



## DoD DIRECTIVE 5210.56

### ARMING AND THE USE OF FORCE

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<b>Originating Component:</b>	Office of the Under Secretary of Defense for Intelligence and Security
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<b>Reissues and Cancels:</b>	DoD Directive 5210.56, "Carrying of Firearms and the Use of Force by DoD Personnel Engaged in Security, Law and Order, or Counterintelligence Activities," April 1, 2011
<b>Approved by:</b>	Robert O. Work, Deputy Secretary of Defense
<b>Change 1 (Administrative)</b>	
<b>Approved by:</b>	Christopher R. Choate, Chief, Directives Division

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**Purpose:** This issuance:

- Establishes policy and standards and assigns responsibilities for arming, carrying of firearms, and the use of force by DoD personnel performing security and protection, law and order, investigative, or counterintelligence duties; and for personal protection when related to the performance of official duties.
- Establishes policy and standards and assigns responsibilities for contractor personnel required to carry a firearm in accordance with applicable DoD contracts.
- Implements Section 1585 of Title 10, United States Code (U.S.C.), which authorizes civilian officers and employees of the DoD to carry firearms or other appropriate weapons while assigned investigative duties or such other duties as prescribed by the Secretary of Defense.
- Provides requirements, authorizations, and restrictions on carrying firearms and the use of force to protect DoD installations, property, and personnel, and to enforce law and order in accordance with DoD Instruction (DoDI) 5200.08 and DoD 5200.08-R.
- Implements Section 2672 of Title 10, U.S.C., Section 926A of Title 18, U.S.C., and Section 526 of Public Law 114-92 ("the National Defense Authorization Act for Fiscal Year 2016"), and authorizes DoD Components to arm DoD personnel qualified under Sections 926B and 926C of Title 18, U.S.C., when related to the performance of official duties.

- Provides guidance for permitting the carrying of privately owned firearms on DoD property by DoD personnel for personal protection purposes that are not associated with the performance of official duties.

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## **SECTION 1: GENERAL ISSUANCE INFORMATION**

### **1.1. APPLICABILITY.**

a. This issuance:

(1) Applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, National Guard personnel in Title 10 status, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within DoD (referred to collectively in this issuance as the “DoD Components”).

(2) Does **not** apply to DoD personnel engaged in military operations subject to the standing or other rules of engagement. Refer to the current version of Chairman of the Joint Chiefs of Staff Instruction 3121.01 and other applicable guidance.

(3) Applies to contractor personnel (U.S. persons or non-U.S. persons) required to carry a firearm in accordance with applicable DoD contracts.

(4) Does **not** apply to the arming of National Guard personnel in Title 32, U.S.C., status or in State active duty status. The decision as to whether to arm those State personnel is at the discretion of Governors and State Adjutants Generals consistent with federal and State law.

b. Nothing in this issuance will infringe on or impair the authority of the Office of Inspector General of the Department of Defense pursuant to the Inspector General Act of 1978, as amended, Title 5, U.S.C., and DoD Directive 5106.01.

c. Nothing in this issuance will be construed as affecting the authority of the Secretary of Homeland Security to provide for the protection of facilities (including the buildings, grounds, and properties of the General Services Administration) that are under the jurisdiction, custody, or control, in whole or in part, of a federal department or agency other than DoD and that are located off a military installation.

d. Except where specifically noted, nothing in this issuance is intended to interfere with or supersede the authorities of law enforcement officers.

### **1.2. POLICY.**

a. When authorized, DoD personnel may be armed on and off DoD property when required for the performance of official duties.

b. Arming DoD personnel other than law enforcement and security personnel will be considered for locations where law enforcement or security personnel are not located on site or in a reasonable proximity. For example, DoD personnel assigned recruiting duties should not be armed when visiting high schools that have law enforcement or security personnel on site.

c. Arming DoD personnel from the Office of Inspector General of the Department of Defense and criminal investigators from Defense Criminal Investigative Organizations (DCIOs) will be authorized in accordance with this issuance.

d. Authorizing the carrying of firearms and the use of force in the performance of official duties will be implemented in accordance with Section 3 of this issuance, DoDI 5200.08, and applicable federal law. Additionally, DoD personnel in locations outside the United States and who are authorized to carry firearms must comply with applicable host-nation laws and international agreements.

e. Pursuant to Section 4 of this issuance, DoD personnel may request permission to carry a privately owned firearm on DoD property for personal protection purposes that are not related to the performance of official duties or duty status.

f. Permitting the carrying of privately owned firearms for personal protection purposes not related to the performance of official duties or duty status will be implemented in accordance with Section 4 of this issuance; the Secretary of Defense Message, "Privately Owned Firearms;" DoDI 5200.08; and applicable federal, State, and local law. DoD personnel in locations outside the United States and who are permitted to carry privately owned firearms for personal protection purposes on DoD installations must also comply with applicable host-nation laws and international agreements.

g. DoD personnel are personally responsible for complying with all applicable federal, State, and local requirements when permitted to carry a privately owned firearm on DoD property for personal protection that is not related to the performance of their official duties or duty status.

h. This policy does not supersede agreements or authorities regarding DoD personnel in:

(1) An overseas location not under the authority or subject to the control of a U.S. military commander, as agreed by appropriate memorandum of agreement in accordance with DoDI 5210.84.

(2) General Services Administration-managed, -owned, or -leased facilities protected by the Department of Homeland Security.

i. Except as permitted in this issuance or as specifically permitted in other applicable DoD policy, the possession of a privately owned firearm on DoD property is prohibited.

