



ESF #13 Public Safety and Security

Rev. Final

Date: March 2020

ESF Coordinating Agency:
NYS Division of State Police (DSP)

DPC Support Members:
Department of Environmental Conservation (DEC)
Department of Corrections and Community
Supervision (DOCCS)
Division of Criminal Justice Services (DCJS)
Division of Military and Naval Affairs (DMNA)
Metropolitan Transportation Authority (MTA)
Office of Parks, Recreation and Historic Preservation
(OPRHP)
Port Authority of New York and New Jersey
(PANYNJ)

Non-DPC Members:
State University of New York (SUNY)

EXECUTIVE SUMMARY

Emergency Support Functions (ESFs) provide the structure for coordinating response activities for disasters or emergencies that go beyond the capability of the local resources. The ESFs are a mechanism used to group functions most often needed to respond to incidents. At the State level, ESF #13 will coordinate the activities of public safety and security services to protect people throughout New York State during the response and short-term recovery phases of a disaster. It is imperative that there is continuity in everyday public safety and security activities in addition to the operational activities as related to emergencies, disasters, and State-led security actions.

SECTION I: General Considerations and Planning Guidelines

Introduction

New York State will continue to experience a variety of manmade, natural, and technological disasters. The ESF #13 Annex outlines the active approach to provide State-level public safety and security services to protect people throughout New York State during the response and short-term recovery phases of a disaster as outlined in the State Comprehensive Emergency Management Plan (CEMP). This Annex includes multi-agency capabilities that can be applied to augment local law enforcement response activities across a broad range of hazards.

**Critical
Capability**

ESF #13 would support the following Critical Capabilities in New York State: Planning, and Law Enforcement Response Operations.

Purpose

The State Comprehensive Emergency Management Plan (CEMP) has been structured into three distinct but interconnecting volumes. These are:

- Volume 1: All Hazard Mitigation Plan
- Volume 2: Response and Short-Term Recovery
- Volume 3: Long-Term Recovery Plan

The purpose of the CEMP is to identify the State's overarching policies, authorities, and response organizational structure that will be implemented in an emergency or disaster situation that warrants a State response. The CEMP serves as the foundational framework for the State's response levels, and serves as the operational basis of which other ESF's, functional, and hazard-specific annexes are built upon. These ESF's and annexes address a broad range of capabilities in response to the State's highest rated hazards.

ESF #13 coordinates support for incident security including mutual aid of law enforcement personnel to protect life and property and, if applicable, to coordinate Federal resources requested to assist in the State's response. ESF #13 will activate when local resources have been or are expected to become overwhelmed or for planned events in the State.

Scope

ESF #13 is an operational-level management plan that outlines the basic concepts required to manage and coordinate State agencies providing response and short-term recovery assistance to localities. All ESF #13 support will be managed by the ESF #13 coordinating agency, the New York Division of State Police (DSP), at the State Emergency Operations Center (State EOC). This Annex will apply to all incidents and events requiring State level public safety and security support within a multi-agency setting. Usage of aircraft for law enforcement activities will necessitate coordination with ESF #1 Transportation, Air Operations Branch to ensure appropriate use of available air space. Control and direction of SAR activities will remain within the ESF. This includes events requiring the activation of multiple levels of government, up to and including the activation of and integration with Federal ESF #13 activities, as required. ESF #13 will support local efforts in the following core functional areas:

- Personnel and equipment to protect life and property.
- Assist with local evacuation.
- Securing and maintaining the safety and security perimeter for an evacuated area by establishing traffic and access control points.
- Evacuation assistance for traffic and access control points.
- Law enforcement personnel and equipment to support local law enforcement.
- Investigative support.
- Security support.

Situation

This Annex provides general guidance for a variety of services related to the personnel and equipment required for the State-wide protection of life and property during emergencies, disaster events, and State-led security actions when the local capabilities have been or are expected to become overwhelmed.

Linkage to other State Plans

ESF #13 will be used to support the New York State Comprehensive Emergency Management Plan (CEMP), Volume 2, Response and Short-Term Recovery, as well as the following: Mass Fatality Annex, and the Radiological Emergency Preparedness (REP) Plan.

