

REQUESTS FOR CANADIAN ARMED FORCES ASSISTANCE
DOMESTIC PLAYBOOK

EXTERNAL VERSION

DEPARTMENT OF NATIONAL DEFENCE
DIRECTORATE OF WESTERN HEMISPHERE POLICY

DRAFT
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REQUESTS FOR CANADIAN ARMED FORCES (CAF) ASSISTANCE DOMESTIC PLAYBOOK FOR OGD PARTNERS

Introduction

I am pleased to provide to you the “Requests for CAF Assistance Domestic Playbook” that ADM Policy has developed in cooperation with its partners at DND/CAF. The purpose of the Playbook is to provide general information about the procedural, legal, cost recovery and staffing elements associated with various situations in which your department or agency may consider a possible request for CAF assistance. It is designed, primarily, with partners and operators in mind.

While the Domestic Playbook is only a guide, we hope it will help you when managing the request process. I would stress that the Playbook does not provide any authority to initiate, commit, or respond to requests for CAF assistance, nor does it make any conclusions about whether a particular request would be supported, or which authority mechanism should be selected. **Before committing defence resources, the DND/CAF chain of command must consult with appropriate operational, legal, policy and financial advisors, and must obtain proper approvals to provide support.**

I would note that the Domestic Playbook is guided by several considerations which inform the ways in which the Government of Canada deals with natural disasters, emergencies and other exigencies which may require support from the CAF:

1. Public Safety Canada is the lead department in coordinating federal response to natural disasters such as floods, fires, hurricanes, etc.
2. The CAF is the force of last resort for federal response, to be used only when other options have either been exhausted or are not viable given the situation at hand.
3. DND/CAF may cost recover from other federal departments or external entities for certain types of assistance it provides. However, timely response to meet safety and security situations is clearly of paramount concern. In critical situations, the CAF will respond as quickly as possible to approved requests for assistance, with consideration of cost recovery to follow.
4. A “provision of service” under the Provision of Services policy is distinct from CAF assistance provided as a “public service” under the *National Defence Act*, and is done on a cost-recovery basis. Examples of provision of service are numerous and can include such things as ground search and rescue (which is the responsibility of the province or territory), airlift (e.g. repatriation of remains), provision of tents and other military resources to local authorities, medevac services to provincial authorities, support to Canadian defence industry (e.g. use of ranges, training), or ceremonial assistance to provincial governments.

5. The use of CAF resources under public service or provision of service should avoid putting the CAF in competition with the private sector.
6. Finally, the *National Defence Act* and various *Orders-in-Council* provide legal mechanisms for the CAF to provide authorized assistance to federal, provincial, or territorial law enforcement agencies in respect of law enforcement matters. The CAF has provided assistance in numerous instances, most notably counternarcotics operations, illegal migrant vessels, and major security events such as the Vancouver 2010 Olympic Games.

The Domestic Playbook is divided into five tabs, each of which includes information about the basis for the various requests, the requesting authority, the legal authority, the request process, the approval process, cost recovery and the close-out process. Of note, DND/CAF will maintain template request letters for the types of assistance outlined below, which can be provided to OGD partners upon request. The Playbook is organized as follows:

- Tab 1 – Assistance to Law Enforcement Agencies (ALEA) - Federal.
 - Tab 1A ALEA General
 - Tab 1B ALEA Correctional Services Canada
 - Tab 1C ALEA Department of Fisheries and Oceans
 - Tab 1D ALEA RCMP Counter-Drug
 - Tab 1E ALEA RCMP Chemical, Biological, Radiological, Nuclear Explosive
 - Tab 1F ALEA RCMP Domestic Counter-Terrorism
- Tab 2 – Assistance to Law Enforcement Agencies (ALEA) - Provincial
 - Tab 2A ALEA Provincial - Class 1
 - Tab 2B ALEA Provincial - Class 2 and 3
- Tab 3 – Public Service (Disaster Response)
- Tab 4 – Provision of Services
- Tab 5 – Aid of the Civil Power

The Domestic Playbook does not identify all possible or potential contingencies. Requests for CAF assistance that do not fall into categories explicitly identified within this Playbook may follow the general processes Tab 1A (General ALEA) or Tab 3 (Public Service (Disaster Response)). In all cases, DND/CAF must seek legal advice to determine the appropriate legal mechanism for requests that DND/CAF intends to support.

The Domestic Playbook is a living document and will be updated to reflect new legislation, memoranda of understanding, and/or other relevant information as required and will be reviewed on an annual basis. The first review of the Domestic Playbook will occur in February 2015. If in doubt, users are requested to contact DGIS Pol/DWH Pol to clarify that they are using the most up-to-date version of the Playbook.

In all situations where CAF assistance is to be requested, implicated DND/CAF personnel should be informed of the pending request for CAF assistance as early in the

process as possible. Finally, this document is for official use only and should not be shared beyond your department or agency.