### **1.3. SUMMARY OF CHANGE 1.** This administrative change updates:

a. The title of the Under Secretary of Defense for Intelligence to the Under Secretary of Defense for Intelligence and Security in accordance with Public Law 116-92.

b. Additional organizational changes reflecting direction in statute or Secretary and Deputy Secretary of Defense direction.

c. References and other administrative corrections.

## **SECTION 2: RESPONSIBILITIES**

**2.1. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE AND SECURITY.** The Under Secretary of Defense for Intelligence and Security:

- a. Provides policy oversight and monitors compliance with this issuance, and resolves conflicts between DoD Component arming authorities and policies supplementing this issuance.
- b. Develops and prescribes a DoD-wide standard for identification cards (other than criminal investigator credentials) designating the carrier as authorized or permitted to carry a firearm in accordance with Sections 3 or 4 of this issuance.

**2.2. INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.** In addition to the responsibilities in Paragraph 2.4., the Inspector General of the Department of Defense monitors DCIO compliance with this issuance.

**2.3. CHIEF MANAGEMENT OFFICER (CMO) OF THE DEPARTMENT OF DEFENSE.** The CMO authorizes arming of, and ensures compliance with the responsibilities in Paragraph 2.4. by, DoD personnel assigned to OSD and performing official duties in accordance with Section 3 of this issuance, and may permit the carrying of privately owned firearms for personal protection that is unrelated to the performance of official duties or duty status, in accordance with Section 4 of this issuance.

**2.4. DOD COMPONENT HEADS.** In addition to the responsibilities assigned in DoDI 5200.08, the DoD Component heads will:

a. Prescribe supplemental guidance and training materials for their respective components. Supplemental guidance and training materials will, at a minimum:

(1) Identify the actions that personnel carrying a firearm should take when first responders arrive during or after an active shooter event or other hostile action.

(2) Consider standardizing procedures for authorizing or permitting DoD personnel, qualified under the Law Enforcement Officers Safety Act, to carry a firearm on DoD property for the performance of official duties in accordance with Section 3 of this issuance, or for personal protection that is unrelated to the performance of official duties or duty status, in accordance with Section 4 of this issuance.

(3) Consider standardizing authorizations for other DoD personnel, who are trained in the scaled use of force or who have been previously qualified to use a government-issued firearm, to carry a firearm in the performance of official duties on DoD property.

b. Apply the following considerations when authorizing the arming of assigned DoD personnel for the performance of official duties:

(1) To the extent practical, DoD Component heads will prioritize such authorization for DoD personnel (including but not limited to security, law enforcement, and counterintelligence personnel) who have had training in scaled use of force or who have qualified to use the firearm with which they will perform their duties.

(2) Other considerations in arming decisions will include assigned missions, threats or risks, response times of law enforcement or security personnel, on-site capabilities, and the duty to protect DoD assets and persons.

(3) The authorization may include, as necessary, the carrying and retention of a government-issued firearm off DoD property for the performance of official duties.

(4) Whether the Lautenberg Amendment (Section 922(g)(9) of Title 18, U.S.C.) or DoDI 6400.06 restricts the arming of individual DoD personnel.

c. Direct assigned DoD personnel armed with government-issued firearms for the performance of official duties to use secure storage (e.g., safety-lock device, security box, or other approved security container or device). Provide secure storage containers or devices and instructions on its proper use.

d. Direct assigned DoD personnel who are specifically authorized to carry a privately owned firearm for the performance of official duties to use secure storage (e.g., a safety-lock device, security box, or other approved security container or device).

e. Establish mutual notification procedures between the installation or facility host and tenant organizations' leadership and security personnel concerning arming authorizations, permissions, and suspensions that may result in or affect an individual's ability to carry, transport, or use of a firearm on DoD property.

(1) For joint recruiting facilities, the notification and coordination for arming authorizations and permissions will include the respective Military Services and the Joint Recruiting Facility Committee.

(2) These procedures will also include guidance for subordinate organizations to notify their next higher commander or civilian in the chain of command or supervision regarding arming decisions.

f. Establish agreements and procedures for notification and coordination with State and local law enforcement when arming personnel for the performance of official duties at off-installation locations.

g. Establish agreements and procedures for tenants to notify and coordinate with designated officials and facility security committees at leased facilities for a risk assessment prior to arming DoD personnel for the performance of official duties at the leased location. For GSA-leased or -owned facilities, coordination will be accomplished through the GSA-designated security authority.

h. Establish and maintain accountability (e.g., file copies of authorization and permission documentation) of DoD personnel who have been authorized or permitted to carry firearms pursuant to this issuance.

i. Post signage, written notices, and procedures in all DoD facilities where government firearms or ammunition are stored, issued, disposed of, or transported in accordance with DoDI 5200.08; Chapter 44 of Title 18, U.S.C.; and DoD Manual 5100.76. Conspicuously post signage at each public entrance to each DoD installation or facility to provide notice of the restrictions in Section 930 of Title 18, U.S.C., as well as other applicable restrictions, including those in applicable federal, State, or local law and applicable DoD policy.

j. Suspend arming authorizations for DoD personnel who are no longer qualified to be armed. This includes but is not limited to: those failing to qualify, becoming ineligible under the Lautenberg Amendment or DoDI 6400.06, or having a medically certified disqualifying physical or mental health condition. Retrieve any government-issued firearms, ammunition, non-lethal weapons (NLWs), and non-lethal ammunition from DoD personnel who are no longer qualified to be armed.

k. Train DoD personnel on the use of force and responsibilities associated with carrying a firearm for the performance of official duties in accordance with this issuance and applicable law.

l. Designate arming authorities for DoD personnel other than those assigned to DCIO, counterintelligence, law enforcement, or security duties:

(1) For the open carrying of government-issued firearms on or off DoD property for the performance of official duties, the arming authorities must be an O-4 commander or above in the chain of command or the civilian equivalent in the chain of supervision. Coordination between organizations will be accomplished pursuant to Paragraphs 2.4.e. and 2.4.g., as applicable.