As with any planning document, these situations are not to be considered all-inclusive. Requests for assistance will be dependent upon the needs of the operation and may be outside the auspices of this document. In such cases, the needs of the operation, the capabilities of the agencies associated with ESF #13, and the availability of personnel and material resources will be considered to determine if the request is appropriate.

Evacuation assistance may be requested from State and local authorities, including security services during the re-entry process. Public safety and security personnel may also be requested to assist with the dissemination of warning and emergency information to the general public during State-wide emergencies and disaster incidents.

Situational information and preliminary damage assessment data within the affected areas may be gathered by public safety and security personnel in an effort to hasten and confirm data collection efforts. Public safety and security personnel may be requested to assist local medical examiners and coroners in the location, identification, and disposition of deceased victims of a disaster event.

Augmentation of existing security services may be requested, on a limited basis, including the protection of logistical supplies and security at sites providing services to the general public. Public safety and security personnel may be requested to assist with the security and protection of identified critical infrastructure State-wide.

In the event of an incident involving suspected criminal acts, ESF #13 will coordinate investigation efforts with Federal and local law enforcement agencies.

In the event of incidents involving the release of hazardous materials, ESF #13 may be requested to support the securing of ports of entry if response operations include trade restrictions and embargos to limit the distribution of products or commodities. ESF #10 will resolve any contamination issues, especially if the contamination hinders the activities of ESF #13.

Planning Assumptions

1. Priority will be given to saving lives and protecting property.
2. Disaster response activities will begin and end at the local level.
3. State assistance may be requested when a local government recognizes that local resources have become or are expected to become overwhelmed.
4. Coordination between State agencies and ESF #13 must be managed from both a physical-proximity and a technology standpoint.
5. Due to the sensitive nature of certain law enforcement activities, requests for State law enforcement support are often received directly by State agencies from other Federal, State or local law enforcement agencies.
6. ESF #13 will coordinate activities with other activated ESFs via the State Emergency Operations Center to assure a cohesive, coordinated response.
7. The New York Division of State Police (DSP) is responsible for coordination of State activities within ESF #13.
8. One or more local entities may have declared a local State of Emergency in response to a disaster and the State has been called upon to assist.

9. Federal agencies may engage in a unilateral response and/or offer assistance under their statutory authority to affected areas in lieu of a presidential declaration.
10. For incidents associated with suspected criminal activity, a criminal investigation will be initiated during the response and/or recovery phases of the incident. Investigations may involve all levels of government to include local, State, and Federal entities.
11. Not all law enforcement agencies possess the same level of training or authority. Therefore, some agencies may have limitations in regards to certain law enforcement activities.

Concept of Operations

1. An incident occurs in New York State which necessitates a State level response.
2. As conditions warrant, the State Office of Emergency Management (State OEM) will make a determination as to the level of activation necessary for the State.
3. State OEM and the ESF coordinating agency will jointly determine the level of ESF representation needed for the incident.
4. The New York Division of State Police is designated as the coordinating law enforcement agency.
5. If Federal assistance is requested, ESF #13 will integrate with the Federal ESF #13 as outlined under the National Response Framework (NRF).
6. At the end of the State EOC activation, ESF #13 will begin demobilization and transition to a necessary Recovery Support Functions (RSFs) if needed.

Policy or Authorities

- New York State Executive Law, Article 2-B
- New York State Military Law, Article 6
- New York State Constitution, Article XII, §13.c
- New York State Defense Emergency Act (4/12/51), as amended
- New York State Executive Order 26.1 of 2006
- New York State Anti-Terrorism Act of 2004
- Individual State agencies and departments may also have specific legal bases that are required and/or authorize certain emergency planning and response actions that are not included in this document.

Plan Updates and Maintenance

The NYS OEM Planning Section has the responsibility for the development, review, and maintenance of all multi-agency response plans under the New York State CEMP. As required under New York State Executive Law Article 2-B, each ESF annex shall undergo an annual review and update on or before February 15th of each year and be posted online (if applicable) no later than March 31st of each year.

