



CHIEF NATIONAL GUARD BUREAU INSTRUCTION

NG-J32
DISTRIBUTION: A

CNGBI 3100.01
30 September 2014

NATIONAL GUARD COUNTERDRUG SUPPORT

References: See Enclosure D.

1. Purpose. This instruction establishes policies and assigns responsibilities for the National Guard (NG) Counterdrug (CD) Support Program, and implements guidance in accordance with (IAW) references a through d.
2. Cancellation. This instruction replaces National Guard Regulation 500-2/Air National Guard Instruction 10-801, 29 August 2008, "National Guard Counterdrug Support."
3. Applicability. This instruction applies to all elements of the NG while performing CD missions when not in Federal service. It does not apply to military technician assistance programs established pursuant to NG Technician Personnel Regulations.
4. Policy. It is NG policy that the NG CD program will operate under the authority of reference b, Federal law, Department of Defense (DoD) guidance and State law that is applicable to the NG CD Program. See Enclosures B and C for supporting roles, operations and CD missions.
5. Definitions. See Glossary.
6. Responsibilities. See Enclosure A.
7. Summary of Changes. None.
8. Releasability. This instruction is approved for public release; distribution is unlimited. Copies are available through <<http://www.ngbpdc.ngb.army.mil>>.
9. Effective Date. This instruction is effective upon publication, and must be reissued, cancelled or revised within five years of its original publication.

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Enclosures:

- A -- Responsibilities
- B -- Supporting Roles
- C -- Operations and Counterdrug Missions
- D -- References
- GL -- Glossary

ENCLOSURE A

RESPONSIBILITIES

1. Director of NG Domestic Operations and Force Development (NG-J3/7).

The Director of NG-J3/7 will:

a. Serve as the proponent for the NG CD Program and publish supporting documents for this instruction when required.

b. Ensure requests for changes to SecDef approved CD missions are forwarded through the Chief of the National Guard Bureau (CNGB) to the Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats (DASD-CN>) for approval.

c. Ensure timely and efficient processing of CD State Plans, submitted by the respective Governor, are consistent with annual instructions published by the DASD-CN>.

d. Conduct periodic evaluations of NG CD Program operations at the State level.

e. Ensure funds provided for the CD program are executed consistent with relevant law, instruction, and policy.

f. Maintain CD liaison officers within the Office of National Drug Control Policy and DASD-CN>.

g. Maintain a separate office for the CD program administration for the management of policy, operations, training, resource and funding functions.

h. Maintain a systematic reporting capability to capture all CD operational information.

2. The Adjutant General (TAG) or the Commanding General of the District of Columbia (CG). TAGs or the CG will:

a. Provide direction and oversight of the State's NG CD program.

b. Appoint a fulltime State Counterdrug Coordinator (CDC), and determine the chain of supervision for the State's CD Support Plan Program.

c. Ensure the use of CD funds and resources comply with law, policy, instruction, and regulation.

d. Authorize the hiring and dismissal of all CD personnel beyond the probationary period.

e. Oversee administrative and logistical support for National Guard Counterdrug Training Centers (NGCTC), if authorized for the State, and ensure that the respective NGCTC annual course offerings are submitted to the Director of NG-J3/7 for approval.

ENCLOSURE B

SUPPORTING ROLES

1. NG Supporting Role. The NG may provide CD support to Federal, State, tribal, and Law Enforcement Agencies (LEA), Community Based Organizations (CBO), educational, and government organizations (hereafter referred to as “organizations”) that request assistance for CD operations. NG CD Programs provide support operations where the primary purpose is drug interdiction and counterdrug activities, with the exception of internal NG drug prevention education activities. When using reference b funds, States may only execute missions within their annual State Drug Interdiction and Counterdrug Activities Plan (State CD Support Plan) that have been approved by the Secretary of Defense (SecDef).

2. State CD Support Plans. State CD Support Plans:

a. Are prepared IAW instructions based on fiscal year planning guidance issued by the DASD-CN>.

b. Must be approved and signed by the respective Governor and the State Attorney General and comply with the plan requirements in reference b. The District of Columbia State CD Support Plan is approved and signed by the CG and the U.S. Attorney for the District of Columbia.

c. Must include a certification that the Governor of the State or a civilian law enforcement official of the State designated by the Governor has determined that any activities included in the plan that are carried out in conjunction with Federal LEAs serve State law enforcement purposes. The District of Columbia CD Support Plan must include a certification by the CG.

d. Must include a certification by the State Attorney General or the U.S. Attorney for the District of Columbia that the missions or activities in the plan are consistent with, and not prohibited by State law or the laws of the District of Columbia, as appropriate. Certifications and approvals by the Governor, or the CG, the State Attorney General, or the U.S. Attorney for the District of Columbia, cannot be waived.

e. Must declare and annotate the carrying of any lethal or non-lethal weapons for those States in which authorized.