(2) For the concealed carrying of government-issued firearms on or off DoD property for the performance of official duties, the arming authorities must be an O-6 commander or above in the chain of command or the civilian equivalent in the chain of supervision. Coordination between organizations will be accomplished pursuant to Paragraphs 2.4.e. and 2.4.g., as applicable.

(3) For the concealed or open carrying of privately owned firearms on DoD property in connection with official duties (e.g., threat of harm related to the person's duties or status), the arming authority is the Secretary of the Military Department concerned, the Chief of Staff of the Military Service concerned, or the Defense Agency or Activity director or their deputy directors. These authorizations will be for a maximum of 90-calendar-day increments, and may be renewed for as long as the threat or circumstance necessitating arming exists. Coordination between tenant agency or activity directors and the host Military Department or Service responsible for the installation on which the tenant agency or activity resides will be accomplished pursuant to Paragraph 2.4.e. and 2.4.g., as applicable.

m. Establish rank, grade, or position requirements for personnel designated as arming authorities for those organizations performing DCIO, counterintelligence, law enforcement, or security duties, or who carry a firearm for duty on a routine basis, as follows:

(1) For the open or concealed carry of a government-issued firearm on or off DoD property, an organization's respective company grade (O-2 or O-3) unit commander or civilian equivalent or above will serve as the arming authority.

(2) For approval to carry a privately owned firearm (concealed or open carry) for the performance of official duties, a senior grade (O-6) commander or civilian equivalent or above will serve as the arming authority.

n. Establish rank, grade, or position requirements for personnel who will be designated as the official that may permit the concealed or open carry of privately owned firearms on DoD property for personal protection purposes that are not related to the performance of official duty or duty status. At a minimum, this official must be a commander in the grade of O-5 or civilian equivalent in charge of the DoD property. Coordination between organizations will be accomplished pursuant to Paragraphs 2.4.e. and 2.4.g., as applicable.

o. Ensure that the use of force for the performance of official duties is consistent with Paragraph 3.4.

p. Report to the National Military Command Center changes in arming authorizations for official purposes (other than the routine arming for security, counterintelligence, DCIO, and law enforcement personnel) and permissions to carry on DoD property for personal protection that are not related to the performance of official duties or duty status.

q. Notify the Mission Assurance Senior Steering Group and the DoD Physical Security Review Board co-chairs in writing and in advance of any changes to arming plans or arming authority. These notifications are not required for decisions based on specific, time-sensitive threats.

r. Ensure any contracts that require contractor personnel to carry firearms (contractor-furnished firearms are considered privately owned) for performance of the contract also require the contractor to comply with federal, State, and local requirements; this issuance; DoD Component supplemental guidance; and the Interagency Security Committee Guide, as applicable, with regard to the carrying of firearms, training and qualifications, and reporting requirements for lost or stolen firearms.

s. Ensure DoD personnel have appropriate protective equipment (e.g., body armor, chemical protective gear) to provide for their individual safety commensurate with the duty or task assigned.

t. Consult with their general counsel or other servicing legal adviser for the legal sufficiency of the DoD Component's implementing guidance on the use of force.

**2.5. CHAIRMAN OF THE JOINT CHIEFS OF STAFF (CJCS).** The CJCS will:

- a. Recommend to the Secretary Standing Rules for the Use of Force consistent with this issuance.
- b. Establish criteria and procedures for Components to report changes in arming decisions.
- c. Provide periodic updates to the Mission Assurance Senior Steering Group and the DoD Physical Security Review Board on Component-reported changes to arming decisions.

**2.6. CHIEF, NATIONAL GUARD BUREAU.** In addition to the responsibilities in Paragraph 2.4., the Chief, National Guard Bureau will coordinate with the Adjutant's General of the States, territories, and the District of Columbia concerning the arming of Title 32, U.S.C., personnel.

### **SECTION 3: AUTHORIZATIONS, QUALIFICATIONS, TRAINING, TRANSPORT, SAFEGUARDING AND STORAGE, AND THE USE OF FORCE IN THE PERFORMANCE OF OFFICIAL DUTIES**

#### **3.1. COMPONENT ARMING AUTHORITIES: AUTHORIZING ARMING FOR OFFICIAL DUTIES.**

a. Arm qualified DoD personnel in accordance with the guidance in this issuance and DoDI 5200.08.

(1) Pursuant to DoDI 5200.08, military commanders and their civilian equivalents may issue the necessary regulations for the protection and security of property and places under their command or supervision. Tenants on an installation governed by another DoD Component policy may authorize arming for their assigned personnel in accordance with DoDI 5200.08 and this issuance.

