

# Benefits and challenges of mutual aid agreements



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## Mutual Aid Agreements

### Abstract

Mutual aid agreements are vital keys to the response to any natural disaster, man-made disaster, or terrorist event. Most state and local governments do not have all of the equipment and manpower to respond to every kind of event that could be envisioned or planned for. Mutual aid agreements allow for state and local governments to assist each other across jurisdictional lines. What one town has for equipment may benefit the next town over during a flooding event. The flooded town may be able to help the other town respond a suspicious package with their bomb squad. Mutual aid assists jurisdictions not only with equipment and supplies put with man power and expertise. This paper will spell out how mutual aid agreements are truly beneficial and smart investment in teamwork and disaster response for all levels of government. This paper will also explain the differences in the various forms of mutual aid agreements and some of the liabilities associated with entering into agreements like these. This paper will also explain that mutual aid agreements are not limited to governments. Private companies and non-profit groups are quite often called upon to provide assistance in response to emergencies and natural disasters. Nothing proves the American can-do attitude more than the response to a large scale emergency. September 11, 2001 was one of the worst days in United States' history but it proved to be a benefit when it comes to developing emergency response plans all across the country.

### Introduction

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We live in a country that faces natural disasters like varied wild fires, flooding, hurricanes, tornados, blizzards, volcanic eruptions, and earthquakes. We face man-made disasters like, plane crashes, train crashes, nuclear meltdowns, chemical spills, oil spills, bridge collapses and others. We also face security threats like terrorism, prison riots, protests, border incursions, cyber-attacks, electric grid attacks, or even election meddling. Not many jurisdictions (except the New York City government) could handle all of these events let alone a few of these. For most jurisdictions, mutual aid agreements are a vital part of disaster and terrorism responses. From federal, state, and local governments none will have all of the equipment and resources necessary to respond to all of these events. The Federal government may have all of the resources but when time is of the essence, state partners could step in, instead of moving personnel and equipment across the country. Mutual aid agreements are not one size fits all style agreements. Mutual aid agreements may be as simple as a memorandum of understanding all the way up to an international agreement that two countries may enter into. In an emergency, governments, agencies, companies, and regular people want to help in any way they can. Some emergencies are overwhelmed with voluntary responses from all of what was previously listed. It is, however, better to be able to know exactly what coming to help and what exactly will be available to the victim of the emergency. Planning is probably the most important part of emergency response. Mutual aid agreements are an excellent example of response planning.

Discussion

Mutual aid agreements are pretty self-descriptive in title. Mutual aid agreements, are simply agreements between two or more organizations, whether governmental, non-profit, or private companies, to provide support during or after a catastrophic event like a natural disaster, terrorism event, other large scale emergency. To participate in a mutual aid agreement an entity would need to be willing to supply one thing, resources. These resources can be physical resources like response or rescue vehicles, food, medicine, or supplies, or the most invaluable resource to any emergency event, personnel. In post event responses of a large scale the local jurisdiction is going to need a lot of help. The greatest need will not be for equipment but most likely will be in the form of personnel. People don't realize that when local governments are affected by a natural disaster or by a terroristic event, the local first responders have most likely been affected personally. September 11<sup>th</sup> may not be the best example of this but if something like that would have happened in a smaller city, the fire department and police department would need assistance for nothing more than funeral attendance. Working in local law enforcement, I have discovered nothing means more to a local jurisdiction than when personnel is offered to police the victim jurisdiction while their first responders are allowed to attend the funerals of their fallen. I have never seen that in a mutual aid agreement, but mutual aid agreements clear the way for legal jurisdictional limitation to be navigated so out of jurisdiction law enforcement officers can legally police out of their legal home.

