



Department of Defense

INSTRUCTION

NUMBER 5525.14

March 22, 2011

USD(P&R)

SUBJECT: DoD Law Enforcement Officers (LEOs) Flying Armed

References: See Enclosure 1

1. PURPOSE. This Instruction establishes policy, assigns responsibilities, and prescribes procedures for DoD LEOs flying armed (LEOFAs) aboard commercial aircraft in accordance with the guidance in section 1544.219 of title 49, Code of Federal Regulations (CFR) (Reference (a)) and the authority of DoD Directive 5124.02 (Reference (b)).

2. APPLICABILITY. This Instruction:

a. Applies to:

(1) OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the DoD (IG DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (hereafter referred to collectively as the "DoD Components").

(2) DoD Component LEOs as defined in the Glossary.

(3) Flight on commercial aircraft.

b. Does NOT apply to DoD personnel not considered to be DoD Component LEOs or Federal LEOs and not authorized to fly armed:

(1) Security officers (military and civilian in accordance with Office of Personnel Management Qualification Standards, GS 0080 series (Reference (c)) or Civilian Security Guards (GS 0085 series of Reference (c)).

(2) Antiterrorism and force protection officers (military and civilian security officers, in accordance with GS 0080 series of Reference (c)).

(3) Counterintelligence officers who are not also military or civilian special agents.

(4) Corrections specialists who are not LEOs in the DoD as defined in the Glossary.

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoD policy that:

a. DoD Component LEOs shall only fly armed on commercial aircraft when there is a need to have their weapons accessible from the time that they would otherwise check the weapons until the time they would be claimed after deplaning.

b. The need to have a weapon accessible shall be authorized for the following categories of DoD Component LEOs, under Reference (a):

(1) Protective duty, in accordance with DoD Instruction O-2000.22 (Reference (d)).

(2) Official travel required to report to another location, armed and prepared for duty.

(3) Employment as a DoD Component LEO, whether or not on official travel, and armed in accordance with an agency policy governing that type of travel, established by the employing agency by directive or policy statement.

(4) Prisoner escort (high risk), in accordance with section 1544.221 of Reference (a), or on a round trip ticket returning from escorting, or traveling to pick up a high risk prisoner.

(5) The conduct of hazardous surveillance operations.

c. DoD Component LEOs must:

(1) Successfully complete the Federal Air Marshal Service (FAMS), Federal Law Enforcement Officer Flying Armed (FLEOA) Training Program in order to be qualified to fly armed on commercial aircraft, in accordance with the procedures in this Instruction.

(2) Meet all other Transportation Security Administration (TSA)/FAMS procedural requirements, as described in Enclosure 3 of this Instruction.

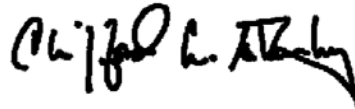
d. DoD law enforcement agencies and entities shall meet commercial air carrier requirements when such requirements exceed Federal standards.

5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. See Enclosure 3 for flying armed procedures. See Enclosure 4 for prisoner escort procedures.

7. RELEASABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

8. EFFECTIVE DATE. This Instruction is effective upon its publication to the DoD Issuances Website.



Clifford L. Stanley
Under Secretary of Defense for
Personnel and Readiness

Enclosures

1. References
 2. Responsibilities
 3. Flying Armed Procedures
 4. Prisoner Escort Procedures
- Glossary

TABLE OF CONTENTS

ENCLOSURE 1: REFERENCES.....5

ENCLOSURE 2: RESPONSIBILITIES.....6

 UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS
 (USD(P&R)).....6

 IG DoD.....6

 GENERAL COUNSEL OF THE DoD6

 HEADS OF THE DoD COMPONENTS WITH LAW ENFORCEMENT
 AGENCIES.....6

 SECRETARIES OF THE MILITARY DEPARTMENTS.....7

ENCLOSURE 3: FLYING ARMED PROCEDURES.....8

 UFAN PROGRAM.....8

 DoD COMPONENT LAW ENFORCEMENT AGENCIES8

 DoD COMPONENT LEOs.....8

 FLEOFA TRAINING PROGRAM9

 APPENDIX: FEDERAL LAW ENFORCEMENT AGENCY CONTACT
 WORKSHEET10

ENCLOSURE 4: PRISONER ESCORT PROCEDURES11

 GENERAL.....11

 AETs11

 TRAINING12

 STAFFING12

 ESCORT MISSIONS12

 OPERATIONS.....13

GLOSSARY14

 PART I. ABBREVIATIONS AND ACRONYMS14

 PART II. DEFINITIONS.....14

FIGURE

 Federal Law Enforcement Agency Contact Worksheet.....10

ENCLOSURE 1

REFERENCES

- (a) Sections 1544.219 and 1544.221 of title 49, Code of Federal Regulations
- (b) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
- (c) U.S. Office of Personnel Management, "Handbook of Occupational Groups and Families," May 2009
- (d) DoD Instruction O-2000.22, "Designation and Physical Protection of DoD High Risk Personnel (HRP)," January 22, 2008
- (e) DoD Directive 5210.56, "Use of Deadly Force and the Carrying of Firearms by DoD Personnel Engaged in Law Enforcement and Security Duties," November 1, 2001
- (f) Chapter 47 of title 10, United States Code (also known and referred to in this Instruction as "The Uniform Code of Military Justice (UCMJ)")
- (g) DoD Directive 1325.2, "Desertion and Unauthorized Absence," August 2, 2004
- (h) DoD 7000.14-R, Volume 7A, Chapter 29, "DoD Financial Management Regulation: Military Pay Policy and Procedures - Active Duty and Reserve Pay," June 2010

ENCLOSURE 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (USD(P&R)). The USD(P&R) shall:

- a. Develop policy and provide guidance for DoD Component LEOFAs.
- b. Act as DoD lead agent for interagency coordination on FLEOFA.
- c. Monitor compliance with this Instruction.

2. IG DoD. The IG DoD shall monitor compliance with this Instruction as it relates to the Defense Criminal Investigative Organizations (DCIOs).

3. GENERAL COUNSEL OF THE DoD. The General Counsel of the DoD shall provide advice and assistance on all legal matters, including the review and coordination on all proposed policies, DoD issuances, and proposed exceptions to the DoD policies regarding DoD LEOFAs.

4. HEADS OF THE DoD COMPONENTS WITH LAW ENFORCEMENT AGENCIES. The Heads of the DoD Components with law enforcement agencies shall:

- a. Ensure compliance with this Instruction.
- b. Publish implementing regulations for their respective Component for the management of all FLEOFA procedures.
- c. Ensure that DoD Component LEOs (except those in DCIOs) are armed in accordance with DoD Directive 5210.56 (Reference (e)) and that DCIO LEOs are armed in accordance with their agency's authorities, policies, and rules.
- d. Ensure adherence to these procedures and the establishment, administration, deployment, and utilization of their Component's armed escort teams (AETs).
- e. Provide requests for exceptions to this Instruction to the USD(P&R) if they are other than a Secretary of a Military Department. Secretaries of the Military Departments are authorized to approve such exceptions for law enforcement agencies within their Departments.
- f. Coordinate with the FAMS to establish a unique Federal agency number (UFAN).

5. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments, in addition to the responsibilities in section 4 of this enclosure, shall act as approval authority for all law enforcement personnel flying armed on commercial aircraft under the authority of their respective Military Departments.

ENCLOSURE 3

FLYING ARMED PROCEDURES

1. UFAN PROGRAM

a. The TSA will issue a specific alpha-numeric UFAN for each Federal law enforcement agency or entity or other organization, including those performing personnel security detail (PSD) missions, as approved by the TSA. This number will be known only to the respective agency and TSA. This identifier will be verified at the airport LEO checkpoint prior to granting the DoD Component LEO or other authorized personnel access to the sterile area for the purpose of flying armed.

b. For security purposes, the UFAN will be changed periodically; upon compromise, by either TSA or agency/entity request; or when requested by the agency/entity.

c. The TSA will provide authorized agency/entity recipients with the new agency UFAN, and effective date, approximately 2 to 3 weeks prior to the expiration of the old UFAN.

