

Military Police

Carrying of Firearms and Use of Force for Law Enforcement and Security Duties

**Headquarters
Department of the Army
Washington, DC
12 March 1993**

Unclassified

SUMMARY of CHANGE

AR 190-14

Carrying of Firearms and Use of Force for Law Enforcement and Security Duties

This revision--

- o Implements applicable portions of Department of Defense Directive 5210.56.
- o Clearly establishes minimum qualification requirements for military police and Department of the Army law enforcement and security personnel (para 2-3).
- o Expands authorization documentation options for authorizing officials (para 2-4).
- o Limits and controls the carrying of firearms by Department of the Army military and civilian personnel (para 2-6).
- o Prohibits the carrying of non-Government owned or issued weapons or ammunition (para 2-6).
- o Prohibits carrying of firearms by persons taking prescription drugs or other medication that may cause drowsiness or impair reaction or judgment (para 2-7).
- o Prohibits consumption of alcohol within 8 hours of carrying firearm or flying in aircraft (paras 2-7 and 4-3).
- o Requires the use of deadly force with firearms be applied equally to personnel using a weapon or equipment which, when properly employed in their intended application, would exert deadly force (para 3-2).

Effective 12 April 1993

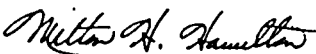
Military Police

Carrying of Firearms and Use of Force for Law Enforcement and Security Duties

By Order of the Secretary of the Army:

GORDON R. SULLIVAN
General, United States Army
Chief of Staff

Official:


MILTON H. HAMILTON
Administrative Assistant to the
Secretary of the Army

History. This UPDATE printing publishes a revision of this publication. Because the publication has been extensively revised, the changed portions have not been highlighted.

Summary. This revision provides guidance on the carrying of firearms and the use of force by personnel engaged in law enforcement and security duties. It implements Department of Defense policy to limit and control the carrying of firearms by Department of the Army military and civilian personnel. It establishes criteria for compliance with its provisions by contract security personnel. This revision requires that the use of deadly force with firearms be applied equally

to personnel using a weapon or equipment which, when properly employed, would exert deadly force. Authorizing officials are given additional authorization document options and qualification requirements are also clarified. It fully implements applicable portions of DOD Directive 5210.56 (app B).

Applicability. This regulation applies to the Active Army, the U.S. Army Reserve, the Department of the Army civilian police and security guard activities, contracted or contractor security force operations and activities, and the Army National Guard only when called or ordered to active duty in a Federal status under the provisions of title 10, United States Code.

Proponent and exception authority. The proponent of this regulation is the Deputy Chief of Staff for Operations and Plans. The Deputy Chief of Staff for Operations and Plans has the authority to approve exceptions to this regulation which are consistent with controlling law in writing to a division chief within the proponent agency in the grade of colonel or the civilian equivalent.

Army management control process. This regulation is subject to the requirements of AR 11-2. It contains internal control provisions but does not contain checklists for conducting internal control reviews. These

checklists are being developed and will be published at a later date.

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from HQDA (DAMO-ODL), WASH DC 20310-0440.

Interim changes. Interim changes to this regulation are not official unless they are authenticated by the Administrative Assistant to the Secretary of the Army. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

Suggested Improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (DAMO-ODL), WASH DC 20310-0440.

Distribution. Distribution of this regulation is made in accordance with the requirements on DA Form 12-09-E, block number 3169, intended for command levels A, B, C, D, and E for Active Army and A for Army National Guard and U.S. Army Reserve.

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Chapter 1

Introduction

1-1. Purpose

This regulation prescribes policies and procedures for authorizing, carrying, and using firearms in connection with law enforcement and security duties. It establishes uniform policy for the use of force by law enforcement and security personnel.

1-2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

1-4. Responsibilities

a. The Deputy Chief of Staff for Operations and Plans will establish policy covering the carrying of firearms and the use of force by personnel performing law enforcement and security duties.

b. Commanders at all levels will exercise sufficient control over operations and authorizations involving the carrying of firearms, and will ensure—

(1) When use of force is required, only minimum force necessary is applied. (Coordinate with legal counsel, as appropriate, for legal sufficiency for the use of deadly force implementing guidance.)

(2) Individuals being issued a firearm have written authorization in effect before the actual issuance of the weapon.

(3) Personnel permitted to perform law enforcement or security duties or duties guarding U.S. military prisoners—

(a) Receive instruction on use of force for the particular duty or post to which assigned.

(b) Demonstrate knowledge and skill in use of unarmed defense techniques, the military police (MP) club, chemical aerosol irritant projectors, and assigned firearms. Requirements concerning use of the MP club and chemical aerosol projectors apply only when these items are issued and carried on duty.

(c) Are qualified and trained, to include safety functions, on the use of all firearms authorized to be carried according to this regulation (and host nation requirements, overseas).