An excellent example of a successful mutual aid agreement is the Florida Sheriff's Association's Task Force for Mutual Aid. The Florida Sheriff's

Association has two mutual aid agreements in place as of 2013, “ One agreement was for disaster assistance, such as floods and other natural disasters. The other agreement involved operational assistance and voluntary cooperation that addresses other mutual aid needs, such as ad hoc operations that cross jurisdictional lines.” (Florida Sheriffs Association, 2018)

The Florida Sheriff’s Association provided a large scale response under these mutual aid agreements in response to Hurricane Michael that made land fall in the Florida Panhandle in 2018. For weeks, Florida Sheriff’s Deputies patrolled the streets of the hardest hit areas to provide respite for the local first responders to be able to get their families and homes in order. My home agency provided twelve to fifteen deputies to include supervisors for almost a month. Our Mobile Command Center, an 18-wheeler, basically served as a police station for a township in the pan handle. The Mobile Command Center was able to accept phone calls, provide a radio hub, and an air-conditioned work space for the men and women answering calls. Our agency was able to send these assets almost immediately upon request because of the standing mutual aid agreements through the Florida Sheriff’s Association. In the event of a natural disaster in Florida, statute supports mutual aid agreements in that the declaration of a disaster loosens paperwork requirements. According to Florida statute, “ In the event of a disaster or emergency such that a state of emergency is declared by the Governor pursuant to chapter 252, the requirement that a requested operational assistance agreement be a written agreement for rendering of assistance in a law enforcement emergency may be waived by the participating agencies for a period of up to 90 days from the declaration of the disaster.” (23. 1225 Mutual Aid Agreements, 2018)

That makes navigating responses much easier for local first responders.

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Mutual aid agreements are developed in advance of an event to ensure planning is conducted between the agencies that are participating in the agreement. As mentioned earlier, without planning, no agreement will be successful. The time to plan is not a week in advance of a hurricane making land fall but instead, during the hurricane off season where jurisdictions can truly identify their assets, their needs, and their abilities without the pressure of a looming storm. Not all mutual aid agreements will be the same. Mutual aid agreements in Florida will be different than those in Oregon for example. Oregon most likely will never face a category 5 hurricane but they could easily face a strong earthquake or a large scale forest fire. A sample mutual aid agreement from the Oregon State Fire Marshal, “ encourages Oregon departments that respond outside their jurisdictions to enter into formal mutual aid agreements” because “ certain disasters have the potential of outstripping the capacity of any community to effectively protect life and property.” (Mutual Aid, 2004) Nothing could be more true that disasters can quickly exhaust local jurisdictions of their assets, supplies, and personnel. Mutual aid agreement definitely serves as a force multiplier. Maybe just as important is that the additional personnel respond quickly to the affected area. Mutual aid agreements should spell out exactly how the assistance can arrive and ensure that there are no slowdowns to their response or their post response specifically ensuring the responding personnel get receive the proper compensation. There has been discussion about the reimbursement for the responders from my agency but that is a Federal Emergency Management Agency funding issue and not a Florida Sheriff’s Association mutual aid agreement issue.

According to the Federal Emergency Management Agency (FEMA) there are six recognized types of agreements and a general category of agreements called “ other.” FEMA lists agreement types as Automatic Mutual Aid, Local Mutual Aid, Regional Mutual Aid, Statewide/Intrastate Mutual Aid, Interstate Agreements, and International Agreements. Automatic Mutual Aid agreements are established with a contract. Automatic Mutual Aid are much like a sheriff’s office assisting a smaller police department within the same county or a county fire department responding inside a municipality to help with a multiple alarm fire. Local Mutual Aid agreements are agreements between neighboring jurisdictions. These agreements require a formal request for assistance before aid can be provided. Regional Mutual Aid agreements are agreements formed by multiple jurisdictions in a similar geographical area. Statewide/Intrastate Mutual Aid agreements are organized through the state government. These agreements can involve state and local governments within the state and can incorporate nonprofit organizations and private business into the statewide plan. Interstate Agreements allow for the use of assistance from out of state. These agreements take advantage of the Emergency Management Assistance Compact to manage the assistance requests. International Agreements are agreements between the United states and other countries to respond to huge disasters or terrorism events. The United States has sent law enforcement assistance in the form of the Federal Bureau of Investigation to assist in international terrorism events. The United States has also sent nuclear experts to assist in Japan when the Fukushima Nuclear Plant started to leak. The category “ other” encompasses many forms of mutual aid agreements. Memorandums of understanding (MOU) fall into this category.