Any questions with respect to the Playbook may be directed to Christina Jutzi, Deputy Director, Western Hemisphere Policy, at 995-6637 (Christina.Jutzi@forces.gc.ca).

I hope that this Playbook supports and facilitates the excellent cooperation between your department or agency and DND/CAF. We would welcome your feedback including on how we might improve the Playbook to ensure excellence in our common response to contingencies on behalf of the Government of Canada.

Regards,

A handwritten signature in black ink, appearing to read 'J. Sinclair', with a stylized flourish extending to the right.

Jill E. Sinclair
Assistant Deputy Minister (Policy)
Department of National Defence

Domestic Event/Situation

Support to federal law enforcement authorities.

Tab 1
ALEA, Federal

Tab 1A, General

CSC requests CAF assistance to respond to a disturbance

1B
CSC

DFO requests CAF assistance for surveillance or enforcement activities

1C
DFO

RCMP requests CAF assistance for counter-drug operations

1D
RCMP
Counter-Drug

RCMP requests CAF assistance for CBRNE operations

1E
RCMP
CBRNE

RCMP requests CAF assistance for domestic counter-terror operations

1F
RCMP
Counter-Terrorism

Support to provincial law enforcement agencies.

Tab 2
ALEA, Provincial

CAF assistance (personnel/operational equipment) is requested by provincial authorities in response to a law enforcement situation affecting national interest

2A
Class 1

CAF assistance is requested by provincial authorities in response to a potential disturbance of the peace (non-operational equipment)

2B
Class 2, 3

CAF assistance is requested by provincial authorities (personnel/equipment); there is no disturbance of the peace

CAF assistance is requested in disaster response or humanitarian assistance.

Tab 3
Domestic Disaster Response

A non-defence agency requests a provision of service by DND/CAF.

Tab 4
Provision of Services

CAF assistance is requested in aid of the civil power.

Tab 5
Aid of the Civil Power

Tab 1A: Assistance to Federal Law Enforcement Agencies, General

Type of Assistance or Request	Assistance to Federal Law Enforcement Agencies - General
Impetus	Federal law enforcement authorities determine that they are unable to respond effectively to a law enforcement situation without CAF assistance.
Requesting Authority	The Minister of Public Safety (MPS) or another federal Minister may request CAF assistance through the Minister of National Defence (MND). The Governor in Council can also direct the CAF to act.
Legal Authority	National Defence Act, section 273.6(2)
Request Process	Having the opinion that the situation cannot be effectively dealt with without CAF assistance, and that the assistance is in the national interest, the requesting Minister submits a request for CAF assistance to federal law enforcement under section 273.6(2) of the National Defence Act, verbally or in writing, to the MND. If the request is communicated verbally, a written request must follow as soon as possible. The requesting Ministry is encouraged to work with the DND/CAF Liaison Officer at the regional or national level to determine what capabilities the CAF may be able to provide in order to inform their initial decision making process, and to work with DWH Pol/ADM Pol/DND to frame and prepare the request for assistance. The request should explain that the assistance is in the national interest, and that the matter cannot be effectively dealt with except with the assistance of the CAF.
Approval Process	The Governor in Council, or the Minister of National Defence (at the request of another federal Minister), has the authority to approve requests for CAF assistance under section 273.6(2) of the NDA. The approving authority must be satisfied that the assistance is in the national interest, and that the matter cannot be effectively dealt with except with the assistance of the CAF. The authority of the MND under Section 273.6(2) is subject to any directions issued by the Governor-in-Council.
Cost Recovery	Where the MND is the approving authority, letters are exchanged. The requesting letter sets out what assistance is requested by the Minister of Public Safety or another federal Minister. . This request will reflect discussion between the departments and could include the effect sought, as well as the types of equipment and capabilities. The MND's response letter specifies the assistance that has been approved, and that the CAF is authorized to provide. National Defence intends to capture and recover costs from the requesting agency or department, and this shall be specified in the letter of response from the MND to the MPS or to the requesting Minister. When practicable, DND will estimate costs in advance of deploying CAF elements and advise the requesting authority. In accordance with internal cost factoring formulas, cost recovery will be processed as a Type 1 - Service provided to an OGD, unless it is superseded by an existing MOU. Though the Minister of Public Safety or other requesting Minister may decide to waive costs to the requesting authority, National Defence is mandated to cost-recover for these activities from Public Safety or other requesting Minister in accordance with the Provision of Services Policy (note that there are waiver provisions within the departmental policy).
Close Out Process	The desired end-state is achieved when CAF assistance has been provided in accordance with the MND approval. The request and the MND's response letter should define an end-state to be achieved or an end-date that will trigger the termination of CAF assistance.
Additional Information	The requesting authority should have exhausted all other federal and/or provincial capabilities and/or options before requesting CAF assistance.

