

APPENDIX 7
(SOUTH CAROLINA CIVIL DISTURBANCE PLAN)
TO THE SOUTH CAROLINA EMERGENCY OPERATIONS PLAN

I. INTRODUCTION

- A. Civil disturbances are public crises that occur with or without warning and may adversely affect significant portions of the population of South Carolina.
- B. There may be situations when local, and possibly even State, law enforcement resources are inadequate to protect the lives and property of citizens or to enforce the criminal code.
- C. The State's response will be closely coordinated with local officials and law enforcement agencies.

II. PURPOSE

Establishes operating responsibilities and procedures to ensure preparedness and orderly activation of State resources in response to a Civil Disturbance situation, which may go beyond local capabilities.

III. CONCEPT OF OPERATIONS

- A. South Carolina Law Enforcement Division (SLED) is the lead State Agency responsible for coordination of state law enforcement resources in a civil disturbance and is the lead State Agency responsible for coordinating law enforcement assistance utilizing state and local resources, to include the National Guard while it remains under State authority.
- B. The Chief of SLED is the Governor's designated representative in a civil disturbance situation through on-site liaison with law enforcement authorities and by facilitating communications between the Governor and law enforcement authorities.
- C. South Carolina Emergency Management Division (SCEMD) is the agency responsible for coordination of the State's non-law enforcement resources.
- D. In accordance with the MOU between SLED and the South Carolina Department of Public Safety (SCDPS) [see Annex 9 (Memorandum of Understanding between the South Carolina Law Enforcement Division and the South Carolina Department of Public Safety) to Attachment D (MOUs, MOAs, and Other Agreements) to the South Carolina Emergency Operations Plan (SCEOP)], SCDPS will develop, maintain and publish, to appropriate state agencies, a comprehensive Civil Emergency/Civil Disobedience Standard Operating Procedure (SOP) for the State's response.
- E. If it appears the requirements to respond to the situation may exceed the State's capabilities or resources and federal assistance is needed, SCEMD, in consultation

with the Chief of SLED, the SC Attorney General and the State Adjutant General, shall prepare a letter for the Governor's signature, through the US Attorney General, to the President of the United States requesting federal law enforcement assistance.

- F. SCEMD may also prepare a request for a Presidential Declaration of Emergency or Disaster for the Governor's signature.
- G. State agencies with law enforcement personnel are encouraged to maintain updated plans providing for the training, and the immediate mobilization and deployment of their law enforcement resources during civil disturbance situations.
- H. Requests for support for local law enforcement and for military support for law enforcement missions will be forwarded to the Chief of SLED, or his designee, for action.

IV. RESPONSIBILITIES

A. South Carolina Law Enforcement Division

- 1. Coordinate state law enforcement support (i.e., law enforcement, personnel, situation assessment, and on-site communications) to local law enforcement authorities in response to a civil disturbance.
- 2. Encourage and assist local law enforcement agencies in the development of mutual aid agreements.
- 3. Collect and review intelligence information as it pertains to civil disturbance throughout the state.
- 4. Maintain internal procedures to ensure proper communications are maintained between local law enforcement and the State Emergency Operations Center (SEOC) during civil disturbances.
- 5. Maintain liaison with the Governor, federal and state agencies, and local law enforcement officials in order to achieve close coordination of planning and operations in troubled areas.

B. South Carolina Emergency Management Division

- 1. Ensure preparedness and activation of the SEOC and State Emergency Response Team (SERT) when required.
- 2. Develop and coordinate the Executive Order for declaration of a State of Emergency as needed or requested.
- 3. Coordinate non-law enforcement state resources in support to a response to civil disturbance.

4. Maintain liaison with appropriate agencies at the state and federal level.
- C. SC Department of Public Safety
1. Develop, maintain and publish, to appropriate state agencies, a comprehensive Civil Emergency/Civil Disobedience Standard Operating Procedure (SOP) for the State's response.
 2. Maintain, train, and equip an adequate number of troopers to provide a response to Civil Emergencies or Civil Disobedience for the State of South Carolina.
 3. Identify, train, and assign personnel to staff and support ESF-13 (Law Enforcement) during periods of activation.
 4. Provide communications, equipment, personnel, traffic control, and security.
 5. Provide Civil Emergency Response Team (CERT) and Advanced Civil Emergency Response Team (A-CERT), as required.
- D. SC Department of Corrections
1. Maintain liaison with local corrections officials.
 2. Maintain plans and resources for transporting prisoners.
 4. Identify, train, and assign personnel to staff and support ESF-13 (Law Enforcement) during periods of activation.
 5. Provide communications, equipment, personnel and security.
- E. SC National Guard
1. Maintain an updated civil disturbance response plan and liaison with SCEMD.
 2. Provide personnel and equipment to support operations.
 3. South Carolina National Guard (SCNG) forces activated to State Active Duty (SAD/Title 32) by the Governor may be deployed on a mission-by-mission basis to assist in the protection of life, property, and maintenance of law and order.
 4. SGNG forces conducting Defense Support of Civilian Law Enforcement Agencies missions will be utilized with, or accompanied by, representatives of law enforcement agencies.

5. National Guard forces activated under Title 10, and Active Component forces, are prohibited from participating in Law Enforcement missions by the Posse Comitatus Act (18 U.S.C. §1385).
- F. SC Department of Natural Resources, Division of Law Enforcement
1. Identify, train, and assign personnel to staff and support ESF-13 (Law Enforcement) during periods of activation.
 2. Provide communications, equipment, personnel and security.
- G. SC Department of Probation, Parole, and Pardon
1. Identify, train, and assign personnel to staff and support ESF-13 (Law Enforcement) during periods of activation.
 2. Provide equipment, communications, and personnel.
- H. Human Affairs Commission
- Maintain plans to insure liaison with appropriate local, state and federal agencies and with affected community representatives in identifying and preventing potential problems in responding to actual civil disturbances.

V. FEDERAL ASSISTANCE

- A. There may be situations when state and local law enforcement resources are inadequate to protect the lives and property of citizens or to enforce the criminal code. In those cases, the Chief Executive of the State may submit an application to the Attorney General of the United States to request emergency federal law enforcement assistance.
- B. The Attorney General will approve or disapprove the application no later than 10 days after receipt.
- C. If the application is approved, federal law enforcement assistance may be provided to include equipment, training, intelligence and personnel.
- D. In the event a serious law enforcement emergency or civil disturbance constitutes an insurrection against the government of South Carolina, the State Legislature or the Governor, if the Legislature cannot be convened, may request, through the Attorney General of the United States, the President, in accordance with 10 U.S.C §331-335, call into federal service National Guard of other states and use the Armed Forces as may be necessary to end the emergency or suppress the disturbance.
- E. In the event a serious law enforcement emergency or civil disturbance makes impractical or otherwise hinders the enforcement of the laws of the United States

and/or deprives any part of South Carolina's population of Constitutional rights and privileges, the President, in accordance with 10 U.S.C §331-335, may call into federal service National Guard of other states and use the Armed Forces as may be necessary to end the emergency or suppress the disturbance.