2. DoD COMPONENT LAW ENFORCEMENT AGENCIES. DoD Component law enforcement agencies or other TSA authorized agencies shall:

a. Request a UFAN by submitting a Federal Law Enforcement Agency Contact Worksheet (see Appendix) to the FAMS at LEOFA@dhs.gov.

b. Provide an agency/entity representative and a 24/7 point of contact to the FAMS.

c. Validate that the UFAN is current and distribute it to each DoD Component LEO authorized to fly armed.

3. DoD COMPONENT LEOS. DoD Component LEOs must:

a. Meet the requirements of section 1544.219 of Reference (a), unless otherwise authorized by TSA.

b. Present an agency issued credential, badge, second form of government identification, LEOFA paper work obtained from the airline ticket agent, and their agency's UFAN at the airport LEO checkpoint.

4. FLEOFA TRAINING PROGRAM

a. Program training material may be obtained by e-mailing the Office of Law Enforcement/FAMS, Office of Training and Workforce Programs, Training Policy and Development Division, Operations Branch at LEOFA@dhs.gov with the following information:

- (1) Full name of the training officer.
- (2) Agency name.
- (3) Agency address and telephone number.
- (4) Supervisor name and telephone number.

b. Program training material will only be provided via Federal Express, delivered to the agency address provided.

c. For time-sensitive requests, call 1-703-487-3100 between the hours of 9:00 AM and 5:00 PM Eastern Standard Time.

Appendix

Federal Law Enforcement Agency Contact Worksheet

APPENDIX TO ENCLOSURE 3

FEDERAL LAW ENFORCEMENT AGENCY CONTACT WORKSHEET

Figure. Federal Law Enforcement Agency Contact Worksheet

Federal Law Enforcement Agency Contact Worksheet		<i>Department of Homeland Security Transportation Security Administration Office of Law Enforcement/Federal Air Marshal Service</i>	
<hr/>			
Department:		Primary Representative:	
Agency/Entity Name:		Work phone:	
Street Address:		Cell phone:	
City, State, Zip:		Government Email Address:	
		Alternate Representative:	
		Work phone:	
		Cell phone:	
		Government Email Address:	
Agency/Entity ORI:			
24 Hour Contact/Ops Ctr:			
<p>In accordance with 49 CFR § 1544.219 "<i>Carriage of Accessible Weapons</i>," law enforcement personnel must meet the below requirements in order to fly armed onboard commercial aircraft:</p>			
<ol style="list-style-type: none"> 1. Be a Federal Law Enforcement Officer or a full-time municipal, county, or state law enforcement officer who is a direct employee of a Government agency. 2. Be sworn and commissioned to enforce criminal statutes or immigration statutes. 3. Be authorized by the employing agency to have the weapon in connection with assigned duties. 4. Has completed the training program "Law Enforcement Officers Flying Armed." 			

ENCLOSURE 4

PRISONER ESCORT PROCEDURES

1. GENERAL

a. This enclosure establishes standardized procedures for armed prisoner escort on commercial aircraft and the establishment, administration, and deployment of AETs in the DoD.

b. The provisions of section 1544.221 of Reference (a) necessitate the establishment, administration, deployment, and utilization of AETs to comply with Department of Homeland Security (DHS) requirements associated with armed escort of high risk prisoners (as defined in the Glossary) on commercial aircraft. AET requirements do not apply to low risk prisoners.

c. This enclosure does NOT apply to prisoner escort by special agents of the DCIOs, who will follow their Component's policies and procedures.

2. AETs

a. AETs provide armed DoD escort capability for the movement of personnel deemed high risk under custody from one detention/confinement facility to another. Such prisoners require special custodial supervision because of the high probability of attempted escape or because they are dangerous or violent and their escape would cause a threat to life or property. Risk assessment of prisoners is the responsibility of the DoD Components, as applicable, and should include the following, though not all inclusive, individual case history factors:

- (1) Assaultive behavior.
- (2) Disruptive behavior.
- (3) Serious drug abuse.
- (4) Serious civil/military criminal record (convicted or charged).
- (5) Intensive acting out or dislike of the military.
- (6) History of previous escape(s) or attempted escape(s).

