



Program Statement

OPI: CPD
NUMBER: 5508.02
DATE: December 12, 1996
SUBJECT: Hostage Situations or Criminal
Actions Requiring FBI Presence

1. PURPOSE AND SCOPE. To implement procedures for the Memorandum of Understanding (MOU) signed on October 24 and 25, 1996, between the Federal Bureau of Prisons (Bureau) and Federal Bureau of Investigation (FBI) concerning successful resolution of hostage situations or criminal actions which require FBI presence at Bureau facilities.

2. PROGRAM OBJECTIVES. The expected results of this program are:

a. When mutual Bureau/FBI activity is required to resolve an emergency incident, prior exchange of information and planning will have occurred, and a plan of action will be in place and applied.

b. In situations involving the Bureau and the FBI, there will be a clear understanding of, and adherence to, the chain of command.

c. Actions by Bureau and FBI staff in emergency situations will be taken only with approval of the appropriate authorities.

3. DIRECTIVES AFFECTED

a. Directives Rescinded

PS 5508.01 Hostage Situations or Criminal Actions
Requiring FBI Presence (03/07/95)

b. Directives Referenced

PS 1380.05 Special Investigative Supervisors Manual
(08/01/95)
PS 5500.07 Correctional Services Manual (01/31/95)
PS 5568.04 After-Action Reporting and Review (04/11/96)

5. STANDARDS REFERENCED. None.

6. PRETRIAL/HOLDOVER PROCEDURES. Procedures required in this Program Statement are applicable to pretrial and holdover inmates.

7. MEMORANDUM OF UNDERSTANDING (MOU). On October 24 and 25, 1996, the Directors of the Bureau and the FBI signed a Memorandum of Understanding concerning successful resolution of hostage situations or other criminal actions in which FBI presence is required (Attachment A).

Under the provisions of the MOU, the Bureau has primary responsibility for all operations during routine and emergency procedures.

The FBI has investigative responsibility for:

- All violations of Title 18, (T18), United States Code (U.S.C.), Section 13 (Crimes on Government Reservations) (CGR), including the jurisdiction as defined in Section 7 (Special maritime and territorial jurisdiction of the United States defined), and
- Criminal activities at Bureau facilities, to include hostage situations or similar incidents, under T18, U.S.C., Sections 1791 and 1792 (Irregularities in Federal Penal Institutions), and T18, U.S.C., Section 1203 (Hostage Taking).

The Bureau Official-In-Charge, whom the Bureau Director designates, shall be the Bureau On-Scene Commander and shall consult with other agency senior officials during the incident.

- In the event of an advisory response by the FBI, the Bureau On-Scene Commander shall retain command and control of all aspects of the crisis response.
- Bureau Headquarters shall retain overall command and control of the incident.

In the event of an FBI operational response, which will include an FBI On-Scene Commander and a command and control element, the Bureau and FBI On-Scene Commanders shall work cooperatively toward resolution of the crisis.

- The FBI On-Scene Commander, in consultation with the Bureau On-Scene Commander, may initiate an emergency assault should there be imminent threats to life or serious injury to hostages, inmates, or law enforcement personnel.

8. LOCAL OPERATIONAL PLANS. Wardens and FBI Special Agents-in-Charge shall develop a program to exchange information concerning each facility within a field division's territory.

This program shall include:

- the specifics of how joint operations will be implemented,
- site surveys,
- appropriate interagency training, and
- logistical support during a crisis situation at Bureau institutions.

9. COMMAND, CONTROL AND COORDINATION

a. In the event of an "advisory response", the FBI will deploy FBI crisis management assets to assist/advise the Bureau's crisis response resources.

b. In the event of an operational response, the FBI will respond with an FBI On-Scene Commander and a command and control element.

c. In all cases, when time permits, each agency's senior staff member on-site shall contact his/her headquarters to discuss proposed actions.

- Upon arrival of the FBI crisis response resources during an FBI operational response, the FBI and Bureau shall immediately form a joint command post.
- Once an FBI operational response is fully activated at the scene, the FBI On-Scene Commander assumes responsibility of all crisis management assets (Bureau and FBI) in terms of planning for and executing plans for incident resolution.
- The Bureau On-Scene Commander retains overall responsibility for the institution and the incident.

d. Bureau and FBI Headquarters command centers shall establish and maintain a direct link throughout the duration of the incident to exchange information and address issues of mutual concern.

- Issues that cannot be resolved at the scene or at the command center level will be addressed at headquarters level by senior Bureau and FBI staff.

e. The FBI On-Scene Commander will conduct additional criminal investigations following the resolution of the incident, including crime scene investigation, if appropriate.

- Debriefing of all officials involved is required and shall be accomplished as soon as possible after the resolution of the incident and will be coordinated through the FBI On-Scene Commander.
- The Bureau's policy regarding post incident interviews and investigation is not superseded by this requirement. Refer to the Program Statement on After-Action Reporting and Review for further information.

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Kathleen M. Hawk
Director

**MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN THE FEDERAL BUREAU OF PRISONS (BOP)
AND THE FEDERAL BUREAU OF INVESTIGATION (FBI)
ON HOSTAGE OR CRISIS INCIDENTS AT BUREAU OF PRISONS FACILITIES**

I. PURPOSE: This Memorandum of Understanding (MOU) is to establish interagency operational policy guidelines for Federal Bureau of Prisons (BOP) and Federal Bureau of Investigation (FBI) personnel for the successful resolution of hostage situations or criminal actions which require FBI presence at BOP facilities.