(d) Are briefed on administrative and safety requirements regarding the carrying of firearms aboard aircraft.

(e) Develop criteria consistent with this regulation and local law, for the carrying of firearms and for the use of force by contract security forces.

1-5. Policy

a. The authorization to carry firearms will be issued only to qualified personnel when there is a reasonable expectation that life or Department of the Army (DA) assets will be jeopardized if firearms are not carried. Evaluation of the necessity to carry a firearm will be made considering this expectation weighed against the possible consequences of accidental or indiscriminate use of firearms.

b. DA personnel regularly engaged in law enforcement or security duties will be armed.

c. DA personnel are authorized to carry firearms while engaged in security duties, protecting personnel and vital Government assets, or guarding prisoners.

d. The terms of official agreements between the United States and the host government and implementing instructions issued by commanders of major Army commands (MACOMs) of overseas areas will govern the arming of Department of Army personnel in foreign countries. The issuance of authorizations to local and other foreign nationals employed by DA will be governed by agreements or arrangements with the host nation.

e. Provisions of this regulation do not apply to DA personnel engaged in military operations and subject to authorized rules of engagement, or assigned to duty in the following areas or situations,

as defined by an Executive Order, a Department of Defense (DOD) Directive, or an Army regulation (AR):

(1) In a combat zone in time of war.

(2) In a designated hostile fire area when rules of engagement apply, or when the combatant commander issues operations orders setting forth different criteria.

(3) When under the operational control of another Federal agency carrying firearms in support of the mission is subject to the approval and requirements of both the Federal agency and DA.

(4) In civil disturbance mission area.

(5) When DA personnel perform training missions.

Chapter 2

Carrying of Firearms by Law Enforcement and Security Personnel

Section I

Authorizations

2-1. Authorizing officials

a. Officers of field grade rank or higher, or civilian equivalent of grade General Schedule (GS)-12 or above may authorize the carrying of firearms for law enforcement and security duties described in paragraph 2-2.

b. The carrying of firearms for personal protection will only be approved on a case-by-case basis per paragraph 2-2d.

(1) The Secretary of the Army may authorize the carrying of firearms for personal protection within the continental United States.

(2) Commanders of MACOMs, or their appointed representative, in an overseas area may authorize the carrying of firearms for personal protection outside the continental United States.

2-2. Authority to carry firearms

a. Due to the serious responsibility imposed on persons authorized to bear or use firearms, such persons must be selected with care.

b. Authorization to carry a firearm includes the authority to permit or require the firearm to be loaded. Unless otherwise specified by local policy, authority to carry a loaded firearm will be implied by issuance of ammunition with the firearm.

c. Authorization to carry firearms may be granted to personnel authorized to—

(1) Conduct law enforcement activities including cases or investigations of espionage, sabotage, and other serious crimes in which DA programs, personnel, or property are involved and investigations conducted in hazardous areas or under hazardous circumstances.

(2) Protect classified information, systems, or equipment.

(3) Protect the President of the United States, high ranking Government officials, DOD personnel, or foreign dignitaries.

(4) Protect DOD assets and personnel.

(5) Guard prisoners.

d. DA military and civilian personnel may be authorized to carry firearms for personal protection when the responsible intelligence center identifies a credible and specific threat against DA personnel in that regional area. Firearms will not be issued indiscriminately for that purpose. Before individuals are authorized to carry a firearm for personal protection under this regulation, the authorizing official must evaluate—

(1) The probability of the threat in a particular location.

(2) The adequacy of support by DA or DOD protective personnel.

(3) The adequacy of protection by U.S. or host nation authorities.

(4) The effectiveness of other means to avoid personal attacks.

2-3. Authorization procedures

a. Procedures will be established to ensure that any individual being issued a firearm has a written authorization in effect before actual issuance of the weapon.

b. Except in situations requiring immediate action to protect life

or vital Government assets, all authorizations to carry firearms by personnel will be, in writing, signed by the appropriate authorizing official, and issued only to personnel who are eligible to carry firearms as specified in paragraph 2-5.

c. Personnel traveling from the continental United States to an overseas area in a temporary duty status must obtain advanced authorization from the applicable overseas authorizing official to carry a firearm for personal protection in that overseas area.

2-4. Authorization documentation

a. Written authorization documents will consist of one of the following: DA Form 2818 (Firearms Authorization), memorandum, or amended organizational roster. (DA Form 2818 is available through normal publications supply channels. Instructions for completing this form are self-explanatory.) Procedures will be established to immediately withdraw authorization to carry a firearm when an individual is no longer eligible or qualified to do so.

b. Written authorization does not have to be maintained by the person while the weapon is carried, except as noted in chapter 4 and paragraph 2-7b.

c. DA military and civilian personnel regularly assigned to law enforcement or security duties may be given a continuing authorization (not to exceed 1 year) to carry firearms, provided they pass and maintain eligibility and qualification standards.

d. DA Personnel not regularly assigned to law enforcement or security duties may carry firearms only for the duration of specific assignments dependent on satisfactory completion of mandatory training, proficiency testing, and eligibility, as specified in this regulation.

e. Minimum information to be included in the written authorization is as follows:

(1) Individual's name, rank, social security number, and activity or organization.

