

Writing Guide for a Memorandum of Understanding (MOU)



Homeland
Security





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Communications Interoperability Continuum

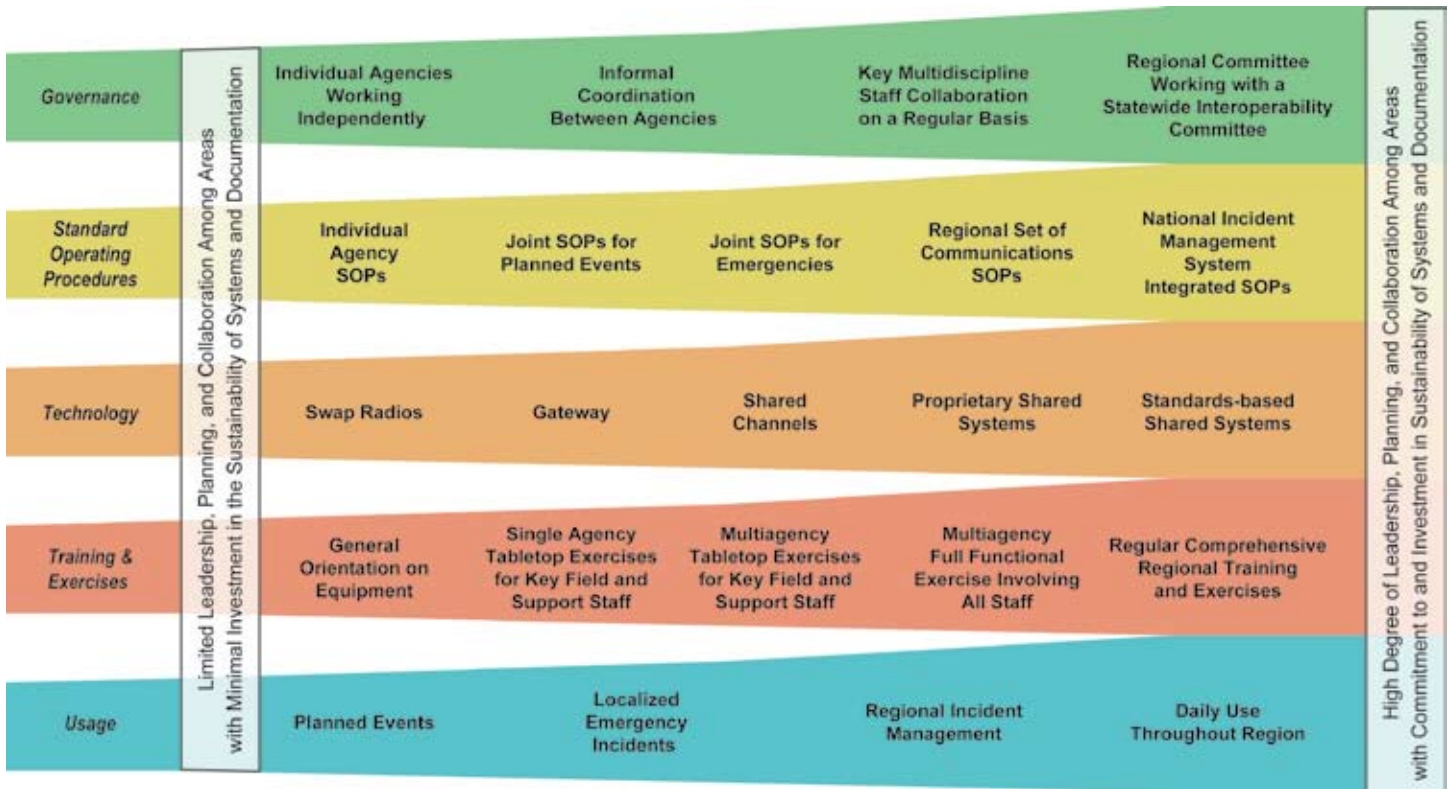


Figure 1

Writing Guide for a Memorandum of Understanding (MOU)

Overview and Background

With its Federal partners, SAFECOM provides research, development, testing and evaluation, guidance, tools, and templates on communications-related issues to local, tribal, state, and Federal emergency response agencies. A communications program of the Department of Homeland Security's Office for Interoperability and Compatibility, SAFECOM is managed by the Science and Technology Directorate.