(2) If there is a conflict concerning arming authorities or policies supplementing this issuance that cannot be resolved, the issue will be forwarded to the next higher echelon of each command. Should the issue remain unresolved between the DoD Component heads, a request for resolution will be forwarded to the Under Secretary of Defense for Intelligence and Security as the policy proponent for this issuance and the DoD Physical Security Program.

b. Ensure that DoD personnel, before being authorized to carry firearms, have been properly screened in accordance with the provisions of Chapter 44 of Title 18, U.S.C.; DoD Manual 5200.02; DoDI 5200.46; the Lautenberg Amendment; and DoDI 6400.06. DoD Components must complete DD Form 2760, "Qualification to Possess Firearms or Ammunition" (located at <https://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd2760.pdf>) in accordance with DoDI 6400.06.

c. Brief armed DoD personnel concerning their individual responsibilities, requirements of this issuance and other applicable DoD issuances, and DoD Component requirements when personnel are performing duties, including but not limited to any of the following circumstances:

(1) Duties related to security of DoD installations, sites, property, and persons, including protection of prisoners or maintaining law and order in accordance with DoDI 5200.08.

(2) Duties related to criminal investigations, counterintelligence operations, or a DoD mission or activity.

(3) Duties related to the protection of the President of the United States, high-ranking government officials, DoD personnel, and foreign dignitaries in accordance with DoDI O-2000.22 and O-2000.27.

(4) Duties related to safeguarding classified information, systems, equipment, and other classified government assets.

(5) Personal protection related to the performance of official duties (refer to Section 4 for provisions concerning the carrying of firearms for personal protection when not related to the performance of official duties or duty status).

(a) Arming DoD personnel for their personal protection will be considered when there is a general or specific threat of possible harm directed against them when that threat relates to the person's official duties or status.

(b) The decision to authorize arming for their personal protection should include an evaluation of the credibility of the threat, and the arming authorization period should be the same period as the duration of the threat.

(c) Consider arming DoD personnel when a supporting intelligence center or office with responsibility comparable to a headquarters intelligence center or supporting a DCIO identifies a more predictable and specific threat against a DoD person or DoD personnel in that area.

(6) Short-notice recall. Consider arming designated DoD personnel who are in a non-duty but in a short-notice recall status, including when those duties require timely response to provide security or to investigate suspicious activities or criminal incidents.

(7) Duties with a DCIO, or when authorized by a DCIO for the performance of official duties in support of a criminal investigation or a counterintelligence operation.

d. Verify individual qualifications of DoD personnel performing official duties and retain documentation for as long as the individual is authorized to be armed.

e. Ensure that arming authorizations are:

(1) For as long as the threat or jeopardous situation exists, or for the performance of duties as described in Paragraph 3.1.c., as applicable, and consistent with Paragraph 2.4.1., as applicable.

(2) In writing by the designated arming authority. Before the carrying of a firearm is authorized, authorization documentation must be completed and will include information necessary to identify who is being armed, when and where they are authorized to be armed, the arming authority (e.g., individual's name, unit, address, and signature (ink or digitally)), and what type of firearm the individual is authorized to carry. Exceptions to this requirement may be made in situations that require immediate authorization to protect lives or vital government assets.

f. Ensure that authorizations do not extend to personnel participating in official training programs (e.g., Federal Law Enforcement Training Center) unless the training venue allows the carrying of firearms, and the carrying of firearms is approved by the training venue administrator in advance of the training.

g. Ensure that DoD personnel performing official duties who have been authorized to carry a government-issued firearm, or an approved privately owned firearm on DoD property, including

Armed Forces Recruiting Centers and Armed Forces Reserve Centers, meet applicable requirements in this issuance and supplemental policy issued by the applicable DoD Component.

h. Periodically verify that firearms qualifications and use-of-force training requirements have been met for contractors performing duties pursuant to a DoD contract requiring the contractor to carry a firearm.

i. Ensure that the authorization specifies how firearms are to be carried, whether concealed or open, as duties require.

j. Limit arming to locations where there is a requirement for on-site security or a specific threat to persons or DoD property for DoD personnel other than those assigned to DCIO, counterintelligence, law enforcement, or security duties.

### **3.2. FIREARMS QUALIFICATION AND TRAINING.**

a. Security, law enforcement, or other designated personnel who routinely carry a firearm as required by their position description (e.g., occupational positions such as Office of Personnel Management Series 0080, 0083, 0085, and other military police or related military occupational series) must satisfactorily complete DoD Component-approved training every 12 months, including firearms familiarization (classroom academic), live-fire qualification, and use-of-force training.

(1) DoD Components will consider periodic sustainment training for personnel to maintain firearms familiarization and proficiency.

(2) For circumstances that critically affect mission accomplishment, extensions are authorized for live-fire qualification up to 12 months, but DoD Components may not grant extensions that would exceed a period of 24 months since the last qualification.

b. All other DoD personnel authorized to carry a government-issued firearm or a privately owned firearm for the performance of official duties that do not fall into the category of individuals in Paragraph 3.2.a. will satisfactorily complete DoD-approved firearm proficiency training and qualification and use-of-force training every 12 months, as a minimum.

(1) DoD Components may consider periodic sustainment training for personnel to maintain firearms familiarization and proficiency.

(2) Extensions are authorized for live-fire qualification up to an additional 12 months, but DoD Components may not grant any extension that would exceed a period of 24 months since the last qualification.

c. Extensions authorized by Paragraphs 3.2.a. and 3.2.b. do not change the requirement for firearms familiarization and use-of-force training.

d. The use of firearm training simulators is recommended for personnel to maintain firearms proficiency and may be considered as a substitute for live-fire qualification under exigent

circumstances. Use of firearm training simulators in lieu of live-fire qualification requires DoD Component written authorization. Live-fire qualification will be completed once the exigent circumstance expires.

e. Personnel authorized to carry a government-issued firearm, or a privately owned firearm for the performance of official duties, must meet requirements delineated in DoD 6055.05-M and agree that while armed for official duties they will not be under the influence of alcohol or another intoxicating or hallucinatory drug or substance that would impair their judgment.