During the annual review by the Planning Section for its material, this plan is examined for both content and format. For updates that do not impact operational mechanisms or processes, the appropriate edits are initiated within the Planning Section and do not warrant external involvement. Plan updates will also be conducted based upon experiences and lessons learned from exercises or real-world events, or through administrative changes in government. Planning Section updates and/or edits affecting operational capabilities, responsibilities, or

otherwise impacting operations will engage stakeholders in a variety of ways, such as verbally, by document review, meetings, webinars, or any combination thereof. Final drafts will be socialized to all appropriate agencies/personnel upon completion.

SECTION II: Preparedness

Mitigation

Volume 1 of the State Comprehensive Emergency Management Plan is the State Multi-Hazard Mitigation Plan. Pursuant to the requirements of 44 CFR 201.4, the State Multi-Hazard Mitigation Plan is required to focus on natural hazards that are likely to cause a substantial impact on the State. Mitigation planning efforts for technological and human-caused hazards are also recognized and are being implemented throughout the State as well. New York State participates in Federal, State, and local mitigation programs and identifies ongoing mitigation opportunities. The State takes maximum advantage of available Federal funding to implement mitigation measures at the State and local levels. Throughout the past several years, a substantial amount of funding has been invested in mitigating the impacts of various disasters in all parts of the State. Volume 1 addresses the overall State hazard mitigation planning process, risk assessment, strategy development and plan maintenance. The State Multi-Hazard Mitigation Plan was Federally approved by DHS/FEMA in December 2018.

Risk Assessment

A variety of mechanisms are used to understand the various risks and associated threats and hazards facing the State. As required by the Homeland Security Grant Program (HSGP) and the National Preparedness Goal, the State must complete an annual Threat Hazard Identification Risk Assessment, or THIRA. The process involves the identification of scenarios that will most stress the State's capabilities and an assessment of those capabilities. Those capabilities are mapped to the core capabilities in each of these ESF Annexes created under the State Comprehensive Emergency Management Plan. Further, New York State has developed additional programs and methodologies to better understand risk at the local level. This includes a County Emergency Preparedness Assessment (CEPA), which the State has conducted in each of the 57 counties of New York, and New York City. CEPA provides great insight as to the State's risk profile from a local level perspective.

Training, Exercising, and Testing

The State of New York sponsors and conducts a variety of training to improve knowledge and response capability. This includes varying levels of training in the Incident Command System and the Professional Development Series (PDS) curriculum. The State also participates in a wide variety of specialized training, including training to meet Federal program and grant requirements, such as the Emergency Management Performance Grant (EMPG). Further, many State agencies identify training requirements within their own organization to meet the needs of the agency for that specific discipline.

The State of New York has incorporated the Homeland Security Exercise and Evaluation Program (HSEEP) into its emergency management program. HSEEP consists of both doctrine and policy for designing, developing, conducting, and evaluating exercises. The State has instituted HSEEP into a host of exercise activities, including those that involve tests and activations of the State EOC. Further, some exercises are often linked to a specific grant requirement, while others are conducted as part of ongoing or existing programs, such as those for the Radiological Emergency Preparedness Program.

The State also utilizes an exercise component as part of the planning process to test the effectiveness of an emergency management plan. These exercises vary in scope, and cross several State-level plans or annexes. As a point of reference, the planning process that resulted in the creation of all of the State's ESF annexes included an exercise component.

Capability Assessment

As part of the THIRA process, the State was required to assess its capabilities under Presidential Policy Directive (PPD-8). In doing so, the State assessed its Critical Capabilities using the construct outlined in the County Emergency Preparedness Assessment (CEPA) program. The assessment provided the State with information regarding State-wide capability trends and potential gaps that can then be planned for and addressed. Those capabilities have been mapped or linked to each one of the ESF annexes under Volume 2 of the State CEMP.

Memorandums of Understanding (MOUs)/Letters of Agreement (LOAs)

The Office of Parks Recreation and Historical Preservation has an MOU to supplement New York State Police and Department of Environmental Conservation operations.

SECTION III: Response

Alert and Notification

The State Watch Center (SWC) serves as the focal point for receiving or providing notification of incidents in the State. In response to an incident that warrants an increase in State response posture, the SWC will be used to notify agencies that the State EOC is activating.