SAFECOM helps the public safety community and local, tribal, state, and Federal policy makers address critical elements for success as they plan and implement interoperability solutions. The program is working with the public safety community to encourage a shift from a technology-centric approach to a comprehensive focus on improving interoperability. Although technology is critical for improving interoperability, other elements, including governance, standard operating procedures, training and exercises, and usage of interoperable communications, play a vital role.

To assist this shift to a comprehensive focus on interoperability, SAFECOM worked with public safety practitioners and local communities to develop a comprehensive framework called the Interoperability Continuum (see Figure 1).

SAFECOM developed the Interoperability Continuum in accordance with its locally driven philosophy and its practical experience in working with communities across the Nation. The Continuum visually depicts the core facets of interoperability according to the stated needs and challenges of the public safety community and aids the efforts of public safety practitioners and policy makers to improve interoperability.

One of SAFECOM's goals is to provide the public safety community with tools to progress along all elements of the Continuum. This tool focuses on the Governance element of the Continuum and is specifically aimed to help communities interested in establishing formal agreements, such as Memorandums of Understanding (MOU), to address multi-organization coordination and communications.



- Purpose** This tool provides guidance for developing an MOU. It includes:
- Recommendations for structuring the MOU
 - Questions to consider when generating content for each section
 - Sample language to illustrate how a community could write each MOU section

How to Use This Tool This tool is intended to be your guide for writing an MOU. The document is laid out in a recommended MOU structure with suggested headings for each section. Each section poses questions to consider to help guide you when writing content for it. Sample paragraphs are included for your reference; however, it is important to note that the sample paragraphs are geared for illustration purposes toward a specific MOU example. The sample used in this document is for a city that is setting up an MOU among disciplines for the use of an intra-jurisdictional interoperability channel. Further, each community’s MOU language will need to be modified according to the purpose of the agreement. The sample paragraphs provide examples and guidance only and should *not* be taken literally.

This document does not address every issue that jurisdictions may face when seeking to establish an MOU. An MOU should be customized to the capability or resource for which it is established and should consider any unique characteristics of the specific community and participating jurisdictions.

MOU Section 1: INTRODUCTION

The introduction section of the MOU helps the reader to understand the agreement content. It describes the need, the agencies involved, why it is necessary to work together, etc. This section should be a simple explanation of the agreement and why it is necessary. It does not need to include details about past efforts or discuss how the agencies reached this level of agreement.



- ① For what capability or resource is this MOU being created?
- ② What agencies are participating in the MOU? Include public safety agencies, other governmental bodies, and any private services.
- ③ Why is this MOU necessary?
- ④ What agreements are set forth by this MOU?



[Insert name of city here] public safety agencies recognize the need for interagency communication, interoperability, and cooperation. *[Insert name of city here]* police, fire response, and Emergency Medical Services (EMS) have well-established interoperability capabilities and mutual aid agreements in place. While these plans and agreements formally extend beyond jurisdictions, they tend to remain intra-discipline in practice. Today's public safety realities have highlighted the need for agencies to work together to establish communications interoperability and mutual aid plans—not only across traditional jurisdictional boundaries—but across disciplines as well.

To remedy the intra-discipline communication problem, the *[insert name of city here]* public safety agencies, *[insert agency names here]*, as well as the public service agencies *[insert agency names]*, have worked cooperatively to develop an intra-jurisdictional interoperability solution. This solution establishes dedicated radio channels with procedures that are accessible on communication equipment used by key public service officials, public safety officials, and public and private service executives.

MOU Section 2: PURPOSE

The purpose section should be a concise statement discussing the intention of the new or proposed capability that makes the MOU necessary. It explains how the agencies involved will use the new capability and under what circumstances.



- ① To what capability does the MOU apply? When answering this question, consider the questions that follow.
 - a. What is the intended level of command?
 - b. When will it be used?
 - c. How will it be used?