### **3.3. SAFEGUARDING, STORAGE, TRANSPORT, AND CARRYING.**

a. Individuals who are armed for the performance of official duties will comply with DoD Component implementing safeguards to prevent loss, theft, and unauthorized use of government-issued firearms and ammunition.

b. Personnel will return firearms approved for official duties to an armory, secure storage area, or other approved location (e.g., residence when authorized) for accountability and safekeeping upon completion of their official duties or training, in accordance with this issuance and DoD Component procedures.

c. Government-issued firearms and ammunition accountability and losses must be reported in accordance with DoD Manual 5100.76.

d. Firearms, associated components, and ammunition are prohibited from entering the defense courier network, in accordance with DoDI 5200.33.

e. Transport and carry of firearms.

(1) **Ground Transport of Firearms.** During transport, while an authorized person is performing official duties or travelling to and from work, the firearm will be carried loaded, unless circumstances necessitate otherwise. When the individual is off-duty and not in a travel status, the firearm will be unloaded, or locked in a safe, or secured with a safety device or other secure gun storage.

(2) **Transport to or from Authorized Residence.** DoD Personnel who have been authorized to carry a government-issued or approved privately owned firearm while performing official duties may transport or carry it to and from their residence when authorized to store the firearm at their residence.

(3) **Transport on a Commercial Aircraft.** DoD personnel must comply with applicable provisions of Sections 1540.111, 1544.219, and 1544.221 of Title 49, Code of Federal Regulations (CFR), and Transportation Security Administration (TSA) regulations and guidance. DoD personnel must obtain a Unique Federal Agency Number from TSA prior to carrying government-issued firearms aboard a commercial aircraft. DoD law enforcement officers must also comply with DoDI 5525.14.

(a) DoD personnel authorized to carry a firearm aboard commercial aircraft must meet the requirements of Section 1544.219 of Title 49, CFR. For training requirements and other information, consult the TSA at <https://www.tsa.gov/travel/law-enforcement>.

(b) DoD personnel authorized to transport a firearm in checked baggage must meet the requirements of Section 1540.111 of Title 49, CFR. For additional information, consult the TSA at <https://www.tsa.gov/travel/transporting-firearms-and-ammunition>.

(c) Air carriers may have varying requirements regarding firearms and the amount of ammunition that may be placed in checked baggage. Authorized DoD personnel should contact the air carrier regarding its policies.

(4) **Transport on a Military Aircraft.** Individuals authorized to transport firearms must comply with applicable provisions of Defense Transportation Regulation 4500.9-R for military aircraft and DoD-chartered civilian aircraft.

(5) **Transport on Other Aircraft.** Individuals authorized to transport firearms on other federal department or agency aircraft or aircraft operated by partner nations will comply with the rules promulgated by the aircraft owner or operator.

### **3.4. USE OF FORCE IN THE PERFORMANCE OF OFFICIAL DUTIES.**

**a. General.** DoD personnel, armed in accordance with this Directive, are authorized to use force in the performance of their official duties, as described in Paragraph 3.1.c. When force is necessary to perform official duties, DoD personnel will use a reasonable amount of force and will not use excessive force. The reasonableness of any use of force is determined by assessing the totality of the circumstances that led to the need to use force.

**b. Warning Shots.** Warning shots are prohibited in the United States. Warning shots are also prohibited outside the United States unless otherwise authorized by applicable host-nation law and status of forces agreements and in accordance with Standing Rules on the Use of Force in non-United States locations. Warning shots to protect U.S. Navy and Naval Service vessels and piers in the territorial seas and internal waters of the United States are authorized if all of the following factors are present:

(1) The warning shots are fired over water to warn an approaching vessel;

(2) A clear line of fire exists;

(3) The shots are fired from a crew-served weapon or rifle;

(4) The shots are fired by personnel who are certified under a training program approved by the Secretary of the Military Department concerned and who are under the tactical direction of competent authority, as determined by the Secretary of the Military Department concerned; and

(5) There are no other means reasonably available to determine the intent of the approaching craft without increasing the threat to U.S. Navy and Naval Service vessels and personnel.

**c. Vehicles.** Firearms will not be fired solely to disable a non-threatening moving vehicle. DoD personnel who have reason to believe that a driver or occupant of a vehicle poses an imminent danger of death or serious physical injury to themselves or others may fire at the driver or an occupant only when such shots are reasonable to avoid death or serious physical injury to the officer or another, and only if the public safety benefits of using such force reasonably appear to outweigh other risks to DoD personnel or the public, such as from a crash, ricocheting bullets, or return fire from the subject or another person in the vehicle.

**d. Less Than Deadly Force (Use of Force).** Force may be used when there is probable cause to believe it is reasonable to accomplish the lawful performance of assigned duties. The amount of force used must be reasonable when assessed under the totality of the circumstances leading to the need for force.

(1) DoD Directive 3000.03E establishes policy for the development and employment of NLWs. For the purpose of this issuance, and in the context of the use of force, the term “less than deadly force” is used as there is no guarantee that NLWs will not cause severe injury or death.

(2) Any use of force can have unforeseeable and unintended consequences, and in rare circumstances less than deadly force can cause or contribute to severe injury or death. DoD personnel using less than deadly force, including NLWs, will provide or coordinate for prompt and appropriate medical attention to the party on which the force is used should a medical need arise (e.g., asthmatic reaction to pepper spray).