(2) The type and serial number of the weapon to be carried.

(3) The inclusive dates of the authorization, statement that the individual is authorized to carry the weapon described in connection with official duties during the period indicated, and whether the weapon is to be carried openly or concealed.

(4) Name, title, rank, and signature of the authorizing official.

f. Personnel assigned firearms for personal protection under the provisions of paragraph 2-2d, will be authorized to carry firearms on a case-by-case basis and written authorization issued only for the duration of specific assignment or threat. Individuals carrying firearms for personal protection must comply with all qualifying requirements specified in this regulation.

g. U.S. Army Criminal Investigation Command (USACIDC) special agents and supervisors may carry weapons while performing official duties based on the written authorization contained in their USACIDC credentials. Procedures will be established to ensure authorization and qualifying criteria for carrying firearms remain valid.

h. Except for USACIDC special agents or supervisors, travel orders must state whether—

(1) Personnel are authorized to carry a firearm while on temporary duty or permanent change of station.

(2) The firearm is to be carried openly or concealed.

Section II

Conditions for Carrying Firearms

2-5. Eligibility requirements

To be considered eligible to carry firearms, personnel must have satisfactorily completed mandatory training and proficiency testing within the preceding 12 months.

a. Mandatory training must include—

(1) A thorough briefing on individual responsibilities.

(2) Use of deadly force training.

(3) Instructions on safety functions, capabilities, limitations, and maintenance procedures for the firearm to be carried.

b. As a minimum, proficiency testing will include annual qualification firing according to Army qualification standards for the type

of weapon being carried. Records of individual qualification results must be retained for as long as the individual possesses a firearm.

(1) Military police, DA civilian investigators, DA civilian police and security guards, and contracted or contractor security forces will qualify annually on the Military Police Firearms Qualification Course as specified in Field Manual 19-10.

(2) In the absence of a qualification standard for a particular type of firearm, successful completion of a familiarization course of fire is acceptable, providing that the familiarization course has been approved by the official authorizing the firearm to be carried.

2-6. Restrictions on carrying firearms

a. Weapons may be carried off an installation by DA personnel engaged in official duties when authorized by officers of field grade rank or higher, or civilian equivalent of grade GS-12 or above.

b. Only Government-owned, and Government-issued weapons and ammunition are authorized to be carried by DA personnel while performing official duties. The Secretary of the Army may authorize an exception to this requirement for Army investigative organizations.

c. Firearms will not be carried within prisoner domicile and work areas, inside closed neuropsychiatric wards, or hospital prison wards. No further restrictions on the carrying of firearms in medical treatment facilities may be imposed on personnel performing law enforcement or security duties.

2-7. Persons prohibited from carrying firearms

a. The following persons are not authorized to carry firearms:

(1) Those exhibiting unsuitable behavior as defined in AR 50-6, AR 190-56, or AR 380-67.

(2) Those with medical conditions, traits or behavioral characteristics are defined as disqualifying factors in AR 50-6, AR 190-56, or AR 380-67.

(3) Those whose security clearance has been revoked or denied under AR 50-6, AR 190-56, or AR 380-67.

(4) Those taking prescription drugs or other medications that may produce drowsiness or impair reaction or judgment.

b. Personnel authorized to carry firearms are prohibited from consuming alcoholic beverages 8 hours prior to carrying a firearm. An officer in the chain of command or supervisory chain in the grade of at least colonel may grant an exception to this provision for USACIDC special agents and supervisors, military police investigators, and DA civilian investigators operating in a covert role.

2-8. Carrying concealed firearms

a. Military or civilian personnel may carry concealed firearms while performing law enforcement or security duties if carrying firearms openly would compromise the mission.

b. Personnel authorized to carry concealed firearms will possess documentation identifying their law enforcement or security duty status and authorization to carry a concealed firearm. During covert operations, field grade commanders or provost marshals may waive the requirement to carry identifying documentation if such could compromise the mission or endanger the person carrying the weapon (requires sufficient control over operations to ensure that authorization and identification can be readily verified if required). A waiver under such situations does not preclude the requirement for written authorization to carry a firearm.

2-9. Safeguarding firearms

a. An individual authorized to carry a firearm is responsible for ensuring proper safeguards to prevent loss, theft, or unauthorized use.

b. Firearms will be returned to a designated control point on completion of the assignment for storage and accountability according to AR 190-11. The Secretary of the Army and the Commander, USACIDC, may authorize exceptions to this requirement for criminal investigators.