Tab 1B: Assistance to Law Enforcement Agencies, CSC

Type of Assistance or Request	Assistance to Federal Law Enforcement Agencies – Corrections Service Canada (CSC)
Impetus	The CSC determines that a disturbance, occurring or likely to occur, is beyond the capacity of penitentiary staff to suppress or prevent.
Requesting Authority	The Minister of Public Safety or the Commissioner of the Correctional Service of Canada may request CAF assistance pursuant to Order-in-Council (OIC)1975-131. The Minister of Public Safety (MPS) may also submit a request pursuant to section 273.6(2) of the National Defence Act.
Legal Authority	National Defence Act 273.6(2); Order-in-Council 1975-131 (Penitentiary Assistance Order).
Request Process	For requests made under the OIC, and having determined that the situation is beyond the powers of the penitentiary staff to suppress or prevent, the Minister of Public Safety (MPS) or the CSC Commissioner submits a formal request to the CDS for CAF assistance in suppressing, preventing or otherwise dealing with the situation occurring or likely to occur and that is beyond the powers of the penitentiary staff to suppress or prevent. The request may be made verbally or in writing, but if made verbally shall be confirmed in writing as soon as possible. When a request is made under NDA s. 273.6(2), the MPS submits a request, in writing or verbally, to the MND (MPS does not submit this request directly to the CDS). If the request is submitted verbally, a written request must follow as soon as possible. When the request is submitted under NDA s. 273.6(2), the MND or Governor in Council must be satisfied that CAF assistance is in the national interest and the matter cannot be effectively dealt with except with the assistance of the CAF. CSC and/or MPS are encouraged to work with the DND/CAF Liaison Officer at the national and regional levels to initially determine what capabilities the CAF may be able to provide in order to inform their initial decision making process, and with DWH Pol/ADM Pol/DND to frame and prepare the request for assistance.
Approval Process	For a request submitted pursuant to the OIC, the CDS must dispatch a military force of CAF personnel when requested to determine the strength, composition, arms and equipment of the force. For a request pursuant to NDA s. 273.6(2), the MND or Governor in Council has approval authority (process outlined in ALEA - General).
Cost Recovery	Whether CAF support is provided pursuant to the OIC or pursuant to NDA s. 273.6(2), Defence will recover costs. Correspondence between the MND and MPS or between CSC Commissioner and CDS identifying the assistance to be provided to Correctional Services will specify cost recovery by DND. Where practicable, DND will estimate costs in advance of deploying CAF elements, and advise the requesting authority of the cost. Cost recovery will be processed using a Type 2 – Service cost factoring from the Provision of Services Policy as a guide and will be done in compliance with an Act, Regulation or Agreement.
Close Out Process	The request, whether from MPS or CSC Commissioner, should clarify the specific tasks for which CAF support is required. CAF support provided under the OIC is generally limited to external perimeter security to prevent the unlawful entrance or exit of persons to and from the penitentiary. If time permits, authorization from the CDS shall be sought before any assistance beyond perimeter security is provided. Authorization can only be given by the CDS with the concurrence of the Solicitor General (now the Minister of Public Safety) or the Commissioner of CSC. CAF support provided in response to a request under NDA 273.6(2) will be specified by the MND in his response letter to the MPS. The provision of assistance expires when CAF support is no longer required, as determined by both CSC and DND/CAF.
Additional Information	The headquarters of the regional CAF Joint Task Forces maintain contingency plans for the provision of assistance to the federal prisons within each region, and liaise with regional Correctional Service of Canada authorities regularly. The requesting authority should have exhausted all other federal and/or provincial capabilities and/or options before requesting CAF assistance.

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Tab 1C: Assistance to Law Enforcement Agencies, DFO