(3) Less than deadly force may be used when reasonable:

- (a) To defend oneself from actual or imminent threat of physical injury or death.
- (b) To defend other persons from actual or imminent threat of physical injury or death.
- (c) To overcome the active or passive resistance offered to a lawful detention, arrest, or apprehension or to accomplish the lawful performance of assigned duties.
- (d) To prevent the escape of a prisoner.
- (e) To prevent the destruction of DoD property.
- (f) To control or restrain animals presenting an ongoing or imminent threat of bodily harm against oneself or others.

**e. Deadly Force.**

(1) The DoD Component heads may impose further restrictions on the use of deadly force if deemed necessary in their judgment and if such restrictions would not unduly compromise U.S. national security interests or unduly put DoD personnel at risk.

(2) Deadly force is justified only when there is a reasonable belief that the subject of such force poses an imminent threat of death or serious bodily harm to a person or under the circumstances described in Paragraph 3.4.e.(4).

(a) A subject may pose an imminent danger even if he or she is not at that very moment pointing a weapon at a person if, for example, he or she has a weapon within reach or is running for cover carrying a weapon or running to a place where the DoD armed person has reason to believe a weapon is available.

(b) DoD recognizes and respects the paramount value of all human life. If less than deadly force could reasonably be expected to accomplish the same result without unreasonably increasing the danger to armed DoD personnel or to others, then it should be used.

(3) An oral warning must be given prior to the use of deadly force if the situation permits and if doing so does not unreasonably increase the danger to DoD personnel or others.

(4) Deadly force may only be used when reasonable, including, but not limited to, under the following circumstances:

(a) Self-defense and defense of other DoD personnel. Authorized DoD personnel may use deadly force in order to defend themselves or other DoD personnel in their vicinity when there is probable cause to believe the target of that force poses an actual or imminent threat of death or serious bodily harm.

(b) Defense of others. Authorized DoD personnel may use deadly force to defend non-DoD personnel in their vicinity when there is probable cause to believe the target of that force poses an actual or imminent threat of death or serious bodily harm and when defense of those non-DoD personnel is reasonably related to the performance of their assigned mission or to their duty status, or is within the scope of federal employment.

(c) Protecting assets vital to national security. Authorized DoD personnel may use deadly force to prevent the actual theft or sabotage of assets vital to national security.

(d) Protecting inherently dangerous property. Authorized DoD personnel may use deadly force to prevent the actual theft or sabotage of inherently dangerous property.

(e) Protecting national critical infrastructure. Authorized DoD personnel may use deadly force to prevent the sabotage or destruction of national critical infrastructure.

(f) Performing an arrest or apprehension, or preventing escape. Authorized DoD personnel may use deadly force to arrest, apprehend, or prevent the unlawful escape of a fleeing subject if there is probable cause to believe:

1. The subject has committed an offense involving the infliction or threatened infliction of serious physical injury or death; and

2. The escape of the subject would pose an actual or imminent threat of death or serious bodily harm to DoD personnel or others in the vicinity.

(g) Defending against animals. Deadly force may be directed against vicious animals when necessary in self-defense or in defense of others.

## **SECTION 4: POSSESSION OF PRIVATELY OWNED FIREARMS BY DoD PERSONNEL NOT RELATED TO THE PERFORMANCE OF OFFICIAL DUTIES.**

**4.1. GENERAL.** This section provides guidance for determining the eligibility of DoD personnel to carry privately owned firearms on DoD property for personal protection when it is not related to the performance of official duties. This section also provides requirements for individual training, transport, safeguarding, and storage of privately owned firearms that the arming authority must consider when determining whether to permit an individual to carry a privately owned firearm on DoD property.

**4.2. ARMING AUTHORITIES CHARGED WITH PERMITTING PERSONS TO CARRY PRIVATELY OWNED FIREARMS.** The arming authorities charged with determining whether to permit DoD personnel to carry privately owned firearms on DoD property:

a. May grant permission to DoD personnel requesting to carry a privately owned firearm (concealed or open carry) on DoD property for a personal protection purpose not related to performance of an official duty or status. Permissions granted under this section do not apply to carrying a firearm within federal buildings unless the arming authority specifically determines, after consultation with servicing legal counsel and in accordance with applicable DoD policy, that an appropriate exception under Section 930(d) of Title 18, U.S.C. applies.

(1) All permissions will be in writing after verifying that the requester meets the requirements in this issuance. Written permission will be valid for 90 days or as long as the DoD Component deems appropriate and will include information necessary to facilitate the carrying of the firearm on DoD property consistent with safety and security, such as the individual's name, duration of the permission to carry, type of firearm, etc.

(2) Coordination between organizations will be accomplished pursuant to Paragraphs 2.4.e. and 2.4.g., as applicable.

b. Will require DoD personnel requesting permission to carry a privately owned firearm for personal protection not related to the performance of official duties on DoD property, at a minimum, to affirm in writing that they:

(1) Meet applicable federal, State, local, or, as applicable, host-nation requirements to carry a firearm. Proof of compliance may include a concealed handgun license that is valid under federal, State, local, or host-nation law in the location where the DoD property is located.

(2) Will not be under the influence of alcohol or another intoxicating or hallucinatory drug or substance that would cause drowsiness or impair their judgment while carrying a firearm.

(3) Meet the requirements in Paragraph 4.3. as a condition for the carrying of a privately owned firearm under this section.

(4) Will inform the arming authority about any change in conditions that would affect their permission to carry a privately owned firearm under this section.

(5) Will comply with federal, State, and local law, regarding possession and use of privately owned firearms, including but not limited to those concerning the reasonable use of deadly force, self-defense, and accidental discharge.