Chapter 3 Use of Force

3-1. Procedures for use of force

a. DA military and civilian personnel engaged in law enforcement or security duties will avoid the use of force where they can carry out their duties without resorting to its use. In such cases where the use of force is warranted, DA personnel will use the minimum amount of force necessary to reach their objective. Only as a last resort will deadly force be used and only as described in this regulation.

b. Commanders are encouraged to substitute nonlethal devices for firearms when considered adequate for safely performing law enforcement and security duties. In evaluating the degree of force required for specific law enforcement or security situations, the following options should be considered in the order listed:

- (1) Verbal persuasion.
- (2) Unarmed defense techniques.
- (3) Chemical aerosol irritant projectors (subject to host nation or local restrictions).
- (4) MP club.
- (5) Military working dogs (military working dogs will be used per AR 190-12).
- (6) Presentation of deadly force capability .
- (7) Deadly force (para 3-2).

3-2. Deadly force

a. Principles defined in this regulation on the use of deadly force with firearms will be applied equally to personnel using a weapon or equipment which, when properly employed in their intended application, would exert deadly force.

b. The Secretary of the Army, major Army commanders, or their designees may impose further restrictions on the use of deadly force if deemed necessary in their judgment and if such restrictions would not unduly compromise the national security interests of the United States.

c. Personnel will not be permitted to perform law enforcement or security duties requiring the use of weapons until they have received instruction on applicable regulations for the use of deadly force in the performance of such duties. Additionally, annual refresher training will be given to all personnel assigned to those duties to ensure that they continue to be thoroughly familiar with all restrictions on the use of deadly force.

d. Personnel carrying weapons for personal protection under the provisions of paragraph 2-2d will have the necessary training on deadly force commensurate with that prescribed by this regulation.

e. For contract security forces, use of deadly force criteria will be established consistent with this regulation and local law.

f. Deadly force is justified only under conditions of extreme necessity and as a last resort when all lesser means have failed or cannot reasonably be employed. Deadly force is justified under one or more of the following circumstances:

(1) *Self-Defense and defense of others.* When deadly force reasonably appears to be necessary to protect law enforcement or security personnel who reasonably believe themselves or others to be in imminent danger of death or serious bodily harm.

(2) *Assets involving national security.* When deadly force reasonably appears necessary to prevent the actual theft or sabotage of assets vital to national security. DOD assets will be specifically designated as "vital to national security" only when their loss, damage, or compromise would seriously jeopardize the fulfillment of a national defense mission. Examples include nuclear weapons; nuclear command, control, and communications facilities; and designated restricted areas containing strategic operational assets, sensitive codes or special access programs.

(3) *Assets not involving national security but inherently dangerous to others.* When deadly force reasonably appears to be necessary to prevent the actual theft or sabotage of resources, such as operable weapons or ammunition, that are inherently dangerous to

others; such as assets that, in the hands of an unauthorized individual, present a substantial potential danger of death or serious bodily harm to others. Examples include high risk portable and lethal missiles, rockets, arms, ammunition, explosives, chemical agents, and special nuclear material.

(4) *Serious offenses against persons.* When deadly force reasonably appears necessary to prevent the commission of a serious offense involving violence and threatening death or serious bodily harm. Examples include murder, armed robbery, and aggravated assault.

(5) *Arrest or apprehension.* When deadly force reasonably appears to be necessary to arrest, apprehend, or prevent the escape of a person who, there is probable cause to believe, has committed an offense of the nature specified in (2) through (4) above.

(6) *Escapes.* When deadly force has been specifically authorized by the Secretary of the Army and reasonably appears to be necessary to prevent the escape of a prisoner, provided law enforcement or security personnel have probable cause to believe that the escaping prisoner poses a threat of serious bodily harm either to security personnel or others.

g. Additional requirements for the use of firearms.

(1) Give an order to halt before firing.

(2) Warning shots are prohibited.

(3) When a firearm is discharged, it will be fired with the intent of rendering the person(s) at whom it is discharged incapable of continuing the activity or course of behavior prompting the individual to shoot.

(4) Shots will be fired only with due regard for the safety of innocent bystanders.

(5) In the case of holstered weapons, a weapon should not be removed from the holster unless there is reasonable expectation that use of the weapon may be necessary.

h. Commanders of MACOMs may establish additional considerations in implementing procedures over the use of firearms.

Chapter 4 Carrying Firearms While Aboard Commercial and Military Aircraft

4-1. Procedures

DA personnel authorized to carry firearms aboard commercial and/or military aircraft will follow the rules specified in this paragraph. These rules satisfy both Federal Aviation Administration regulations and military directives for DOD personnel who carry firearms aboard commercial and/or military aircraft, and ensure the safety of aircraft and the personnel on the aircraft.

a. When personnel must carry firearms aboard aircraft, either on themselves or in their baggage, the commercial airline or military passenger service representatives will be notified before the flight departure.

b. Personnel will possess proper identification with full-face photograph and written authorization, such as, letter of authorization, credentials, and so forth, to carry firearms. Exceptions will only occur as a result of prior coordination with competent authority.

