

**FEDERAL BUREAU OF INVESTIGATION/ U.S. ATTORNEY
DEPARTMENT OF JUSTICE
HAZARDOUS MATERIALS/WMD INCIDENT SUPPORT PLAN**

Annex II to NSPD-46 (National Security Presidential Directive)/HSPD-15 (Homeland Security Presidential Directive), the United States Policy and Strategy in the War on Terror, designates the FBI as lead federal agency for the operational response to terrorist incidents, including the use of a Weapon of Mass Destruction, in the United States.

Legislation has made the use, attempt to use, or conspiracy to use a WMD a Federal offense. Applicable statutes providing the FBI jurisdiction include:

Title 18, U.S.C., Sections 175-178, Biological Weapons Anti-Terrorism Act (BWAT)

Title 18, U.S.C., Section 1365, Tampering with Consumer Products

Title 18, U.S.C., Sections 871-879, Extortion and Threats

Title 18, U.S.C., Sections 371-373, Conspiracy

Title 18, U.S.C., Section 2332a, Use of a WMD

Upon notification of a potential terrorist/WMD event, the FBI will respond according to its established policy. The FBI will provide an on-scene coordinator who will liaison with the activated state or local Incident Command.

If the event warrants a major response, the FBI will set up a Joint Operations Center (JOC). The JOC is the FBI's structure for organizing incident responses. All Federal, state, and local agencies are represented in the JOC structure. This structure is intended to interface with the existing local command structures and to facilitate in the coordination of intelligence collection, deployment of assets and media dissemination. The JOC does not replace the command post or Incident Command System established by local emergency responders.

DUTIES

- 1) ANNEX II to NSPD-46/HSPD-15 mandates the FBI will be the lead agency authority for all "operational response" issues related to terrorist events.
- 2) Responsible for deploying Federal assets to assist State/Local agencies.
- 3) Liaison with law enforcement on-scene coordinator.
- 4) Coordinate with HazMat teams on scene to identify hazardous agent(s).
- 5) Secure crime scene/collection of evidence.
- 6) Identify/interview victims, witnesses and subjects at the scene of a WMD incident.
- 7) Transport evidence to Idaho State Laboratory/Federal Laboratories as required by FBI.

8) Ultimate prosecution of subjects.

A WMD incident will always be treated as a crime scene. As such, preservation and collection of evidence is critical. Therefore, coordination is required between law enforcement authorities, who view the incident as a crime scene, and other responders, who view it as a hazardous materials or disaster site. Although protection of life remains paramount, the protection/processing of the crime scene is imperative to ensure the prosecution of subjects involved.

U.S. ATTORNEY'S OFFICE

The FBI will contact the U.S. Attorney's Office upon notification of a WMD incident. The U.S. Attorney's Office and FBI will maintain contact throughout the investigation. The U.S. Attorney's Office will provide legal advice relative to the incident during the progression of the investigation, including but not limited to: evidence collection, searches, and identification of victims and witnesses, as needed and necessary. The U.S. Attorney's Office will also coordinate or assist with coordination and work in cooperation with the Idaho Attorney General's Office relative to the investigation and prosecution of person(s) responsible for the WMD incident.

The U.S. Attorney's Office will be available through its Intelligence Specialist to assist in the coordination and dissemination of information among law enforcement agencies throughout the incident and subsequent investigation. If the U.S. Attorney's Office activates its Critical Incident Response (CIR) Plan and convenes its CIR Team, the Intelligence Specialist's duties would fall under the direction of the CIR Team and the U.S. Attorney's Office Crisis Management Coordinator.

The U.S. Attorney's Office will be available to provide or assist in providing needed services to victims and witnesses as requested or needed. The U.S. Attorney's Office will be available to coordinate, assist the coordination of, and cooperate with area victim/witness service providers and organizations, victim/witness coordinators, public health organizations and other federal, state and local agencies to obtain the necessary resources and services needed by victims and witnesses. The U.S. Attorney's Office will make every effort to balance the need of the victims and witnesses with the need to preserve evidence at the crime scene.