

MEMORANDUM OF UNDERSTANDING BETWEEN HARRIS COUNTY FIRST RESPONDERS

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This Memorandum of Understanding (“MOU”) is made and entered by and between the First Responders of Harris County (“Agency” or “Agencies”).

Recitals

The intention of this MOU that all agencies will agree to utilize National Incident Management System (“NIMS”) and the Incident Command System (“ICS”) in the management of all incidents regardless of size, complexity, or scope and planned events.

Advanced Law Enforcement Rapid Response Training (“ALERRT”) was recognized as the national standard in active shooter response training by the FBI in 2013. ALERRT’s excellence in training was recognized in 2016 with a Congressional Achievement Award. More than 200,000 state, local, and tribal first responders (over 140,000 law enforcement) from all 50 states, the District of Columbia, and U.S. territories have received ALERRT training over the last 20 years.

Active shooter and hostile events (“ASHE”) present unique and challenging problems for law enforcement and other first responders. In ASHE situations, preservation of life immediately becomes the first priority of any first responders. Where driving force factors are present, current best practices require the first law enforcement officer(s) or agency on the scene to move toward the danger in order to save lives, even if only one officer is on the scene.

ALERRT states that first responders’ main priorities in an ASHE are to Stop the Killing, Stop the Dying, and Rapid Casualty Evacuation. (ALERRT Active Attack Integrated Response, Version 2.0, p. 1-7). Inherent in both stopping the killing and dying is the priority of life scale (ALERRT & FBI, 2020, pp. 2-6 & 2-34). At the top of this scale, the first priority is to preserve the lives of victims/potential victims. The second priority is the safety of the first responders, and the last priority is tending to is the suspect. This prioritization means officers must assume risk to save innocent lives. (Robb Elementary School Attack Response Assessment and Recommendations, p. 15, 2022).

History has demonstrated that ASHE situations change rapidly, often, and without reason. For the best response possible to any ASHE situation, first responders must work together. Working together saves valuable minutes at a time that every second counts. The establishment of Unified Command

ensures that each stakeholder is engaged throughout the duration of the incident and “Unified Command does not affect individual agency authority, responsibility, or accountability.” (E/L/G 0300 Intermediate Incident Command System for Expanding Incidents, p. IG-52, 2019). To assist first responders with their response to these very dynamic and dangerous situations, the Agencies signing this MOU pledge to work together during ASHE incidents to effect the best outcomes in very complicated situations.

Definitions

Active Shooter/Hostile Event (“ASHE”). An incident involving one or more individuals who are or have been actively engaged in harming, killing, or attempting to kill people in a populated area by means such as firearms, explosives, toxic substances, vehicles, edged weapons, fire, or a combination thereof.

Incident Command System (“ICS”). A specific component of the national incident management system (NIMS) designed to enable effective and efficient on-scene incident management by integrating organizational functions, tactical operations, incident planning, incident logistics, and administrative tasks within a common organization structure.

Unified Command (“UC”). An incident command system used when there is more than one agency with incident jurisdiction, or when incidents cross political jurisdictions. Agencies work together through designated members of the UC, often the senior person(s) from agencies and/or disciplines participating in the UC, to establish a common set of objectives and strategies. The incident command responsibility is shared within the UC, with the function most important at the time taking the lead role. The lead responsibility may shift as the incident progresses.

Terms

I.

The initial law enforcement officer(s) on any ASHE scene is/are responsible for engaging and neutralizing the threat unless they are incapacitated or voluntarily relinquish the control of the scene.

ASHE situations continue well beyond the initial response, to include the investigation and possible prosecution of a suspect, suspects, or any accomplices.

In the geographic boundaries of the City of Houston, the Houston Police Department (“HPD”) is the law enforcement agency with the capacity to follow the incident from start through the investigation and assist with the prosecution of any suspects. Therefore, if Unified Command is not previously established by public safety agencies, then HPD will be responsible for making contact with initial incident command and/or public safety agencies on-scene or in staging to establish Unified Command. If Unified Command is already established, then HPD will integrate into Unified Command. The Unified Command will be responsible for managing all critical components of the ASHE while ensuring responding law enforcement agencies, fire departments, EMS agencies, emergency medical personnel and other appropriate response entities and agencies work together to

effectively manage the incident.