Activation

State OEM will assess the potential needs and demands of the incident, and then determine the level of activation necessary to effectively manage the response to the incident. The capabilities that are needed to support activation are identified, and agencies are notified to staff the State EOC using the ESF construct.

Flexibility will be key in activating this ESF. Not all incidents are the same, and not all activations of this ESF will require the full list of agencies to support the demands of the incident. Therefore, the representation of agencies that will be necessary to support the ESF may vary from incident to incident. The State CEMP identifies four activation levels of the State EOC. This ESF will activate to one of those levels as conditions warrant, with the primary agency serving as the ESF coordinator. These are:

NYS EOC Activation Levels

Steady State

Level 4 – Enhanced
Monitoring

Level 3 – Partial Activation

Level 2 – Full Activation

Level 1 – Full State/Federal
Response

Level 4 Enhanced Monitoring: A small, isolated, or potential event that has some indicators that warrant extra attention, enhanced monitoring, or external communication.

- State OEM staff only.
- Agencies may be asked individually to support any remote operations or reporting from their home agency.

Level 3 Partial Activation: An incident or event requiring a partial activation of the State EOC with ESF coordinating agency activation.

- The ESF coordinating agency is activated on an as needed basis.
- Additional agencies will be determined at the time of the event.

Level 2 Full Activation: An incident requiring full activation of the State EOC with ESF activation.

- The ESF coordinating agency is activated on an as needed basis.

- Additional agencies will be determined at the time of the event.
- ESF agencies will work in partnership with the coordinating agency to operate and report under the ESF.

Level 1 Full State/Federal Response: An incident requiring full activation of the State EOC with ESF activation, and Federal ESF integration and coordination.

- The ESF coordinating agency is activated.
- Most, if not all, member agencies will be activated.
- ESF agencies will work in partnership with the coordinating agency to operate and report under the ESF.
- The activities of the ESF will be integrated with those of their Federal ESF counterparts.

Direction and Control

The State endorses the development of one response organizational structure that will include all responding agencies. State agencies and ESFs will be organized under the framework of the National Incident Management System (NIMS) Incident Command System as required by Executive Order 26.1 of 2006 and Homeland Security Presidential Directive 5 (HSPD-5). As such, a variety of direction and control components may be utilized to manage and coordinate the State's resources in an efficient and effective manner and to provide the interoperability between the local and Federal response organizations.

The organizational structure of the State's ESFs is inherently different than the Federal construct under the NRF. With the exception of ESF #5 Planning, ESF #7 Logistics, and ESF #15 External Affairs, the State ESFs will be situated organizationally in the Operations Section, and report directly to the Operation Section Chief (OSC), or Branch Chiefs if established. ESF #5 is assumed by the Planning Section in the State EOC; ESF #7 is assumed by the Logistics Section in the State EOC; ESF #15 is situated in the Command Element.

ESF #13 will provide incident management support and coordination under the ESF Coordinating Agency. The ESF Coordinating Agency will ensure the activities of the ESF are consistent with this Annex, and that agencies are operating in unison to achieve the common goal or mission of the ESF.

This ESF is assigned under the Operations section. The ESF coordinator will be the primary interface with the OSC, and the member agencies of the ESF. All requests for assistance will be managed through the OSC to the ESF coordinating agency for availability of resources/missions. The ESF coordinating agency will be given latitude to facilitate the best resource or solution set in response to the request that the State has received. Confirmation or concurrence of that solution will be confirmed to the OSC to ensure the State maintains a centralized coordination of resources and direction of requests for assistance.

Assignments of Responsibilities

The responsibilities for each agency identified in this ESF are listed below. It should be noted that in some cases, the application of the resources below may have application in other emergency support functions. Therefore, the capacities for the resources that are identified below include what the agency has in totality, and should not be interpreted as additional resources if identified in other ESF annexes.

NYS Division of State Police (DSP)

DSP is a full time and full service law enforcement agency equipped with the personnel and resources necessary to provide full spectrum of law enforcement services to the people of New York State. In addition, DSP is capable of providing emergency operations personnel and equipment in support of activities to local first responders. DSP's responsibilities as a law enforcement and public safety agency include:

- Serving as the Coordinating Agency for ESF #13 for New York State.
- Preventing crime and enforcing the law.