4-2. Firearms not required in flight

If the firearm is not required during the flight, the person carrying the firearm will—

a. Declare to the commercial airline representative or military passenger service representative, before the baggage is checked, that an unloaded firearm is in the baggage.

b. Inform the commercial airline representative or military passenger service representative that the firearm container is appropriate for air transportation. If the firearm is a handgun or other weapon that normally is not fired from the shoulder position, the baggage will be locked and the key will be kept by the person carrying the firearm. If the firearm is carried in the baggage, the weapon will be unloaded and securely locked in the baggage.

c. Place ammunition in an ammunition pouch or other suitable

container in the baggage with the firearm, or in a different piece of luggage.

4-3. Firearm required during flight

If a firearm must be accessible during flight, the person carrying the firearm will—

- a.* Notify the airlines or passenger service representative at least 1 hour before the plane departs that the weapon will be carried on the aircraft. If an emergency occurs and the airline cannot be notified 1 hour before the plane departs, then the airline will be notified expeditiously.
- b.* Present official Government identification and written authorization, which contains a full-face picture, signature, and the official seal of the authorizing organization, to the airline's attendant.
- c.* Consume no alcoholic beverages 8 hours before or during the flight.
- d.* Be knowledgeable of danger and limitations on use of firearms aboard aircraft.

4-4. Exclusive military flights

When the total cabin load of an aircraft on a flight for DOD purposes is used exclusively by the DOD Components, the following conditions apply to everyone except law enforcement or security personnel whose duties require that they be armed:

- a.* No firearms will be loaded (such as no magazine inserted or round in the chamber) and all bolts to such firearms will be locked in the "open" position and the safety engaged, as appropriate.
- b.* Before DA personnel board the aircraft, the commercial airlines representative or the passenger service representative will be notified by the unit commander (or officer-in-charge of the charter) that weapons will be carried aboard the aircraft.

4-5. Use of other commercial transportation by personnel carrying firearms

Procedures similar to those for commercial aircraft will apply to other means of commercial transportation. Specific requirements must be determined through advanced coordination with appropriate transportation authorities.

Appendix A References

Section I Required Publications

AR 190-11

Physical Security of Arms, Ammunition and Explosives. (Cited in para 2-9.)

AR 190-12

Military Police Working Dogs. (Cited in para 3-1.)

AR 190-56

The Army Civilian Police and Security Guard Program. (Cited in para 2-7.)

AR 380-67

The Department of the Army Personnel Security Program. (Cited in para 2-7.)

Section II Related Publications

AR 50-5-1

Nuclear Weapon Security.

AR 50-6

Nuclear and Chemical Weapons and Material, Chemical Surety

AR 190-58

Personal Security.

AR 190-59

Chemical Agent Security Program.

AR 195-2

Criminal Investigation Activities.

AR 381-20

U.S. Army Counterintelligence Activities.

DOD Directive 5210.56

Use of Deadly Force and the Carrying of Firearms by DOD Personnel Engaged in Law Enforcement and Security Duties.

FM 19-10

Military Police Operations

Section III Prescribed Forms

DA Form 2818

Firearms Authorization. (Prescribed in para 2-4.)

Section IV Referenced Forms

This section contains no entries.

Appendix B DoD Directive 5210.56

Department of Defense Directive

February 25, 1992
NUMBER 5210.56

ASD(C3I)/IG

Subject:

Use of Deadly Force and the Carrying of Firearms by DoD Personnel Engaged in Law Enforcement and Security Duties.

- (a) DoD Directive 5210.56, "Use of Force by Personnel Engaged in Law Enforcement and Securities Duties," May 10, 1986 (hereby canceled)
- (b) DoD Directive 5210.56, "Carrying of Firearms by DoD Personnel," March 17, 1986 (hereby canceled)
- (c) Section 1585 of title 10, United States Code
- (d) Title 14, Code of Federal Regulations, Part 108.11, "Carriage of Weapons," current edition
- (e) Section 1472 of title 49, United States Code

A. Reissuance and Purpose

This Directive:

1. Reissues reference (a), replaces reference (b), and consolidates policy and procedures for carrying of firearms and use of deadly force by DoD military and civilian personnel engaged in law enforcement or security duties.

2. Implements the provisions of reference (c) that govern the carrying of firearms by civilian DoD personnel performing law enforcement and security duties, and references (d) and (e) that apply to the carrying of firearms by DoD military and civilian personnel aboard commercial aircraft.

B. Applicability and Scope

This Directive:

1. Applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Unified and Specified Commands, the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components"). The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps.

2. Authorizes DoD personnel to carry firearms while engaged in law enforcement or security duties, protecting personnel, vital Government assets, or guarding prisoners.