Type of Assistance or Request	Assistance to Federal Law Enforcement - Department of Fisheries and Oceans (DFO)
Impetus	The DFO determines that it requires support from the CAF for surveillance or enforcement activities in waters of Canadian jurisdiction and those where Canada has international fishing rights or commitments.
Requesting Authority	The Minister of Fisheries and Oceans (MFO).
Legal Authority	CAF assistance to DFO is generally provided for within the Memorandum of Understanding (MOU) between DND and DFO. However, if CAF support is required for enforcement activities against a resisting vessel (foreign or Canadian), a request must be made by MFO to MND pursuant to NDA s. 273.6(2). The Governor-in-Council may also provide direction. If the suspected violator is a foreign ship, DND will engage the Department of Foreign Affairs and International Trade (DFATD) as well.
Request Process	For CAF assistance to a DFO enforcement action against a resisting vessel (foreign or Canadian), and having exhausted all other federal/provincial capabilities and/or other available options, the MFO submits a letter of request to the MND. The request must explain that the assistance is in the national interest and that the matter cannot be effectively dealt with except with the assistance of the CAF. The request should also clarify the specific tasks for which CAF support is required and the time period during which these tasks are to be assumed by the CAF. If the request is communicated verbally, a written request must follow as soon as possible. DFO is encouraged to work with the DND/CAF Liaison Officer to determine if and when CAF assistance is required, and to frame and prepare the request for assistance.
Approval Process	The MND has the authority to approve requests for CAF assistance under section 273.6(2) of the NDA. For requests made under s. 273.6(2), the MND must be satisfied that the assistance is in the national interest, and that the matter cannot be effectively dealt with except with the assistance of the CAF. If the suspected violator is a foreign ship, DFATD must be involved in the review/approval process as well. The Governor-in-Council may also provide direction. Requests that fall under the DND-DFO MOU should be processed in accordance with the MOU.
Cost Recovery	The MND letter of response to DFO shall specify that DND/CAF will capture costs and recover costs of the assistance. Where practicable, DND/CAF will estimate costs in advance of deploying CAF elements, and advise the requesting authority of these costs. Cost recovery for services included in the MOU will be covered by the provisions of the MOU. Services outside of the mandate of the MOU will be processed as Type 1 - Services provided to OGDs.
Close Out Process	CAF assistance terminates as soon as the situation/incident becomes manageable by the responsible civil authorities, or at a time/date pre-determined by the MND in consultation with the requesting authority.
Additional Information	Requests that fall under the DND-DFO MOU should be processed in accordance with the MOU.

Tab 1D: Assistance to Law Enforcement Agencies, RCMP Counter-Drug

Type of Assistance or Request	Assistance to Federal Law Enforcement Agencies – Royal Canadian Mounted Police (RCMP) Counter-Drug
Impetus	It is determined by the appropriate RCMP and Public Safety (PS) authorities that the RCMP cannot effectively deal with a counter-drug operation without the assistance of the CAF. It is further determined that the provision of support does not fall within the mandate of the existing MOU between DND and the RCMP (for example, requests for CAF support to RCMP interdiction operations in international waters).
Requesting Authority	The Minister of Public Safety (MPS).
Legal Authority	National Defence Act, section 273.6(2).
Request Process	<p>For CF assistance to RCMP counter drug law enforcement operations that are not within the scope of the MOU, the Commissioner will ask the MPS to seek the approval of the MND on a case-by-case basis pursuant to the section 273.6(2) of the National Defence Act. On these occasions, as appropriate, the Commissioner will request that the MPS consult with the Minister of Foreign Affairs on the intent to conduct such operations. In addition, in these cases, the RCMP will make all reasonable efforts to ensure that the Department of Foreign Affairs, Trade and Development (DFATD) officials are consulted as soon as practicable and in advance of the Ministerial consultation.</p> <p>Having exhausted all other federal and/or provincial capabilities and/or available options, the MPS will submit a request for CAF assistance, verbally or in writing, to the Minister of National Defence (MND) or the Governor-in-Council under section 273.6(2) of the National Defence Act. If the request is made verbally, a written request will follow as soon as possible. For actions with international implications, such as interdiction actions beyond the Canadian territorial sea), the responsibility for consulting the Minister of Foreign Affairs (MINA) remains with supported authorities. It is the responsibility of the RCMP Commissioner to request that the MPS consult MINA, and to make all reasonable efforts to ensure that DFATD officials are consulted prior to Ministerial level consultations.</p> <p>PS is encouraged to work with the DND/CAF Liaison Officer at the national and regional levels to initially determine what capabilities the CAF may be able to provide to inform their initial decision making process, and with ADM Pol/ DWH Pol and DND/SJS to frame and prepare the request for assistance.</p>
Approval Process	Under the process set out in the MOU, the MND has the authority in these situations to approve requests for CAF assistance under section 273.6(2) of the NDA. The MND must be satisfied that the assistance is in the national interest, and that the matter cannot be effectively dealt with except with the assistance of the CAF.
Cost Recovery	<p>The MOU sets out the details of support, including recovery of CAF costs, invoicing procedures and departmental cost reimbursement methodology.</p> <p>For CAF support that falls outside the MOU, consideration should be given to whether the cost recovery provisions of the MOU will suffice, or whether a more robust cost recovery should be made. Correspondence between the MPS and MND shall detail the DND cost recovery position.</p> <p>If a more robust cost recovery is required, it will be processed using a Type 1 – Service cost factoring from the Provision of Services Policy as a guide and will be done in compliance with an Act, Regulation or Agreement.</p>
Close Out Process	CAF assistance terminates as soon as the situation/incident becomes manageable by the responsible civil authorities, or at a time/date pre-determined by the MND, in consultation with the requesting authority.
Additional Information	Requests that fall under the DND-RCMP MOU for counter-narcotics operations should be processed in accordance with the MOU.