(6) Acknowledge they may be personally liable for the injuries, death, and property damage proximately caused by negligence in connection with the possession or use of privately owned firearms that are not within the scope of their federal employment.

### **4.3. QUALIFICATIONS FOR PERSONNEL CARRYING PRIVATELY OWNED FIREARMS**

**a. Specific Eligibility.** Requests to carry privately owned firearms for personal protection purposes not related to the performance of official duties within buildings on DoD property may not be granted unless the arming authority makes a determination, after consultation with servicing legal counsel and in accordance with applicable DoD policy, that the request falls within an exception under Section 930(d) of Title 18, U.S.C. The arming authority's determination should be reflected in the information included in the written permission document under Paragraph 4.2.a.(1).

**b. General Eligibility.** Arming authorities should consider the criteria in this section when determining whether to permit DoD personnel to carry a privately owned firearm for a personal protection purpose not related to the performance of official duties on DoD property. Criteria for consideration includes:

(1) **Age.** DoD personnel should be 21 years of age or older. Many States require an individual to be at least 21 years of age to own a firearm.

(2) **Disciplinary Status.** For military personnel, should not be subject to past or pending disciplinary action in accordance with Chapter 47, Title 10, U.S.C., also known as the Uniform Code of Military Justice, for any offense that calls into question the individual's fitness to carry a firearm.

(3) **Civilian Criminal Charges.** For all DoD personnel, should not have been convicted of, or currently be facing, charges for violation of a State or federal criminal law, in the civilian criminal system, for any offense that could result in incarceration, or for any offense listed in Section 922 of Title 18, U.S.C.

(4) **Training.** Demonstrated competence with a firearm through:

(a) Any governmental or police agency, or DoD, State, local, or tribal government-approved firearms safety or training course; or

(b) Any firearms safety or training course or class available to the public offered by a law-enforcement agency, college, private or public institution or organization, or firearms

training school, including online, conducted by a State-certified, State-approved, or other nationally recognized and certified firearms instructor, or that has been certified by another credible institution.

(5) **Official Authorization.** Possession of a Law Enforcement Officers Safety Act credential, or authorization by the State where the installation is located to carry a firearm.

**c. Concealed Carry Requirements.** When an individual has been permitted to carry a concealed privately owned handgun on DoD property, the handgun must:

(1) Be concealed completely whether wearing civilian clothes or a military uniform. The concealment must not interfere with normal duties.

(2) Meet State law requirements regarding caliber, ammunition, capacity, and design.

(3) Be holstered, including when carried in a purse, backpack, handbag, or case. The holster must be specifically designed for the handgun being carried to protect against accidental discharge.

**d. Status, Storage, and Transport Requirements on DoD Property.**

(1) While a firearm is not in the physical possession of the owner, the firearm will be unloaded or stored in a secure gun storage device. When stored in an unattended vehicle, it will be stored in a secure gun storage device and concealed from public view.

(2) During transport on DoD property, the firearm will be carried in a holster on the person or in a secure gun storage device. For off-installation transport, transport will be in accordance with applicable federal, State, and local law.

(3) If authorized to store a privately owned firearm in an armory, the armory storage will meet the minimum requirements of DoD Manual 5100.76. However, privately owned firearms and ammunition will be separated from government arms and ammunition. Procedures for the accountability of privately owned firearms and ammunition will be in accordance with the accountability procedures for government arms and ammunition in DoD Manual 5100.76.

**e. National Guard Facilities.** Regulation of privately owned firearms on National Guard installations that are under the jurisdiction, custody, and control of a State or territory is determined by the Governors, Adjutants General, or other cognizant authorities of that State or territory.

## GLOSSARY

### G.1. ACRONYMS.

CFR	Code of Federal Regulations
CMO	Chief Management Officer of the Department of Defense
DCIO	Defense Criminal Investigation Organization
DoDI	DoD instruction
NLW	non-lethal weapon
TSA	Transportation Security Administration
U.S.C.	United States Code

**G.2. DEFINITIONS.** Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

**armed.** A person equipped with a firearm that has a live round of ammunition in a magazine inserted into the firearm, chamber, or cylinder.

**arming authority.** A person or persons designated by the CMO or a DoD Component head who can authorize the arming of persons under their command or supervision or permit the carrying of privately owned firearms for personal protection purposes not related to official duties on DoD property for which they are responsible.

**assets vital to national security.** President-designated non-DoD or DoD property, the actual theft or sabotage of which the President has determined would seriously jeopardize the fulfillment of a national defense mission and would create an imminent threat of death or serious bodily harm (e.g., nuclear weapons; nuclear command and control facilities; special nuclear materials; and designated restricted areas containing strategic operational assets, sensitive codes, or special access programs).

**carry.** The carrying of a weapon, loaded and ready for employment, on one's person. Authority to carry may include the retention, transport, and storage to and from the work place to domicile.

**DCIO.** The Defense Criminal Investigative Service, U.S. Army Criminal Investigation Command, Naval Criminal Investigative Service, and Air Force Office of Special Investigations.

**deadly force.** Force that is likely to cause, or that a person knows or should know would create a substantial risk of causing, death or serious bodily harm or injury.

**DoD personnel.** U.S. military personnel and DoD civilian employees.

**DoD property.** Real property subject to DoD jurisdiction, custody, or control by any DoD Component. DoD-controlled property includes both owned and leased property or facilities.

**host.** In a facility or installation occupied by more than one component, the host is the component that has been assigned or delegated the overall responsibility for the security of the real property.