In the geographic boundaries of an incorporated municipality of Harris County (excluding the City of Houston), if unified command is not previously established by public safety agencies, then the municipal law enforcement agency will be responsible for making contact with initial incident command and/or public safety agencies on-scene or in staging to establish Unified Command. If Unified Command is already established, then the municipal law enforcement agency will integrate into Unified Command. Unified Command will determine the municipality's capacity to handle the incident and request assistance from other agencies as needed. As described above, the Unified Command will be responsible for managing all critical components of the ASHE while ensuring responding law enforcement agencies, fire departments, EMS agencies, emergency medical personnel and other appropriate response entities and agencies work together to effectively manage the incident.

In the unincorporated areas of Harris County, the Harris County Sheriff's Office ("HCSO") is the law enforcement agency with the capacity to follow the incident from start through the investigation and prosecution of any suspects. Therefore, if unified command is not previously established by public safety agencies, then HCSO will be responsible for making contact with initial incident command and/or public safety agencies on-scene or in staging to establish Unified Command. If Unified Command is already established, then HCSO will integrate into Unified Command. The Unified Command will be responsible for managing all critical components of the ASHE while ensuring responding law enforcement agencies, fire departments, emergency medical personnel and other appropriate entities and agencies work together to effectively manage the incident.

The Harris County District Attorney's Office's responsibilities include the documentation of the qualified immunity of those first responders involved in the incident, assisting law enforcement with investigative support such as search warrants, and the prosecution of suspect(s) and any accomplices.

The Harris County District Attorney's Office provided training pertaining to the legal protections afforded to public safety agencies. Upon request, the Harris County District Attorney's Office will provide a video copy of the training to be used to train other officers within the agency. It is recommended that at least one of the officers be a patrol/field supervisor from the agency.

II.

Participating responding agencies will appoint a primary Agency representative who will make contact with the Unified Command at all applicable ASHE incidents. Agencies executing this agreement shall provide a Department/Agency point of contact who is responsible for coordinating aspects of unified and integrated response prior to an incident(s). This information will be attached in Exhibit B as a confidential sensitive security information.

III

During each Agency's risk assessment to identify gaps in response equipment, participating Agencies may request any additional equipment necessary for the safety of the first responders that may respond. The District Attorney's Office will attempt to secure equipment for the Agency, if

possible. All participating Agencies agree, when practicable, to share resources as needed.

IV.

No Agency has appropriated any funds for this MOU.

V.

Any Agency may withdraw from this MOU at any time by sending written notice to all of the Agencies who have signed and agreed to this MOU listed in Exhibit B.

VI.

Nothing in this MOU may be construed as creating any personal liability on the part of any participating Agency or any elected official, officer, director, employee, or agent of the Agency. The Agencies agree that no provision of this MOU extends any Agency's liability beyond the liability provided in the Texas Constitution and the laws of the State of Texas. Neither the execution of this MOU nor any other conduct of any Agency relating to this MOU shall be considered a waiver by any Agency of any right, defense, or immunity under the Texas Constitution or the laws of the State of Texas.

VII.

This MOU is not binding on any Agency and exists strictly as guidance for cooperation between the Agencies.

This MOU contains the entire agreement between the Agencies relating to the rights and responsibilities of each Agency. Any oral or written representations or modifications concerning this instrument shall not be effective excepting a subsequent written modification unless all Agencies agree in writing to any changes.

VIII.

This MOU may be executed in several counterparts. Each counterpart is deemed an original. All counterparts together constitute one and the same instrument. Each Agency warrants by signing, that the undersigned is a duly authorized representative with the power to execute the MOU.

[The Signature pages follow immediately behind and the remainder of this page is intentionally left blank.]

Agency: _____

Signature: _____

Print Name: _____

Title: _____

Date: _____

EXHIBIT A

Participating Agencies

EXHIBIT B

CONFIDENTIAL SENSITIVE SECURITY INFORMATION

Agency Primary Representative Contact Information

(List of point persons for Unified Command and cell numbers)

EXHIBIT C

CONFIDENTIAL SENSITIVE SECURITY INFORMATION

Recommended Practices

- Responding officers shall maintain radio discipline, limiting communication on the command channel to information critical to the Unified Command;
- Officers responding to an active tactical incident shall, whenever practicable, wear attire (e.g., visible badge, raid jacket, uniform, or clearly marked external vest, etc.) that clearly identifies them as peace officers;
- Responding officers shall park their vehicles in a way that allows other first responders (police, fire, and EMS) uninhibited ingress and egress to the scene of the ASHE; and,
- Officers shall seek approval from the appropriate supervisory level of their respective agency prior to self-deploying to any scene that is no longer an active life-safety event.
- Fire and/or EMS agencies will send a representative from staging to the incident command post to assist in coordination and integration with unified command.