Tab 1E: Assistance to Law Enforcement Agencies, RCMP CBRNE

Type of Assistance or Request	Assistance to Law Enforcement Agencies (ALEA) – Royal Canadian Mounted Police (RCMP) CBRNE
Impetus	The RCMP requires CAF assistance in response to a criminal or terrorist CBRNE incident.
Requesting Authority	The Minister of Public Safety (MPS).
Legal Authority	National Defence Act, section 273.6(2). Pursuant to section 273.6(2) of the <i>NDA</i> , a Memorandum of Understanding (MOU) between the CAF and the RCMP has been established to facilitate the provision of CAF assistance to the RCMP in CBRNE response within Canada.
Request Process	Requests for CAF assistance within the scope of the DND/RCMP MOU should follow the process outlined in that MOU (within which the Assistant Commissioner Technical Operations/RCMP may request CAF assistance directly to CJOC verbally, or in writing, noting that a written request will follow any verbal request as soon as possible). Any requests falling outside the MOU must be the subject of a separate request to the Minister of National Defence (MND), following the process outlined in ALEA-General. The RCMP is encouraged to work with the DND/CAF Liaison Officer at the national and regional levels to determine what capabilities the CAF may be able to provide in order to inform their initial decision making process, and with DWH Pol/ADM Pol/SJS to frame and prepare the request for assistance.
Approval Process	In accordance with the MOU, the MND may receive requests for assistance beyond the parameters of the MOU. In such cases, the approval process outlined in ALEA-General will be followed.
Cost Recovery	DND/CAF intends to capture and recover costs. Cost recovery for assistance provided within the scope of the existing MOU will be processed under the Provision of Services (PoS) Policy as a Type 2 - Service provided in compliance with an Act, Regulation or agreement. Services beyond the parameters of the MOU will be processed as Type 1 - Services provided to OGDs.
Close Out Process	CAF assistance terminates on completion of service. CAF assistance normally ends when the law enforcement agency no longer requires assistance or in accordance with the pre-determined date specified by the MND.
Additional Information	Requests that fall under the DND-RCMP CBRNE MOU should be processed in accordance with that MOU.

Tab 1F: Assistance to Law Enforcement Agencies - RCMP Terrorism, Domestic

Type of Assistance or Request	Armed Assistance to Federal Law Enforcement Agencies - Royal Canadian Mounted Police (RCMP), Terrorism - Domestic
Impetus	It is determined by federal law enforcement and/or Public Safety (PS) officials that federal law enforcement authorities require Canadian Armed Forces (CAF) assistance in support of counter-terrorism operations in Canada.
Requesting Authority	The RCMP Commissioner may request that the CDS pre-position military forces; the Minister of Public Safety (MPS) may request that the MND authorize actual employment.
Legal Authority	Order-in-Council (OIC) P.C. 1993-634, Canadian Forces Armed Assistance Directions (CFAAD). CAF support to RCMP counter-terrorism operations may also be authorized under the National Defence Act, section 273.6(2), as outlined in ALEA-General.
Request Process	The RCMP Commissioner may, where satisfied that the RCMP is or may be unable to deal effectively with a disturbance of the peace affecting national interest that is occurring or may occur, direct a request to the Chief of Defence Staff (CDS) for the domestic pre-positioning of military forces in anticipation of a possible request for the provision of armed assistance. The Minister of Public Safety, where satisfied that the RCMP is or may be unable to deal effectively with a disturbance of the peace, may submit a request to the MND, verbally or in writing, for the provision of armed assistance to the RCMP for the purpose of assisting in suppressing, preventing or otherwise dealing with a situation under CFAAD. If the request is communicated verbally, a written request must follow as soon as possible. The RCMP and/or the Minister of Public Safety are encouraged to work with the SJS, CJOC and CANSOF LO to determine if and when CAF assistance is required, and to work with ADM Pol/DWH Pol and DND/SJS to frame and prepare the request for assistance.
Approval Process	Pursuant to OIC P.C. 1993-634, the CDS has the authority to approve and direct the positioning of military forces in anticipation of a possible request, and will determine the strength, composition, arms and equipment of this military force, and any changes there to. The MND has the authority to approve CAF support to the RCMP. Before the CAF on-scene commander takes action to deal with the disturbance, the RCMP Critical Incident Commander must determine that police resources are unable to deal with the disturbance, and request the assistance of the CAF on-scene commander. The request letter must identify what CAF assistance is required. The CDS or MND response letter (depending on the legal authority under which the request for assistance is made), will set out the assistance that has been approved and that the CAF is directed to provide.
Cost Recovery	Letters are exchanged setting out the assistance requested and the assistance that has been approved. The CDS or MND letter responding to the request for assistance (depending on the legal authority under which the request for assistance is made), shall note that DND/CAF will capture and recover costs of the assistance. When practicable, DND/CAF shall estimate costs in advance of providing services and advise the requesting authority. In cases where time does not permit a cost estimate in advance of providing services, costs should be identified to the requesting authority as soon as possible. In accordance with the Provision of Services (PoS) policy, cost recovery will be processed as a Type 1 - Service provided to an OGD.
Close Out Process	CAF assistance terminates as soon as the incident site can be handed back to RCMP control, or at a time/date pre-determined by the MND, in consultation with the requesting authority.
Additional Information	Canadian Armed Forces Assistance Direction (CFAAD) establishes the procedures for the request and provision of armed assistance by the CAF to the RCMP to resolve disturbances of the peace affecting the national interest. CFAAD is used as the legal authority for critical incident/counter-terror operations where a full handover of an incident site from the RCMP to the CAF for incident resolution is considered. CAF support related to terrorism or national security matter may also be requested under NDA s. 273.6(2). The requesting authority should have exhausted all other federal and/or provincial capabilities and/or options before requesting CAF assistance. CAF personnel remain under the command of the CAF chain of command throughout any assistance operation. Overall responsibility for the critical incident response and follow-on activities such as