3. Does not apply to DoD personnel engaged in military operations and subject to authorized rules of engagement, or assigned to duty in the following areas or situations, as defined by an Executive order or a DoD Directive:

a. In a combat zone in time of war.

b. In a designated hostile fire area when rules of engagement apply, or when the combatant commander issues operations orders setting forth different criteria.

c. Under the operational control of another Federal Agency carrying firearms in support of the mission, subject to the approval and requirements of both the Federal Agency and the DoD Component.

d. Civil disturbance mission area.

e. Military Services personnel performing training missions.

4. Requires that the principles defined in this Directive on use of deadly force with firearms be applied equally to personnel using any weapon or equipment which, when properly employed in their intended application, would exert deadly force.

5. Requires establishing criteria for compliance with its provisions by contract security forces.

C. Definitions

1. *Deadly Force*. Force that a person uses causing, or that a person knows or should know would create a substantial risk of causing, death or serious bodily harm. Deadly force shall be used only as set forth in enclosure 2.

2. *Defense Criminal Investigative Organizations (DCIOs)* Means the Naval Investigative Service Command, the Air Force Office of

Special Investigations, the Army Criminal Investigations Command, and the Defense Criminal Investigative Service, and any successor organizations.

3. *Serious Bodily Harm.* Does not include minor injuries, such as a black eye or bloody nose, but does include fractured or dislocated bones, deep cuts, torn members of the body, serious damage to the internal organs, and other life-threatening injuries.

4. *Armed Equipped* with a loaded firearm.

D. Policy

It is DoD Policy:

1. To limit and control the carrying of firearms by DoD military and civilian personnel. The authorization to carry firearms shall be issued only to qualified personnel when there is a reasonable expectation that life or DoD assets will be jeopardized if firearms are not carried. Evaluation of the necessity to carry a firearm shall be made considering this expectation weighed against the possible consequences of accidental or indiscriminate use of firearms. DoD personnel regularly engaged in law enforcement or security duties shall be armed. Procedures on authorization to carry and the carrying of firearms are in enclosure 1.

2. That DoD military and civilian personnel engaged in law enforcement or security duties shall avoid the use of force where they can carry out their duties without resorting to its use. In such cases where the use of force is warranted, DoD personnel shall use the minimum amount of force necessary to reach their objective. Deadly force shall only be used as described in enclosure 2.

3. That when personnel must carry firearms aboard aircraft, either on their person or in baggage, commercial airline or military passenger service representatives shall be notified before the flight departure. Personnel shall carry written authorization to carry the firearm and proper identification to include a full-face photograph. If the firearm is carried in baggage, the weapon shall be unloaded and securely locked in the baggage. Procedures for the authorization and carrying of firearms on commercial and/or military aircraft are in enclosure 3.

E. Responsibilities

1. The *Assistant Secretary of Defense for Command, Control, Communications and Intelligence* shall monitor compliance with this Directive as it relates to counterintelligence, law enforcement and security matters.

2. The *Inspector General of the Department of Defense* shall monitor compliance with this Directive as it relates to criminal investigative policy and law enforcement functions in the DCIOs.

3. The *Heads of the DoD Components* shall:

a. Authorize DoD personnel to carry firearms in accordance with this Directive. This authority shall be exercised by the Director of Administration and Management for OSD; the Defense Advanced Research Projects Agency; the Defense Legal Services Agency; the Defense Security Assistance Agency; and the DoD Field Activities.

b. Establish, as needed, implementing procedures to ensure compliance with this Directive.

c. Ensure that local commanders develop criteria, consistent with this Directive and local law, for the carrying of firearms and the use of force by contract security forces.

F. Procedures

The procedures for the arming of DoD Law enforcement and security personnel, the use of deadly force, and the carrying of firearms aboard aircraft are in enclosures 1 through 3, respectively.

G. Effective Date and Implementation

1. This Directive is effective immediately. Forward one copy of implementing documents to the Assistant Secretary of Defense (Command, Control, Communications and Intelligence) and the Inspector General, Department of Defense within 120 days.

2. Documents that implement this Directive in overseas areas should be framed in a manner to satisfy applicable provisions of international agreements or arrangements relating to law enforce-

ment and security matters.

Signed by Donald J. Atwood

Deputy Secretary of Defense

Enclosures —3

1. Procedures for the Arming of DoD Law Enforcement and Security personnel

2. Procedures for Use of Deadly Force

3. Procedures for DoD Personnel Who Carry Firearms While Aboard Commercial and Military Aircraft

Feb 25, 92

5210.56 (Encl 1)

PROCEDURES FOR THE ARMING OF DoD LAW ENFORCEMENT AND SECURITY PERSONNEL

A. Authorizations to carry firearms shall be granted by the Heads of the DoD Components or their designees. Personnel to be issued a firearm shall be briefed thoroughly on their individual responsibilities and shall receive the mandatory training as required by this Directive.