3. Mission Request and Approval. A signed, written mission request from an LEA or CBO, on their letterhead, must be received, validated, and approved, by the respective State’s Counterdrug Coordinator (CDC) or CD Task Force Commander (CD TFC).

4. Rules for the Use of Force (RUF). Each State must develop RUF that are in compliance with State law on the use of force continuum and this instruction. The State Attorney General, designated representative, or the U.S. Attorney for the District of Columbia, as appropriate, will provide a written review and approval of these rules and add further restrictions, as appropriate, to comply with State law or policy. NG members will not accompany law enforcement agents on CD missions or operations where there is a likelihood of serious harm to CD members, LEAs, or civilians. NG members will make every effort to minimize the possibility of confrontation with civilians.

5. Rules of Evidence and Chain of Custody. Physical objects cannot be accepted into evidence unless a chain of custody has been established. This is especially true for items subject to adulteration such as drugs. To ensure admissibility of such evidence, only LEAs will seize, handle, or maintain custody of items that may be considered as evidence, except in exigent circumstances.

a. CD members will not support reference e wiretaps without approval from the NG Joint Staff Counterdrug Division and authorization from DASD-CN>.

b. CD members will not participate in interrogation activities or have contact with suspects.

6. Intelligence Oversight and Information Collection. All NG CD Programs' operational files and intelligence oversight and information collection training materials are subject to inspection by the NG Inspector General (IG) in accordance with reference f. All supported activities must have, as a primary purpose, a valid counterdrug activities nexus or counterdrug nexus IAW reference d and as defined in this instruction.

a. Intelligence Oversight (IO). The NG CD Program does not initiate or conduct intelligence activities on its own. NG CD members supporting the Intelligence Community (IC) must comply with the rules that govern the supported agency and the rules under which the NG approved their assignment or detail.

(1) NG CD Programs supporting the IC are required to have a formal IO program.

(2) CD members providing support using the Secret Internet Protocol Router Network or the Joint Worldwide Intelligence Communications System will follow all applicable information management rules and IO rules IAW references g, h, i, j, and k. NG CD members will not retain any data in NG Files or databases.

b. Information Collection and Retention. The NG CDP does not initiate or conduct law enforcement investigative activities on its own. Criminal information under analysis is the property of the supported agency and is not intelligence information.

(1) NG CD members follow supported agency guidelines to acquire criminal information. NG CD members will provide raw information and resultant analysis to the agency and will not retain the data in NG files or databases. Training on the protection of CD program related information concerning persons and organizations not affiliated with DoD, as noted in references l and m, will be included in initial CD doctrinal training and annually thereafter.

(2) Criminal information and resultant analysis will be disseminated IAW the supported agency guidelines.

ENCLOSURE C

OPERATIONS AND COUNTERDRUG MISSIONS

1. All operations and CD missions must be initiated by a valid, written request from a supported LEA or CBO. When requested, the NG may support LEAs or CBOs conducting CD Domestic Operations and Federal Operations authorized by the SecDef. The NG CD Support Plan Program does not act unilaterally, and will not be the lead agency for CD operations.

a. Domestic Operations. All Domestic CD Operational missions included in the State CD Plan must be consistent with reference b, this instruction, DoD policies, and not prohibited by State or tribal laws. Only the following CD missions are authorized by the SecDef under the authority of references b, c, and d. Domestic CD missions are:

(1) Mission Category #1. Program Management.

(2) Mission Category #2. Technical Support.

(a) Mission 2a. Linguist Support and Translator Support.

(b) Mission 2b. Operational and Investigative Case and Criminal Analyst Support.

(c) Mission 2c. Illicit Narcotics Detection Support.

(d) Mission 2d. Communications Support.

(e) Mission 2e. Engineer Support.

(f) Mission 2f. Subsurface and Diver Support.

(h) Mission 2g. Counter Threat Finance Analyst Support.

(i) Mission 2h. Imagery/Mapping Support.

(3) Mission Category #3. General Support.

(a) Mission 3a. Support to LEA Domestic Cannabis Suppression and Eradication Operations (may not include support toward the destruction of marijuana).

(b) Mission 3b. Transportation Support.