Tab 1F: Assistance to Law Enforcement Agencies - RCMP Terrorism, Domestic

	<p>consequence management remain with the RCMP at all times – temporary control of the incident site is handed over to the on-scene military commander for purposes of incident resolution, and then is handed back to the RCMP.</p> <p>Conditions for handover / handback are mutually agreed and recorded between the on-scene police and military commanders based on the tactical situation.</p> <p>CAF assistance terminates when the incident site is handed back to RCMP control.</p>
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Tab 2A: Assistance to Law Enforcement Agencies, Provincial Class 1

Type of Assistance or Request	Assistance to Provincial Law Enforcement Agencies - Class 1
Impetus	Provincial or territorial law enforcement authorities determine that they are unable to respond effectively to an occurring or potential disturbance of the peace that affects or is likely to affect the national interest without Canadian Armed Forces (CAF) assistance in the form of personnel and/or operational equipment.
Requesting Authority	The Provincial/ Territorial Minister responsible for policing submit a formal request to the Minister of Public Safety (MPS) for CAF assistance, including CAF personnel and/or operational equipment. The MPS then submits a letter to Minister of National Defence (MND) requesting CAF assistance.
Legal Authority	Order-in-Council (OIC) P.C. 1996-833, Canadian Forces Assistance to Provincial Police Forces Directions (CFAPPPD). Alternatively, a request to the MND may be submitted by another federal minister pursuant to section 273.6(2) of the National Defence Act (NDA).
Request Process	If using the CFAPPPD, the provincial and territorial police forces must first seek other sources of support including inter-provincial policing arrangements and the private sector, as well as in the federal government – such as the RCMP – before CAF resources are sought. CAF assistance should only be considered as a last resort. The Provincial/Territorial Minister will be responsible for submitting a request to the MPS. If MPS and MND are satisfied that disturbance of peace affects or is likely to affect the national interest and disturbance cannot be effectively dealt with, the MPS will submit a request to the MND, verbally or in writing, for CAF assistance. If the request is communicated verbally, a written request must follow as soon as possible. The requesting authority is encouraged to work with the Department of National Defence (DND)/CAF Liaison Officer at the national and regional levels to determine what capabilities the CAF may be able to provide in order to inform their initial decision making process, and with ADM Pol/DWH Pol and DND/SJS to frame and prepare the request for assistance, as well as any use of force expectations and direction.
Approval Process	The MND has the authority to approve requests for CAF assistance submitted pursuant to NDA s. 273.6(2) and to OIC PC 1996-833 (CFAPPPD), which includes class 1 requests for assistance to provincial/territorial law enforcement. The MND and MPS must be satisfied that the disturbance of the peace affects or will affect the national interest; that the disturbance cannot be effectively dealt with by local forces; that CAF support is in the national interest; and, that the matter cannot be effectively dealt with except with the assistance of the CAF. Pursuant to OIC P.C. 1996-833- CFAPPPD, the Chief of the Defence Staff (CDS), or other such officer as he may designate, is responsible to determine the strength, composition, arms and equipment of the military force provided in response to the request.
Cost Recovery	The MND letter responding to the request for assistance shall note that DND/CAF will capture and recover costs of the assistance. Costs will be estimated by DND in advance of deploying CAF elements and the requesting authority should be advised of the estimated cost. In accordance with the Provision of Services (PoS) policy, cost recovery will be processed as a Type 4 - Service provided to meet any other request for service.
Close Out Process	CAF assistance terminates on completion of assistance. Normally, CAF assistance terminates as soon as the situation/incident becomes manageable by the responsible civil authorities, or at a time/date pre-determined by the MND, in consultation with the requesting authority.
Additional Information	The general management of the response at the site of a disturbance of the peace shall remain under the control of the appropriate police force. CAF personnel will not act as Peace Officers. The On Scene Commander may, rule of engagement dependant, take any action deemed necessary to assist the police force in preventing, suppressing or otherwise dealing with the disturbance of the peace. CAF assistance is a tool of last resort. Provincial police forces should look to inter-police cooperation with other provincial/municipal forces or the RCMP first.