- Responding to reports of crime.
- Responding to emergencies and disasters.
- Ensuring highway safety and rendering general assistance.
- Providing fixed- and rotary-wing aircraft in support of law enforcement missions and for other missions as authorized in support of State objectives.
- Providing evacuation assistance by supporting traffic and access control points.
- Providing preliminary damage assessment and situational information from affected areas.
- Providing perimeter security and authorized entry control.

NYS Department of Environmental Conservation (DEC)

DEC's responsibilities as a member agency of ESF #13 include :

- Providing general statewide law enforcement support.
- Providing evacuation support and assistance state-wide.
- Providing assistance with preliminary damage assessments and preliminary assessments of environmental/public health and safety hazards.
- Providing personnel and specialized patrols to include law enforcement vehicles, all-terrain vehicles and snowmobiles.
- Providing personnel and marine vessels for a wide range of applications and operating conditions rapidly deployable across the State.

NYS Department of Corrections and Community Supervision (DOCCS)

DOCCS responsibilities as a member agency of ESF #13 include:

- Providing evacuation assistance.
- Providing perimeter security and authorized entry control.
- Providing vehicle support with secure transport vehicles.
- Ensuring that restraint equipment is strategically located at various regions in the State.
- Providing K-9 units for drug detection.

NYS Division of Criminal Justice Services (DCJS)

DCJS does not possess any law enforcement assets. However DCJS can request and coordinate resources from town and county law enforcement agencies across the State to:

- Provide evacuation assistance through traffic and access control.
- Provide perimeter security and authorized entry control.

NYS Division of Military and Naval Affairs (DMNA)

By order of the Governor under Section 6 of the New York State Military Law, DMNA can provide the following member agency support to ESF #13:

- Military forces are not first responders, but the National Guard is the first level of military response.
- General security augmentation and provide security assets.
- Civil disturbance support through crowd control equipment.
- DMNA is not a law enforcement agency and does not possess an investigative capability.

Metropolitan Transportation Authority (MTA)

The MTA responsibilities as a member agency of ESF #13 include:

- Maintaining safety and security at MTA facilities and security for MTA agencies throughout New York State.
- Providing emergency response and law enforcement support to MTA agencies and facilitating coordination of interagency response in accordance with the National Incident Management System – Incident Command System (NIMS-ICS).

- Assisting in the evacuation of areas after an emergency event.
- Providing police patrol to all transportation facilities and routes.

Port Authority of New York and New Jersey (PA NY/NJ)

PA NY/NJ responsibilities as a member agency of ESF #13 include:

- Providing law enforcement support of crime suppression, the preservation of law and order, and the protection of life and property.
- Coordinating and directing the public safety mobilization response to emergencies or other unusual occurrences at PA facilities.
- Coordinating with domestic and international law enforcement agencies for meeting Public Safety Department goals.

NYS Office of Parks Recreation and Historical Preservation (OPRHP)

OPRHP responsibilities as a Member Agency of ESF #13 include:

- Protecting critical infrastructure within State park regions.
- Providing additional support, including but not limited to:
 - Specialized patrols such as snowmobiles and all-terrain vehicles.
 - Augmenting existing police forces in maintaining order.

State University of New York (SUNY)

SUNY Public Safety responsibilities as a Member Agency of member agency of ESF #13 include:

- Providing uniformed police officers and equipment from the 28 State campuses around the State (depending on the school calendar).
- Providing other public safety resources including investigative personnel, evidence technicians, communications personnel, and non-sworn security personnel as requested.

Integration of Federal ESFs

The Federal Government organizes its response resources and capabilities under an ESF construct. Similar to New York State’s ESF construct, Federal ESFs are multi-agency operational components that serve as the primary means for coordinating Federal resources and capabilities into New York State. The Federal ESFs bring together a wealth of capabilities of Federal departments and agencies and other national-level assets. In doing so, they are organized to provide the operating structure for building, sustaining, and delivering Federal response core capabilities in support of the State’s Critical Capabilities. Integration and coordination is key to leveraging the resources of each Federal ESF. As such, New York State ESF #13 will serve at the primary integration point for Federal ESF #13. The table below summarizes Federal ESF #13 and indicates the response core capabilities that the ESF most directly supports. Detailed response capabilities and activities are listed in each Federal ESF Annex.

