



OFFICE OF THE INSPECTOR GENERAL

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DOJ OIG Releases Review of the Department of Justice's Preparedness to Respond to Critical Incidents Under Emergency Support Function 13

Department of Justice (DOJ) Inspector General Michael E. Horowitz announced today the release of a report assessing the DOJ's preparedness to respond to critical incidents under the National Response Framework's Emergency Support Function 13 (ESF-13), which covers public safety and security. Under ESF-13, DOJ is the primary agency responsible for coordinating federal public safety and security assistance to state, local, tribal, territorial, and other governmental organizations overwhelmed by the results of an actual or anticipated natural or manmade disaster, including terrorist attacks. DOJ has designated the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) as its lead coordinating agency for ESF-13.

The DOJ Office of the Inspector General (OIG) found that the DOJ has taken steps to improve its preparedness to respond during an ESF-13 activation, including some identified in a 2010 OIG review examining the DOJ's preparation to respond to incidents involving a weapon of mass destruction. For example, DOJ has created and staffed an ESF-13 National Coordination Center, developed a national operations plan, and increased its coordination with other federal law enforcement agencies.



Mobile Command Center vans from the DEA, USMS, and FBI provide vital communications during Hurricane Harvey support, 2017.

Source: FBI

However, today's report identifies several areas in need of further improvements to ensure that DOJ is prepared to respond effectively during an ESF-13 activation, including:

- **Unclear and incomplete policies and guidance have led to overlapping critical incident response roles and responsibilities.** During a critical incident, the Attorney General may deploy a Senior Federal Law Enforcement Official (SFLEO), typically from the FBI, to

oversee emergency responses by law enforcement agencies. We found that the DOJ lacks policies establishing the SFLEO's role and mission, as well as coordination efforts with ESF-13 response when both are deployed. We also found that the FBI's SFLEO Deployment Plan largely duplicates the responsibilities and functions designated to ATF under ESF-13. As described in today's report, these issues created delays and confusion during the initial hours of the 2017 Hurricane Harvey response.

- **ESF-13 funding and staffing has limited the program's growth.** We found that the DOJ's funding policies for ESF-13 has limited the program's ability to purchase equipment, address future needs, and prepare for and respond to future critical incidents. We also found that the DOJ's ESF 13 staffing policies do not address potential competing priorities among DOJ's law enforcement components when responding to critical incidents, or how staffing expectations might be affected by multiple, simultaneous disaster declarations.
- **DOJ must increase the situational awareness and ESF-13 program knowledge of Federal Law Enforcement Officers and ESF-13 support agencies responding to critical incidents.** We found that during the 2017 hurricane season, Federal Law Enforcement Officers who were deployed in support of the ESF-13 program lacked situational awareness of the disaster area, information on the equipment needed to accomplish their mission, and knowledge of the scope and application of their legal authorities. We also found that ESF-13 support agencies lacked knowledge of the ESF-13 program, which created misconceptions about the missions their officers could perform while supporting ESF-13. Improving these officers' situational awareness prior to their arrival at a disaster area, and providing the officers and ESF-13 support agencies with a better understanding of the ESF 13 program itself, would improve their effectiveness during ESF-13 activations.

Today's report makes seven recommendations to help the Justice Department and ATF prepare for and respond to future critical incidents. DOJ and ATF concurred with their respective recommendations.

Report: Today's report is available on the OIG's website under "Recent Reports" and at the following link: <https://oig.justice.gov/reports/2020/e20025.pdf>.

Video: To accompany today's report, the OIG has released a 2-minute video featuring the Inspector General discussing the report's findings. The video and a downloadable transcript are available at the following link: <https://oig.justice.gov/multimedia/video-02-11-20.htm>.

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