Tab 2B: Assistance to Law Enforcement Agencies, Provincial Class 2&3

Type of Assistance or Request	Assistance to Provincial/ Territorial Law Enforcement Agencies - Class 2 & 3
Impetus	Class 2 - Provincial or territorial law enforcement authorities request Canadian Armed Forces (CAF) assistance in a situation where a disturbance of the peace is occurring or may occur and where only non-operational equipment is requested. Class 3 - Provincial or territorial law enforcement authorities request CAF assistance in a situation where there is no potential for disturbance of the peace, and where the support is in the form of CAF personnel and/or operational or non-operational equipment.
Requesting Authority	A senior official from the requesting agency who is authorized to enter into a service agreement with the CAF from a legal and financial point of view (ie. Chief of Police) may request CAF assistance. Usually, letters are used to formalize the arrangement as opposed to formal service agreements.
Legal Authority	Order-in-Council (OIC) P.C. 1996-833, Canadian Forces Assistance to Provincial Police Forces Directions (CFAPPPD). DND Provision of Services (PoS) policy.
Request Process	Provincial and territorial police forces should be encouraged to use inter-police cooperation and their ability to share resources to minimize any need for federal assistance. Other sources of support in the federal government – such as the RCMP – should be considered before CAF resources are sought. CAF assistance should only be considered as a last resort and should not interfere with the primary mandate of the CAF. Having explored and exhausted other options, a senior official from the requesting agency submits a request, verbally or in writing, for CAF assistance to the operational-level headquarters in the affected area. If the request is communicated verbally, a written request must follow as soon as possible. The requesting authority is encouraged to work with the DND/CAF Liaison Officer and the CAF regional Task Force Commander or his representative to prepare the request for the provision of services.
Approval Process	Class 2 & 3 requests for assistance from a law enforcement authority are considered provision of services. Authority to approve such requests has been delegated to the operational level commander.
Cost Recovery	The law enforcement agency must be advised that cost capture and recovery will be made against them. Costs must be estimated in advance of providing services and the requesting authority should be advised of the estimated cost. In accordance with the Provision of Services (PoS) policy, cost recovery will be processed as a Type 4 - Service provided to meet any other request for service.
Close Out Process	CAF assistance terminates on completion of service.

Tab 3: Public Service (Domestic Disaster Response)

Type of Assistance or Request	Public Service (Domestic Disaster Response)
Impetus	Canadian Armed Forces (CAF) assistance is requested in disaster response not involving law enforcement assistance.
Requesting Authority	Depending upon the nature and scale of CAF assistance requested, the following may request CF assistance: (a) the provincial/ territorial Minister responsible for Public Safety - or his designated representative, such as the Director of the Emergency Management Organization (b) The Minister of Public Safety (MPS). Though most CAF assistance will result from a request, CAF assistance may also flow from authorization from the Governor in Council or the Minister of National Defence (MND).
Legal Authority	Smaller-scale requests are supported through the Provision of Services (PoS) policy. Requests for larger-scale CAF support may be considered a "public service" and made under the National Defence Act (NDA) s. 273.6(1).
Request Process	(a) For a small-scale request for CAF support, the Regional JTF Commander receives the request for support from the Provincial/Territorial Minister or his designated representative, if a provision of services. The requesting authority should have exhausted all other provincial and/or territorial capabilities and/or available options. The requesting authority is strongly encouraged to seek assistance from the DND/CAF Liaison Officer in preparing the letter of request. (b) For a large-scale request for CAF support under NDA s. 273.6 (1), the provincial authority submits a request to Public Safety; MPS evaluates the request and, if CAF assistance is required, MPS then submits a request to the MND. If the request is communicated verbally, a written request must follow as soon as possible. The requesting authority is encouraged to work with the DND/CAF Liaison Officer at the national and regional levels to initially determine what capabilities the CAF may be able to provide in order to inform their initial decision making process, and with ADM Pol/DWH Pol and DND/SJS to frame and prepare the request for assistance.
Approval Process	For requests made under the Provision of Services Policy (PoS), approval authority has been delegated by the MND to various levels of authority in accordance with the DND/CAF PoS manual. For requests made under NDA s. 273.6(1), the MND has the authority to approve CAF assistance.
Cost Recovery	Correspondence with the requesting authority should specify cost recovery plans. Costs must be estimated in advance of providing services and the requesting authority should be advised of the estimated cost. In accordance with the PoSpolicy, if the request is received at the federal level (ie. through MPS), cost recovery will be processed as a Type 1 - Service provided to OGDs. If the request is received from a provincial/territorial/local authority, cost recovery will be processed as a Type 4 - Service provided to meet any other request for service. DND will capture all incremental costs associated with services provided and recover those costs from the requesting department or agency.
Close Out Process	CAF assistance terminates as soon as the situation/incident becomes manageable by the responsible civil authorities, or at a time/date pre-determined by the MND, in consultation with the requesting authority.
Additional Information	In all situations, the CAF operates in support of provincial/territorial emergency management organizations. According to the Federal Emergency Response Plan, Public Safety coordinates the GoC response to natural disasters within Canada.