- (4) Mission Category #4. CD-related Training and Training LEA/Military Personnel.
- (5) Mission Category #5. Reconnaissance and Observation.
 - (a) Mission 5a. Ground Reconnaissance.
 - (b) Mission 5b. Aerial Reconnaissance.
- (6) Mission Category #6. Civil Operations (Civil Ops) and Coalition Development.
 - (a) Mission 6a. Educational Programs – Evidence Based, Measurable, and Proven Effective Programs.
 - (b) Mission 6b. Military Unique Tactics to Community Strategies.
 - (c) Mission 6c. Civil Ops Support to Coalitions.
- (7) Mission #7. Reserved for future use.
- (8) Mission #8. State Support. State Support is for Fulltime Support Management Control System - Counterdrug Module reporting. This category captures data on the use of CD resources for non-CD NG Domestic Operations.
 - b. Federal CD Operations. NG support of Federal CD Operations may provide personnel and equipment to support Combatant Commands and various Federal LEA missions. These programs are funded by the DASD CN> through the Central Transfer Account for a specific Project Code (PC). The programs are mandated to be a force provider in support of critical Counter narcoterrorism (CNT) and Counternarcotics (CN) missions for U.S. Southern Command, U.S. Northern Command, and the U.S. Customs and Border Protection. Federal Operations also include Title 32 programs that provide linguistic support to U.S. Central Command, the National Security Agency and the Drug Enforcement Administration. Mission #9 Federal CD Operation includes:
 - (1) Mission # 9a. Mission Category, PC 1295 Ringgold Linguists Support.
 - (2) Mission# 9b. Mission Category PC 1319 Senior Scout.
 - (3) Mission# 9c. Mission Category PC 3305 Host Nation Rider and Host Nation Rider Escort. These missions are at the request of U.S. Southern

Command supporting CN or CNT and Air Bridge Denial operations over various South and Central American countries.

(4) Mission #9d. Mission Category PC 4208 Radar Support; Mobile Air Surveillance System.

(5) Mission #9e. Mission Category PC 9498 Transcription and Translation Support.

(6) Mission #9f. Mission Category PC 5113 U.S. Customs Border Patrol Air Marine Operations Center Support. NG support meets a DoD requirement to provide support as set forth in the National Interdiction Command and Control Plan.

(7) Mission #9g. Mission Category PC 9204 & 6501 Special Operations Support.

(8) Mission #9h. Mission Category PC 4208 G Joint Inter Agency Task Force – South.

i. NGCTC Program.

(1) Mission. NGCTCs are established to provide CD training to members of Federal, State, tribal, or local LEAs, CBOs, and Military members with tuition free instruction on drug interdiction and counterdrug activities, and drug demand supply, reduction and prevention techniques.

(2) Establishing NGCTCs. Under such regulations as the SecDef may prescribe, the Chief of the National Guard Bureau (CNGB) may establish and operate or provide financial assistance to the States to establish and operate a NGCTC. Established NGCTCs are listed below.

(a) Midwest CD Training Center, Johnston, Iowa.

(b) Multi-Jurisdictional CD Task Force Training Center, Camp Blanding, Florida.

(c) Northeast CD Training Center, Fort Indiantown Gap, Pennsylvania.

(d) Regional CD Training Academy Center, Meridian, Mississippi.

(e) Western Region CD Training Center, Camp Murray, Washington.

(3) Training at a NGCTC. NGCTCs conduct training on drug interdiction and counterdrug activities, and CD and Civil Operations activities

for personnel assigned to Federal agencies, State, tribal, and local LEAs, CBOs, other State and local governments, private entities, and organizations, or as prescribed by SecDef.

ENCLOSURE D

REFERENCES

PART I. REQUIRED

- a. National Defense Authorization Act Fiscal Year 1991 “Additional Support for Counterdrug Activities” (Public Law 101-510, Section 1004), as amended
- b. Title 32 U.S. Code (U.S.C.), Section 112, “National Guard Drug Interdiction and Counter-Drug Activities”
- c. DepSepDef Memo, 31 July 2002, “Department of Defense Counternarcotics Policy”
- d. DepSecDef Memo, 02 October 2003, “Department Support to Domestic Law Enforcement Agencies Performing Counternarcotics Activities”
- e. 18 U.S.C., § 2510 – 22, as amended, “(Wiretap Act) Title III of Omnibus Crime Control and Safe Streets Act of 1968”
- f. CNGB Instruction 2400.00, 14 August 2013, “Acquisition and Storage of Information Concerning Persons and Organizations Not Affiliated With the Department of Defense”
- g. DoD Directive 5105.77, 21 May 2008, “National Guard Bureau (NGB)”
- h. CNGB Instruction 2000.01, 26 November 2012, “National Guard Intelligence Activities”
- i. CNGB Manual 2000.01, 26 November 2012, “National Guard Intelligence Activities”
- j. Army Regulation 381-10, 03 May 2010, “US Army Intelligence Activities”
- k. Air Force Instruction 14-104, 23 April 2012, “Oversight of Intelligence Activities”
- l. Army Regulation 25-1, 04 December 2008, “Army Knowledge Management and Information Technology”
- m. DoD Directive 5200.27, 07 January 1980, “Acquisition of Information Concerning Persons and Organizations not affiliated with the Department of Defense”