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Memoranda of understanding are, “ agreements that define areas of understanding between two parties. They outline each party’s planned course of action, although actions taken by either party are not contingent on any action taken by the other. In some states, MOU are legally binding and can serve as valid contracts.” (Lessons Learned Information Sharing, 2018) I became very familiar with MOU’s in 2012, my county experienced heavy rains and flooding resulting in the main road that connects our jail was completely flooded out. We had to develop framework MOU’s to ask neighboring counties to hold our inmates for us and to ask the school board to use their school busses to evacuate the jail if necessary. Luckily, the sewer system did not fail so we were able to keep the inmates in our jail, but the MOU would have been used to allow for this assistance.

There are legal issues with any type of agreement where personnel are shared across jurisdictional lines, specifically across state lines. Law enforcement officers are certified to enforce the laws of their state. When state lines are crossed then law change. That must be taken into consideration. In a large scale medical events, health care practitioners have licensure issues too. Mutual aid agreements that cross state lines, “ should reconcile that practitioners licensed in one political jurisdiction retain the authorization to work at the level of their license or certification in other political jurisdictions as a part of the response.” (National Incident Management System Guideline for Mutual Aid, 2017) Many leaders will say that we should respond to the emergency then worry about the logistics later but in our litigious society planning in advance is definitely more beneficial.

## Summary

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The benefits to participating in mutual aid agreements are very clear. There is no way, again unless you are New York City Government, where a local jurisdiction can possess all of the physical assets and the personnel to respond to a catastrophic event without the help of others. That being said, even New York City received an incredible amount of help during the events of September 11, 2001. Local governments operate mutual aid agreements every day. There are many jurisdictions that have fire departments that respond to fires and emergency medical service events because they are closest, not because a county line says another station should respond. This year, Florida proved their Florida Sheriff's Association mutual aid agreements were very beneficial in the statewide response to the catastrophic Hurricane Michael response. Law Enforcement from all over the state helped the panhandle stabilize by providing law enforcement infrastructure and law enforcement personnel to provide services to the affected area. The ability to provide those services and infrastructure allowed for local officials to tend to their own families and property reducing the stress of those affected. All mutual aid agreements need to be well thought out and planned to include ensuring licensing and certifications are recognized when crossing state jurisdictional lines. Planning these things out in advance will prevent law suits and other complaints during and after the assistance event. Pre-event planning is the absolute key to success.

## Conclusion

Writing about mutual aid agreements was not the easiest thing to do. Having lived through the response for Hurricane Michael from afar as an administrator supplying personnel, to planning for a facility evacuation

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during a flood to include borrowing school busses and developing skeleton memoranda of understanding just in case, to studying to overall response to other large scale events allows for me to stay focused on the mission at hand. The ultimate goal for any first responder is to keep their community safe, their co-workers safe, and to save property. Planning for these potentially catastrophic events will allow for the greatest protection of life and property. Using previous events and previous failures as catalysts to developing and implementing solid mutual aid agreements is paramount for all of our successes. The National Incident Management System Guideline for Mutual Aid document is an excellent resource for any jurisdiction looking to develop or fine tune their current mutual aid agreements. This document provides, “ guidance on different types of mutual aid agreements, the key elements of a mutual aid agreement, and the key elements of mutual aid operational plans used for implementation.” (National Incident Management System Guideline for Mutual Aid, 2017) No document will provide all the answers. Leadership is necessary for all jurisdictions to be successful during an emergency. Without true leadership all plans will fail. As we have all heard throughout our careers “ If you fail to plan you plan to fail” and when you are leading a first responder organization “ A lack of planning on your part does not constitute an emergency on my part” cannot be uttered because as first responders, all emergencies are ours to manage. Planning in advance goes a long way in our successes.

## References

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