Tab 4: Provision of Services

Type of Assistance or Request	Provision of Services
Impetus	An OGD/non-defence agency requests a provision of services (PoS) by DND or the CAF.
Requesting Authority	A representative of an OGD/non-defence agency with the authority, legally and financially, to enter into PoS agreement with DND/CAF.
Legal Authority	DND Provision of Services (PoS) policy.
Request Process	Requests for CAF provision of services support may be received at any level and may involve the proposed use or employment of a wide range of DND or CAF personnel and resources, including infrastructure. Authority to provide service has been delegated by the MND in the PoS policy. Annex C of the PoS policy identifies the authorities who may charge less than recoverable cost. The requesting authority is encouraged, where appropriate, to seek assistance from the approval authority in preparing the letter of request.
Approval Process	The PoS policy contains conditions that must be followed before a CAF service is provided. Authority to provide service has been delegated by MND to the approving authorities identified in annex C of the PoS policy.
Cost Recovery	The requesting authority must be advised that costs will be captured and recovered from them. When a service is provided, DND will charge the recoverable cost calculated in accordance with section 4 of the policy. Costs may be estimated in advance of providing services and the requesting authority should be advised of the estimated cost. The written agreement will provide for reimbursement of all recoverable costs, as determined in accordance with the DND PoS policy. In accordance with the PoS policy, cost recovery will be processed as a Type 4 - Service provided to meet any other request for service.
Close Out Process	All services to will be provided under a written agreement and CAF assistance will terminate in accordance with the timelines and/or conditions identified in this agreement.
Additional Information	A sample of activities for which it is appropriate for DND/CAF to provide support is listed in annex B of the DND PoS. In emergency situations a verbal agreement can be made, followed by a written agreement formalizing the PoS shall be completed as soon as possible. DND/CAF shall ensure the requester is aware of DND's intent to charge and the approximate cost. DND/CAF shall ensure that the requesting entity agrees to pay for the services provided.

Tab 5: Aid of the Civil Power

Type of Assistance or Request	Aid of the Civil Power
Impetus	The provincial Attorney General determines that a riot or disturbance of the peace is either occurring or is likely to occur, and that the event is beyond the powers of civil authorities to suppress, prevent or otherwise deal with.
Requesting Authority	The Attorney General of the province in which the riot or disturbance is occurring.
Legal Authority	Part VI, National Defence Act (NDA) s 274 to 285.
Request Process	Having determined that a riot or disturbance of the peace is occurring or likely to occur, and that the event is beyond the powers of civil authorities to suppress, prevent or otherwise deal with, the Attorney General of the affected province submits a requisition in writing to the Chief of Defence Staff (CDS) requiring the Canadian Armed Forces (CAF) to be called out. For CAF operational reasons, provincial authorities should be encouraged to consult with the DND/CAF Liaison Officer or CJOC to determine if and when CAF assistance is required, and, if proceeding as a requisition for Aid of the Civil Power, to frame and prepare the requisition.
Approval Process	Subject to any directions from the Minister of National Defence (MND), and in consultation with the Attorney General of the affected province and the Attorney General of any other province that may be affected, the CDS shall call out such elements of the CAF as are necessary to effectively respond to the situation.
Cost Recovery	The cost should be estimated in advance of deploying CAF elements. In accordance with the Provision of Services (PoS) policy, cost recovery will be processed as a Type 2 - Service provided in compliance with an Act, Regulation or Agreement. The costs occasioned by the calling out of the CAF and the services rendered by the CAF are paid out of the Consolidated Revenue Fund under the authority of the Governor in Council (pursuant to section 285 of the NDA). Costs are not recaptured from the province.
Close Out Process	CAF members called out in Aid of the Civil Power will remain on duty in such strength as the CDS deems necessary until such time as the CAF are no longer required, as determined by the provincial Attorney General.
Additional Information	When CAF members are called out for service in Aid of the Civil Power, they have the powers and duties of constables so long as they remain called out. They also have the powers and protections of peace officers (section 2 of the Criminal Code). CAF members serving in Aid of the Civil power must act as a military body and will remain individually liable to obey orders of superior officers. All CAF members of the Regular Force are liable to serve in Aid of the Civil Power. Members of the Reserve Force cannot be obligated to serve without their consent.