The purpose of the intra-jurisdictional interoperability channel is to provide a command-level communications structure for *[insert name of city here]* and other key support agencies when managing any incident that affects public safety in *[insert name of city here]*. This network transcends traditional or mutual intra-discipline aid in terms of purpose. The intra-jurisdictional interoperability channel ensures an organized method of coordinating *[insert name of city here]* resources to expedite efficient deployment of those resources and serves primarily as a logistics and unified command network.

MOU Section 3: SCOPE

The scope section lists the agencies and jurisdictions to be included in the agreement and describes their relationship. This section can also discuss end users, level of command, level of government, voice and/or data, etc.



- ① Who are the public safety, public service, and other governmental and non-governmental agencies that will use the capability/resource?
- ② What is the authorized user command level for the capability/resource?



The scope of the intra-jurisdictional interoperability channel includes *[insert name of city here]* public safety agencies including *[insert name of city here]* police, fire, and EMS, as well as *[insert name of city here]* public service agencies including *[insert public service agency names here]*. Each agency has its own interoperability capabilities beyond the intra-jurisdictional interoperability channel.

MOU Section 4: DEFINITIONS

The definition section describes the operational and technical terms associated with the capability or resource for which the agreement is written. Providing definitions will help avoid confusion and uncertainty.



- ① What are the technical and operational aspects of the capability/resource? Consider including definitions for each.
- ② Are there any community-specific terms or acronyms? Consider including these acronyms and definitions.



The interoperability channels are referred to as *[insert name of capability]*, whether transmitting on the *[insert name of city]* public safety communication system or the city's 800 Megahertz (MHz) trunked communication system. The *[insert name of capability]* is composed of one dedicated Ultra High Frequency (UHF) channel and a dedicated talk group on the city's trunked system that are "cross-patched."

MOU Section 5: POLICY

The policy section of the MOU briefly describes circumstances under which the capability can be used. This section can also mention authorized use, activation, timing, and other circumstances.



- ① When can the capability/resource be used?
- ② When should the capability/resource be considered for use?
- ③ Who has the ability to authorize use of the capability/resource?
- ④ Are there operating procedures associated with this capability/resource? Can specific procedures be referenced?



The intra-jurisdictional interoperability channel is available for use on an as-needed basis any time multidiscipline operations dictate or at the discretion of the mayor's office. At a minimum, use of the channel should be considered during the planning phase for all large preplanned events and incorporated into any written operations plans. In the case of unplanned events, use of the channel will be in accordance with procedures outlined in the *[insert name of capability/resource here]* Standard Operating Procedures (SOP).

MOU Section 6: USER PROCEDURE REQUIREMENTS

This section outlines the obligations of this agreement. For an agreement on sharing an enhanced capability, obligations may include training, exercises, user requirements, responsible parties for ensuring training, and awareness.



- ① What are the training, exercise, and equipment requirements associated with participating in this MOU?
- ② Are there additional requirements?
- ③ Are there any financial obligations that must be considered?



By signing this agreement, each agency using the intra-jurisdictional interoperability channel agrees to participate in city-wide drills to the greatest possible extent. The purpose of these procedure requirements is to ensure awareness of the channel and to prepare city personnel for its activation. Agencies with a signed MOU will be permitted to operate on the frequency but are required to provide and maintain their own equipment.

MOU Section 7: MAINTENANCE

The maintenance section designates a responsible party or parties for maintaining equipment, systems, and licenses. The maintenance section can name a jurisdiction, agency, or individual.



- ① What are the maintenance requirements associated with participating in this MOU?
- ② Who will own the licenses?
- ③ Who will maintain the equipment?



The *[insert name of city here]* fire department will be responsible for licensing and maintaining the UHF and 800 MHz trunked systems that make up the intra-jurisdictional interoperability channel.

MOU Section 8: OVERSIGHT

The oversight section describes how agencies or jurisdictions will deploy the new capability. It can also describe how the agencies can provide recommendations that affect policy and whether other agencies accept or reject these recommendations. A description of internal agency policy regarding usage of the capability can also be provided.