B. An authorization to carry firearms may be granted to personnel authorized to be engaged and in fact engaged in the following activities:

1. Law enforcement activities, including investigations of espionage, sabotage, and other serious crimes in which DoD programs, personnel, or property are the victim, or

a. In cases where DoD personnel are involved in serious crimes; or

b. Where investigations are conducted in hazardous areas or under hazardous circumstances.

2. Protecting classified information, systems, or equipment.

3. Protecting the President of the United States, high ranking Government officials, DoD personnel, or foreign dignitaries.

4. Protecting DoD assets and personnel.

5. Guarding prisoners.

C. DoD military and civilian personnel may be authorized to carry firearms for personal protection in overseas areas when the DoD Component headquarters intelligence center identifies a credible and specific threat against DoD personnel in that regional area. Firearms shall not be issued indiscriminately for that purpose. Authorizations must be approved by the Heads of the DoD Components, or their designees. Before individuals are authorized to carry a firearm for protection under this Directive, the Heads of the DoD Components or their designees must evaluate the probability of the threat in a particular location, the adequacy of support by DoD protective personnel, the adequacy of protection by U.S. or host nation authorities, and the effectiveness of other means to avoid personal attacks.

D. Except in situations requiring immediate action to protect life or vital Government assets, all authorizations to carry firearms by personnel shall be in writing, signed by the appropriate authorizing official, and issued only to personnel who satisfactorily have completed qualification training, proficiency testing, and use of deadly force training within the preceding 12 months. Written authorization does not have to be maintained by the person while the weapon is carried except as noted in subsection D.3., above, of the basic Directive. As a minimum, annual firearm qualification training is also required of all personnel issued and maintaining firearms. Records of individual qualification results must be retained for as long as the individual possesses a firearm.

E. DoD military and civilian personnel regularly assigned to law enforcement or security duties may be given a continuing authorization to carry firearms provided they pass the required yearly qualification standards. Personnel assigned firearms for personal protection under the provisions of section C above shall be authorized to carry firearms on a case-by-case basis only for the duration of specific assignments or threats. Procedures shall be established to ensure that any individual being issued a firearm has written authorization in effect before the actual issuance of the weapon.

F. Firearms shall be returned to a designated control point on completion of the assignment for storage and accountability in accordance with Component procedures. The Secretaries of the Military Departments and the Inspector General, Department of Defense may authorize exceptions to this requirement for the DCIOs.

G. An individual authorized to carry a firearm is responsible for ensuring proper safeguards to prevent loss, theft, or unauthorized use.

H. Weapons may be carried off an installation by DoD personnel engaged in official duties when authorized by the Heads of the DoD Components or their designees.

I. Only Government-owned and issued weapons and ammunition are authorized to be carried by DoD personnel while performing official duties. The Secretaries of the Military Departments and the Inspector General, Department of Defense may authorize an exception to this requirement for the DCIOs.

Feb 25, 92

5210.56 (Encl 2)

PROCEDURES FOR USE OF DEADLY FORCE

A. The procedures for use of deadly force are in section B., below. The Heads of the DoD Components shall consult as appropriate with the DoD General Counsel, or the General Counsel of the DoD Component, or their designees, for legal sufficiency of use of deadly force implementing guidance. The Heads of the DoD Components, or their designees, may impose further restrictions on the use of deadly force if deemed necessary in their judgment and if such restrictions would not unduly compromise the national security interests of the United States.

B. Deadly force is justified only under conditions of extreme necessity and as a last resort when all lesser means have failed or cannot reasonably be employed. Deadly force is justified under one or more of the following circumstances:

1. *Self-Defense and Defense of Others.* When deadly force reasonably appears to be necessary to protect law enforcement or security personnel who reasonably believe themselves or others to be in imminent danger of death or serious bodily harm.

2. *Assets Involving National Security.* When deadly force reasonably appears necessary to prevent the actual theft or sabotage of assets vital to national security. DoD assets shall be specifically designated as "vital to national security" only when their loss, damage, or compromise would seriously jeopardize the fulfillment of a national defense mission. Examples include nuclear weapons; nuclear command, control, and communications facilities; and designated restricted areas containing strategic operational assets, sensitive codes, or special access programs.

3. *Assets Not Involving National Security But Inherently Dangerous To Others.* When deadly force reasonably appears to be necessary to prevent the actual theft or sabotage of resources, such as operable weapons or ammunition, that are inherently dangerous

to others; i.e., assets that, in the hands of an unauthorized individual, present a substantial potential danger of death or serious bodily harm to others. Examples include high risk portable and lethal missiles, rockets, arms, ammunition, explosives, chemical agents, and special nuclear material.

4. *Serious Offenses Against Persons.* When deadly force reasonably appears necessary to prevent the commission of a serious offense involving violence and threatening death or serious bodily harm. Examples include murder, armed robbery, and aggravated assault.