II. JURISDICTION:

- A. The BOP has primary responsibility for all operations at federal correctional facilities during routine and emergency operations.
- B. The FBI has primary investigative responsibility for all violations of Title 18 (T18), United States Code (USC), Section 13 (Crimes on a Government Reservation) (CGR) including the jurisdiction as defined in Section 7 (Special maritime and territorial jurisdiction of the United States defined).
- C. The FBI also has investigative responsibility for criminal activities at BOP facilities, to include hostage situations or similar incidents, under T18, USC, Sections 1791 and 1792 (Irregularities in Federal Penal Institutions), and T18, USC, Section 1203 Hostage Taking.

III. DEFINITIONS:

As used herein:

- A. "BOP On-Scene Commander" refers to a BOP field commander whom the BOP Director has designated as in charge of the BOP facility.
- B. "FBI On-Scene Commander" refers to an FBI SAC or SAC's designee who is in charge of the FBI resources during an operational response by the FBI.
- C. An "advisory response" is a minimal FBI response during which the FBI deploys FBI crisis management assets to assist/advise the crisis response resources of the BOP. At this level response, the FBI SAC or SAC's designee will deploy as the FBI's on-scene coordinator. The FBI will not deploy an FBI command and control element.

- D. An operational response is defined as one during which the FBI deploys significant FBI crisis management resources, as necessary, to resolve the crisis. This level response may consist of HRT deployment, and/or multiple FBI field office SWAT teams, and/or crisis negotiation/behavioral specialists and/or technical personnel. An operational response will always be accompanied by an FBI SAC or SAC's designee and an FBI command and control element.

IV. ADVANCE COORDINATION:

- A. BOP Wardens and FBI SACs will develop a program to exchange information concerning each BOP facility within a field division's territory. This program will include the specifics of how joint operations will be implemented, site surveys, appropriate interagency training, and logistical support during a crisis situation.
- B. BOP and FBI crisis response plans will be prepared by executive management personnel at BOP facilities and FBI field divisions to address specific crisis management requirements at each BOP facility. The crisis response plans will reflect the terms of this MOU and be periodically updated.

V. IMPLEMENTATION: The decision as to whether FBI involvement constitutes an advisory or operational response will be dependent on the circumstances of the incident, the request from the BOP On-Scene Commander and, as necessary, additional direction and/or guidance from BOP and FBI Headquarters.

VI. COMMAND, CONTROL, AND COORDINATION:

- A. In the event of an advisory response by the FBI, the BOP On-Scene Commander will retain command and control of all aspects of the crisis response. BOP Headquarters will retain overall command and control of the incident. The BOP On-Scene Commander will also coordinate with the FBI and keep the FBI informed of all developments. The FBI will have a person designated to the BOP command post.

1. FBI advisors may be part of HRT, field SWAT, crisis negotiators, behavioral specialists, technical personnel, or other assets as agreed upon by the FBI SAC or SAC's designee and BOP On-Scene Commander.
- B. In the event of an operational response by the FBI, which will include an FBI On-Scene Commander and a command and control element, the BOP and FBI On-Scene Commanders will work cooperatively toward resolution of the crisis. All actions of the FBI On-Scene Commander will be closely coordinated with the BOP On-Scene Commander who retains overall responsibility for the institution operations and the incident.
1. During an FBI operational response, the FBI and BOP will immediately form a joint command post upon the arrival of FBI crisis response resources.
 2. Once the FBI fully activates an operational response at the scene, the FBI On-Scene Commander will assume responsibility of all crisis management assets (BOP and FBI) in terms of planning for and executing plans for incident resolution. The FBI On-Scene Commander will consult and coordinate with the BOP On-Scene Commander who retains overall responsibility for the institution and the incident.
 3. BOP and FBI Headquarters command centers will establish a direct link throughout the duration of the incident to exchange information and to address issues of mutual concern as they arise. Issues that cannot be resolved at the scene of the incident or at the command center level will be addressed at headquarters level by senior BOP and FBI staff.
- C. The FBI On-Scene Commander, in consultation with the BOP On-Scene Commander, may initiate an emergency assault should there be imminent threats to life or of serious injury to hostages, inmates, or law enforcement personnel. In all other circumstances, no planned tactical resolution will be initiated without prior specific approval from both BOP and FBI Headquarters.

- D. The FBI On-Scene Commander will conduct additional criminal investigation following the resolution of the incident, including crime scene investigation, if appropriate. Debriefings of all officials involved are required and will be accomplished as soon as possible after the resolution of the incident and will be coordinated through the FBI On-Scene Commander. This requirement does not supersede the BOP's policy regarding post incident interviews and investigation.

VII. TERMS OF AGREEMENT: This MOU will take effect immediately upon signature of all parties.

For the Federal Bureau of Investigation:

\\SIGNED\\
LOUIS J. FREEH
Director

\\10-25-96\\
Date

For the Federal Bureau of Prisons:

\\SIGNED\\
KATHLEEN M. HAWK
Director

\\10-24-96\\
Date