**Questions
to consider:**

- ① What governance structure oversees the use of this capability/resource and enforces all requirements of this MOU?
- ② Who is the chair of this governance structure and how is he/she appointed?
- ③ What are the participation requirements in this governance structure of agencies entering this MOU?
- ④ How are issues affecting policy, recommendations, and/or subsequent change implemented by the governance structure?
- ⑤ What is the voting method within the governance structure?
- ⑥ How do individual agencies establish oversight authority for the capability/resource?



**SAMPLE
CONTENT**

Oversight of the intra-jurisdictional interoperability channel is administered through the *[insert city name here]* Interoperability Committee core members. The committee will be chaired by an appointee of the Mayor. Each agency participating in the use of the channel is required to provide a representative to the Interoperability Committee after entering into this MOU.

Any issues affecting policy, recommendation, and/or subsequent change that alter the purpose of the intra-jurisdictional interoperability channel will be implemented only after a consensus is reached by the Interoperability Committee.

Accordingly, each agency must establish oversight authority and the level of delegation in reference to use of the intra-jurisdictional interoperability channel.

MOU Section 9: RESPONSIBILITY FOR SOP COMPLIANCE

This section assigns responsibility to agencies to ensure Standard Operating Procedures (SOP) for the capability are followed.



- ① Who is responsible for ensuring the SOPs associated with this capability/resource are followed and that individual agency personnel are trained appropriately?
- ② How will compliance be carried out?



It is the responsibility of agency heads to ensure that the intra-jurisdictional interoperability channel SOPs are followed when necessary and to ensure that agency personnel are trained appropriately.

MOU Section 10: UPDATES TO THE MOU

This section describes how updates can be made to the MOU. It includes information such as who has the authority to update the MOU, how updates will be made, how participating agencies will be notified of updates, and the types of updates that will require signatures of all participating agencies.



- ① Who has the authority to update/modify this MOU?
- ② How will this MOU be updated/modified?
- ③ Will updates/modifications require this MOU to have a new signature page verifying the understanding of changes by each participating agency?



Updates will take place after the Interoperability Committee meets and gains consensus on proposed changes. It is then the responsibility of the committee to decide the best possible method of dissemination to all affected agencies. In the event that a proposed change or technical upgrade to the intra-jurisdictional interoperability channel degrades the capability or changes the purpose of the channel, a new signature page verifying the understanding of changes may be required.

Conclusion

For any area or region to improve communications interoperability, collaboration and participation of pertinent public safety stakeholders in a governing body are essential. A formal governance structure provides a unified front across multiple jurisdictions and disciplines within a particular political constituency. Such unity aids the funding, effectiveness, and overall support for communications interoperability. An MOU is important because it defines the responsibilities of each party in an agreement, provides the scope and authority of the agreement, clarifies terms and outlines compliance issues. It is SAFECOM's hope that this writing guide for an MOU helps practitioners establish the partnerships and authority necessary to achieve an effective governance structure for interoperable communications.

Sample Application

The following can be used to add agencies, jurisdictions, or individuals to the agreement.

This application is submitted by the requesting agency to the chair of the *[governance body]* for participation in the *[name of capability/resource]*. *[Name of capability/resource]* participation is governed by the *[governance body]*. Submission and acceptance of this application grants the authority for the use of the *[name of capability/resource]* as outlined in this MOU and in accord with the *[capability/resource SOP]*. Each agency will need to update its own contact information with the *[governance body]*.

APPROVED BY:

Name City Executive Representative Date

Name Law Enforcement Representative Date

Name Emergency Management Representative Date

Name Emergency Medical Services Representative Date

Name Fire Service Representative Date

Name Other Agency Representative Date

This MOU must be signed by the agency's head or his/her designee and submitted to the appropriate governing body for consideration.

The Department of Homeland Security (DHS) established the Office for Interoperability and Compatibility (OIC) in 2004 to strengthen and integrate interoperability and compatibility efforts in order to improve local, tribal, state, and Federal emergency response and preparedness. Managed by the Science and Technology Directorate, OIC is assisting in the coordination of interoperability efforts across DHS. OIC programs and initiatives address critical interoperability and compatibility issues. Priority areas include communications, equipment, and training. A communications program of OIC, SAFECOM, with its Federal partners, provides research, development, testing and evaluation, guidance, tools, and templates on communications-related issues to local, tribal, state, and Federal emergency response agencies.



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