5. *Arrest or Apprehension.* When deadly force reasonably appears to be necessary to arrest, apprehend, or prevent the escape of a person who, there is probable cause to believe, has committed an offense of the nature specified in subsections B.2. through B.4. of this enclosure, above.

6. *Escapes.* When deadly force has been specifically authorized by the Heads of the DoD Components and reasonable appears to be necessary to prevent the escape of a prisoner, provided law enforcement or security personnel have probable cause to believe that the escaping prisoner poses a threat of serious bodily harm either to security personnel or others.

C. For contract security forces, use of deadly force criteria shall be established consistent with this Directive and local law.

D. Personnel shall not be permitted to perform law enforcement or security duties requiring the use of weapons until they have received instruction on applicable regulations for the use of deadly force in the performance of such duties. Additionally, annual refresher training shall be given to all personnel assigned to those duties to ensure that they continue to be thoroughly familiar with all restrictions on the use of deadly force.

E. Personnel carrying weapons for personal protection under the provisions of section C. Enclosure 1, shall have the necessary training on deadly force commensurate with that prescribed by this Directive.

F. Additional requirements for the use of firearms:

1. Warning shots are prohibited.

2. When a firearm is discharged, it will be fired with the intent of rendering the person(s) at whom it is discharged incapable of continuing the activity or course of behavior prompting the individual to shoot.

3. Shots shall be fired only with due regard for the safety of innocent bystanders.

4. In the case of holstered weapons, a weapon should not be removed from the holster unless there is reasonable expectation that use of the weapon may be necessary.

5. The Heads of the DoD Components may establish additional considerations in implementing procedures over the use of firearms.

Feb 25, 92
5210.56 (Encl 3)

PROCEDURES FOR DoD PERSONNEL WHO CARRY FIREARMS WHILE ABOARD COMMERCIAL AND MILITARY AIRCRAFT

A. The following rules satisfy both the Federal Aviation Administration administrative regulations and military directives for DoD personnel who carry firearms aboard commercial and/or military aircraft: (Those rules were developed to ensure the safety of aircraft and the personnel on the aircraft.)

B. DoD personnel authorized to carry firearms aboard commercial and/or military aircraft shall follow the following rules:

1. Personnel shall possess written authorization to carry firearms;

i.e., letter of authorization, DoD Component credentials, etc. Exceptions shall only occur as a result of prior coordination with competent authority.

2. If the firearm is not required during the flight, the person carrying the firearm shall:

a. Declare to the commercial airline representative or military passenger service representative before the baggage is checked that a firearm is in the baggage and that the firearm is unloaded.

b. Inform the commercial airline representative or military passenger service representative that the container is appropriate for air transportation. If the firearm is a handgun or other weapon that normally is not fired from the shoulder position, the baggage shall be locked and the key shall be kept by the person carrying the firearm.

3. If a firearm must be accessible during flight, the person carrying the firearm shall:

a. Notify the airlines or passenger service representative at least 1 hour before the plane departs that the weapon shall be carried on the aircraft. If an emergency occurs and the airline cannot be notified 1 hour before the plane departs, then the airline shall be notified expeditiously.

b. Present official Government identification and written authorization, which contain his or her full-face picture, signature, and the official seal of the authorizing organization, to the airline's attendant.

c. Consume no alcoholic beverages eight hours before or during the flight.

C. When the total cabin load of an aircraft on a flight for DoD purposes is used exclusively by the DoD Components, the following conditions apply to everyone except law enforcement or security personnel whose duties require that they be armed:

1. No firearms shall be loaded (i.e., no magazine inserted or rounds in the chambers) and all bolts to such firearms shall be locked in the "open" position and the safety engaged, as appropriate.

2. Before DoD personnel board the aircraft, the commercial airlines representative or the passenger service representative shall be notified by the unit commander (or officer in charge of the charter) that weapons shall be carried aboard the aircraft.

Glossary

Section I Abbreviations

AR

Army regulation

ARNG

Army National Guard

DA

Department of the Army

DAMO-ODL

Security, Force Protection, and Law Enforcement Division, Deputy Chief of Staff, Operations, Headquarters, Department of the Army

DOD

Department of Defense

GS

General Schedule

HQDA

Headquarters, Department of the Army

MACOM

major Army command

MP

military police

USACIDC

U.S. Army Criminal Investigations Command

U.S.

United States

USAR

U.S. Army Reserve

Section II Terms

Armed

Equipped with a loaded firearm.

Deadly force

Force that a person uses causing, or that a person knows, or should know, will create a substantial risk of causing, death or serious bodily harm. Deadly force will be used only as set forth in chapter 3.

Serious bodily harm

Does not include minor injuries, such as a black eye or a bloody nose, but does include fractured or dislocated bones, deep cuts, torn members of the body, serious damage to the internal organs, and other life-threatening injuries.

Section III

Special Abbreviations and Terms

This section contains no entries.

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