<p>ESF # 13 – Public Safety and Security ESF Coordinator: Department of Justice/Bureau of Alcohol, Tobacco, Firearms, and Explosives</p>
<p>Key Response Core Capability: On-Scene Security, Protection, and Law Enforcement</p>
<p>Coordinates the integration of public safety and security capabilities and resources to support the full range of incident management activities. Functions include but are not limited to:</p> <ul style="list-style-type: none"> • Facility and resource security • Security planning and technical resource assistance • Public safety and security support • Support to access, traffic, and crowd control

SECTION IV: Recovery

Short-Term Recovery

There is no clear delineation of when disaster response activities transition into short-term recovery activities. As with all disaster and emergency-related activities, any transition to a new phase will be dependent upon the needs of the response and the identified needs of the individuals/communities affected. In general, disaster response addresses the immediate aftermath and life safety issues of a disaster or emergency, while short-term recovery activities begin as the need for immediate life-saving activities diminishes. At times, these phases will often overlap with one another.

Demobilization

Demobilization of agencies and ESFs from the State EOC will occur based upon operational needs, and will be jointly determined by State OEM and the ESF coordinating agency. Based upon the needs of the operation, ESFs may begin to demobilize during the response/short-term recovery phase. However, it should be noted that agencies may be subject to a rapid recall if needed based upon operational needs.

In most cases, demobilization of an ESF will include the release of the coordinating agency and all member agencies. However, there may be instances where the ESFs can be partially demobilized, allowing member agencies to be released as the need for their representation and capability in that ESF are no longer necessary.

In the process of demobilizing an ESF, all member agencies must ensure that any open or ongoing activities that require cross-coordination with other ESFs are closed out prior to demobilizing. This must be done in a manner to ensure that any dependencies or interdependencies of that ESF are properly and effectively communicated across the response organization. In addition, each agency must ensure that they coordinate their demobilization with their agency-specific counterparts that are represented on other ESFs.

Transition to Long-Term Recovery

As the urgency of a response lessens and communities begin to focus their efforts on implementing recovery programs, the State's focus will also shift to the long-term recovery needs of the affected areas. In Presidential Disaster Declarations, this will likely include the activation of a Federally-established Joint Field Office (JFO). JFOs are established, operated, and maintained by DHS/FEMA, and will include the temporary recovery organization structure put in place to support recovery. To properly ensure effective integration of State and Federal recovery activities, the State will organize in a similar structure to the Federal structure contained within the National Disaster Recovery Framework.

Implement Recovery Support Functions (RSFs)

As JFO activation occurs, the Federal government will transition out of the ESF construct and implement the Recovery Support Functions (RSFs). RSFs bring together the core recovery capabilities of Federal departments and agencies to focus on community recovery needs. The RSF structure includes the following: Community Planning and Capacity Building, Economic, Health and Social Services, Housing, Infrastructure Systems, and Natural and Cultural Resources. RSFs are intended to facilitate the coordination and delivery of Federal assistance to supplement the recovery efforts of local and State governments, and are designed to operate within a timeframe of months to years.

As the Federal ESFs transition to RSFs, the State's ESF posture will be required to transition into the RSF construct. As such, State agencies will transition from their assigned ESF role to the appropriate Recovery Support Function, as warranted. It is important to note that not all Federally-declared disasters will require full

RSF activation, and not all RSF activations will require full participation from each agency. The transition from an agency to the RSF construct is situation based, and dependent upon the agency’s role(s) within the State response framework. For planning purposes, it is assumed that in a credible worst-case event, the situation may warrant full participation from all agencies that comprise this ESF. In such cases, the following agencies that comprise this ESF will transition to RSF below:

Agency	RSF Assignment					
	Community Planning and Capacity Building	Economic	Health/Social Services	Infrastructure Systems	Natural & Cultural Resources	Housing
DCJS	No RSF Assignment					
DEC	X	X	X	X	X	X
DMNA				X		
DOCCS			X	X		
DSP	No RSF Assignment					
MTA	X		X	X		
OPRHP	X			X	X	
PA NY/NJ	X			X		
SUNY		X	X	X		