PART II. RELATED

- n. 10 U.S.C., § 164, “Commanders of Combatant Commands”
- o. 10 U.S.C., § 12401 - 12408, “National Guard in Federal Service”
- p. 10 U.S.C., § 10001, “Definition of a State”
- q. 10 U.S.C., § 10501 - 10508, “National Guard Bureau”
- r. 10 U.S.C., § 124, “Detection and monitoring of aerial and maritime transit of illegal drugs: Department of Defense to be lead agency”
- s. 10 U.S.C., § 371 – 382, “Military Support for Civilian Law Enforcement Agencies”

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

ANG	Air National Guard
ARNG	Army National Guard
CBO	Community Based Organization
CD	Counterdrug
CDC	Counterdrug Coordinator
CD TFC	Counterdrug Task Force Commander
Civil Ops	Civil Operations
CG	Commanding General of the District of Columbia
CNGB	Chief of the National Guard Bureau
CN	Counter narcotic
CNT	Counter narcoterrorism
DASD-CN>	Deputy Assistant Secretary of Defense for Counternarcotics and Global Terrorism
DoD	Department of Defense
IAW	In accordance with
IG	Inspector General
LEA	Law Enforcement Agency
NG	National Guard
NGCTC	National Guard Counterdrug Training Center
NG-J3/7	National Guard Joint Staff Director of Domestic Operations and Force Development
PC	Project Code
RUF	Rules for the Use of Force
SecDef	Secretary of Defense
TAG	The Adjutant General

PART II. DEFINITIONS

The Adjutant General -- The Army National Guard or Air National Guard officer responsible for management of the National Guard of a State, territory, or the District of Columbia, Puerto Rico, and the District of Columbia not on Federal duty.

Attorney General -- Principal legal officer of the State government.

Combatant Command -- A unified or specified command with a broad continuing mission under a single commander established and so designated by the President, through the Secretary of Defense and with the advice and assistance of the Chairman of the Joint Chiefs of Staff.

Community Based Organizations -- Civilian agencies, coalitions, committees, councils, task forces, and similar groups who support drug abuse education, awareness, and prevention.

Counter-narcoterrorism -- Measures taken to detect, interdict, disrupt, or curtail activities related to substances, materiel, weapons, or resources used to finance, support, secure, cultivate, process, or transport illegal drugs. For the purposes of the National Guard Counterdrug program, two separate, but related types of narcoterrorism exist:

a. Narco-driven terrorism, which is terrorism conducted by drug traffickers to further their aims of drug trafficking.

b. Narco-supported terrorism, which is terrorism that benefits from or uses drug trafficking to further individual or group activities.

Counterdrug Support Program -- Support provided to Federal, State, or local Law Enforcement Agencies, civil authorities or Community Based Organizations to assist with drug interdiction and demand reduction activities under the authority of reference b, in support of the National Drug Control Strategy. This includes both the Army and Air National Guard Drug Abuse Testing Program and the National Guard Counterdrug School Program.

Drug Interdiction and Counterdrug Activities -- The use of National Guard personnel in drug interdiction and counterdrug law enforcement activities, including drug demand reduction activities, authorized by the law of the State and requested by the Governor of the State.

Federal Service -- A term applied to National Guard members and units when called to active duty to serve the United States Government under Article I, Section 8 and Article II, Section 2 of the constitution and Title 10, United States Code, Sections 12401 and 12408.

Intelligence Related Activities -- Those activities outside the consolidated defense intelligence program that: respond to operational commanders' tasking for time-sensitive information on foreign entities; respond to national intelligence community tasking of systems whose primary mission is support to operating forces; train personnel for intelligence duties; provide an intelligence reserve; or are devoted to research and development of intelligence or related capabilities.

Law Enforcement Agency -- Any of a number of agencies chartered and empowered to enforce United States laws in the United States, a state, or territory (or political subdivision) of the United States, a federally recognized Native American Tribe or Alaskan Native Village, or within the borders of a host nation.

Narcoterrorism – Terrorism that is linked to illicit drug trafficking.

Retention -- Refers to maintaining information about United States Person information that can be retrieved by the person's name or other personal identifying data.

States -- A nation or territory considered as an organized political community under one government.

State Plans -- Plan submitted annually by the States for National Guard Counterdrug Support Program activities under the authority of reference b.

Rules for the Use of Force -- Policy guidance issued by The Adjutant General or the Commanding General of the District of Columbia, and approved by the State Attorney General on the use of force and weapons within the State for Counterdrug missions.