known hostile fire areas and will ensure that passengers are instructed in the principles of aircraft safety. Aircraft will maintain a minimum safe distance (no less than two-hundred [200] meters) from known hostile elements (out of effective small arms range) when initially inserting law enforcement personnel who will be responsible to establish and secure landing zones for further operations.

b. When transporting DOI personnel, the National Guard will assure that the Pilot-In-Command has a minimum of 500 hours pilot time experience. If available National Guard pilot personnel are unable to

meet this requirement, the National Guard will refuse the mission request.

c. Flight following will be provided on all flights.

d. No night landings at unimproved landing sights will be made unless the landing site has been surveyed by the national Guard during the day. This includes unaided night and night vision (NVG) missions.

e. In case of an aircraft accident, the military will conduct the accident investigation and the Office of Aircraft Services, DOI, will provide an investigator to assist and provide liaison to the military investigating team, as required.

f. The CTNG will brief DOI participants flying in TNG aircraft on location and use of safety equipment, crash procedures, and emergency egress procedures.

8. PUBLIC AFFAIRS GUIDANCE

a. The lead in public affairs for specific operations will be provided by DOI. State Public Affairs Officer and National Guard Bureau provide guidance on specific issues as appropriate. Information released to the media concerning National Guard assistance to DOI or National Guard participation in drug enforcement missions will be coordinated between DOI Public Information Officer (PIO) and the Connecticut National Guard Public Affairs Office (PAO) prior to release.

b. Only law enforcement officers should accompany the CTNG on counterdrug operations. News media representatives, or others, will not be present without prior NGB approval.

9. TERMS OF AGREEMENT

This memorandum becomes effective upon signature by the officials indicated below or their designated representatives and remains in effect until rescinded, revises, or superseded by mutual agreement of both parties. Any party may terminate this agreement upon presentation of a written notice to the other party.

APPROVED;

/s/ David W. Gay
Major General
The Adjutant General

Date: none

/s/ Robert L. Peterson
Director
Office of Aircraft Services

Date: June 24, 1993.