**firearm.** Defined in Section 921 of Title 18, U.S.C.

**force.** Physical presence, action, or exercise of strength to compel another to act or refrain from certain behavior.

**handgun.** Defined in Section 921 of Title 18, U.S.C.

**imminent.** A level of certainty that something is ready to happen, and is more likely tied to circumstances rather than a fixed period of time.

**inherently dangerous property.** Property that, if in the hands of an unauthorized individual, would create an imminent threat of death or serious bodily harm. On-scene commanders determine if property is inherently dangerous. Examples include, but are not limited to: portable missiles; rockets; arms; ammunition; explosives; chemical agents; biological select agents and toxins; and special nuclear materials.

**Lautenberg Amendment.** Amendment to the Gun Control Act of 1968 that makes it a crime for any person who has been convicted of a misdemeanor crime of domestic violence, or who is subject to a protective order for domestic violence, to possess a firearm (implemented in DoDI 6400.06).

**law enforcement officers.** Defined in Section 8401 of Title 5, U.S.C., and Sections 926B and 926C of Title 18, U.S.C.

**less lethal force.** The degree of force used that is unlikely to cause death or serious physical injury. As used in this policy, less lethal force is synonymous with less than deadly, non-lethal, and less than lethal force.

**national critical infrastructure.** For the purpose of DoD operations, President-designated public utilities, or similar critical infrastructure, vital to public health or safety, the damage to which the President has determined would create an imminent threat of death or serious bodily harm or injury.

**NLWs.** Weapons, devices, and munitions that are explicitly designed and primarily employed to incapacitate targeted personnel or material while minimizing fatalities, permanent injury to personnel, and undesired damage to property in the target area or environment.

**personal protection.** The carrying and employment of a firearm for the protection of oneself or others from death or serious bodily injury.

**privately owned firearm.** A non-government-issued firearm (including handguns).

**reasonable.** As described in the U.S. Supreme Court case of *Graham v. Connor*, 490 U.S. 386, that conduct that satisfies the Fourth Amendment to the U.S. Constitution standard of “objective reasonableness” for assessing the use of force.

**scaled use of force.** An escalating series of actions an individual can take to resolve a situation. Scaled use of force is broken down into six broad levels. Each level is designed to be flexible as the need for force changes as the situation develops. The level of force is not linear or consecutive; one may go from level two, to level three, and back again in a matter of seconds. Scaled use of force includes less lethal force (e.g., officer presence; voice commands; empty hand control; pepper spray, baton, Taser; other less lethal weapons) and deadly force.

**secure gun storage.** Defined in Section 921 of Title 18, U.S.C.

**suspicious activity.** Defined in DoDI 2000.26

## REFERENCES

- Chairman of the Joint Chiefs of Staff Instruction 3121.01B, “Standing Rules of Engagement/Standing Rules for the Use of Force for U.S. Forces,” June 13, 2005
- Code of Federal Regulations, Title 49
- Defense Transportation Regulation 4500.9-R, “Defense Transportation Regulation (DTR),” Parts I-VII, current edition
- DoD 5200.08-R, “Physical Security Program,” April 9, 2007, as amended
- DoD 6055.05-M, “Occupational Medical Examinations and Surveillance Manual,” May 2, 2007, as amended
- DoD Directive 3000.03E, “DoD Executive Agent for Non-Lethal Weapons (NLW), and NLW Policy,” April 25, 2013, as amended
- DoD Directive 5106.01, “Inspector General of the Department of Defense (IG DoD),” April 20, 2012, as amended
- DoD Instruction 2000.26, “DoD Use of the Federal Bureau of Investigation (FBI) eGuardian System,” December 4, 2019
- DoD Instruction 5200.08, “Security of DoD Installations and Resources and the DoD Physical Security Review Board (PSRB),” December 10, 2005, as amended
- DoD Instruction 5200.33, “Defense Courier Operations (DCO),” June 30, 2011, as amended
- DoD Instruction 5200.46, “DoD Investigative and Adjudicative Guidance for Issuing the Common Access Card (CAC),” September 9, 2014, as amended
- DoD Instruction 5210.84, “Security of DoD Personnel at U.S. Missions Abroad,” January 22, 1992, as amended
- DoD Instruction 5525.14, “DoD Law Enforcement Officers (LEOs) Flying Armed,” March 22, 2011, as amended
- DoD Instruction 6400.06, “Domestic Abuse Involving DoD Military and Certain Affiliated Personnel,” August 21, 2007, as amended
- DoD Instruction O-2000.22, “Designation and Physical Protection of DoD High Risk Personnel,” June 19, 2014, as amended
- DoD Instruction O-2000.27, “DoD Senior Foreign Official Visit Program (SFOVP),” December 20, 2012, as amended
- DoD Manual 5100.76, “Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives (AA&E),” April 17, 2012, as amended
- DoD Manual 5200.02, “Procedures for the DoD Personnel Security Program (PSP),” April 3, 2017
- Interagency Security Committee Guide, “Best Practices for Armed Security Officers in Federal Facilities,” current edition
- Lautenberg Amendment to the Gun Control Act of 1968, September 30, 1996
- Public Law 114-92, Section 526, “National Defense Authorization Act for Fiscal Year 2016,” November 25, 2015

Public Law 116-92, “National Defense Authorization Act for Fiscal Year 2020,”  
December 20, 2019

Secretary of Defense Message, “Privately Owned Firearms,” December 10, 2010

United States Code, Title 5

United States Code, Title 10

United States Code, Title 18

United States Code, Title 32

United States Supreme Court, Volume 490, Page 386, “Graham v. Connor,” 1989