(7) Pending civil charges/detainer filed, or charges or detainer as a result of violations punishable pursuant to chapter 47 of title 10, United States Code (also known and hereafter referred to as "The Uniform Code of Military Justice (UCMJ)" (Reference (f)).

- (8) A mental evaluation indicating serious neurosis or psychosis.

(9) Length, or potential length, of sentence.

(10) National security risk (espionage, spying).

(11) Documented or suspected gang affiliation.

b. The AET is a capability of the DoD Component charged with guarding, detaining, or confining a prisoner and is only activated per the need identified under the provisions of paragraph 4.b. above the signature of this Instruction. Accordingly, sufficient numbers of AET members must be available given short notice requirements.

c. The return to military control of an absentee or deserter via armed DoD Component LEO will be conducted in accordance with Enclosure 1 of DoD Directive 1325.2 (Reference (g)).

3. TRAINING

a. Military personnel identified in subparagraph 2.a.(2) above the signature of this Instruction who are assigned to AET missions must be trained as advanced prisoner escorts, in accordance with their DoD Component's policy.

b. All personnel identified in subparagraph 2.a.(2) above the signature of this Instruction who are assigned to AET missions must meet Component weapon qualification standards with assigned duty weapon and training standards outlined in the UCMJ. Additionally, AET training must meet the requirements of the DHS's TSA's LEOFA training program.

4. STAFFING

a. DoD Components shall establish and maintain teams of properly trained and qualified prisoner escort personnel that comply with the requirements of Reference (a) to ensure a viable program is in place to transport high risk prisoners. These AETs shall be comprised from within the organization's current billet structure.

b. AET members who fail to remain current in their training and proficiency shall be disqualified from escort duty and will be relieved from the AET.

5. ESCORT MISSIONS

a. Escort to prisoner ratio shall meet or exceed the Escort-to-prisoner ratio requirements of paragraph (d), section 1544.221 of Reference (a). At a minimum, all AET missions shall have two fully trained armed escorts. The team shall not be diverted mid-mission to pick up other prisoners, irrespective of risk assessment.

b. All AET prisoner escort missions using commercial aircraft shall be conducted in civilian clothes. Civilian clothing allowances will be authorized for each enlisted AET member in accordance with Chapter 29, Volume 7A of DoD 7000.14-R (Reference (h)).

6. OPERATIONS

a. Compliance Requirements. AETs shall:

(1) Comply with operational guidelines contained within paragraph (e), section 1544.221 of Reference (a).

(2) Identify themselves to the aircraft operator and security personnel by presenting credentials as described in Enclosure 3, paragraph 3.b. of this Instruction.

(3) Confirm to carrier/security personnel that they have taken the LEOFA training program.

(4) Ensure that the following statement is on the travel orders: "The carrying of concealed weapons is authorized."

(5) Keep their weapons on their person and concealed at all times.

b. Escape. If a prisoner escapes while being transported by an AET, the commanding officer or officer in charge of the team will be notified immediately. Additionally, the AET senior member will initiate immediate actions in accordance with his or her governing Service regulation or instruction.

c. Prisoners on Prescription Medication

(1) When a prisoner is taking prescribed medication, the escorts will document this information on DD Form 2708, "Receipt for Inmate or Detained Person." (See <http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>.)

(2) Escorts will maintain control of these prescribed medications and dispense as directed on the medication container.

(3) Escorts will not deny any prescribed medications to a prisoner.

(4) If a prisoner claims the need for a prescription medicine during transport that they do not have, the escorts will notify the gaining command of the complaint for further disposition.

(5) Escorts will verbally inform any subsequent escorts of the prisoner's medical problem and use of prescribed medication.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

AET	armed escort team
CFR	Code of Federal Regulations
DCIO	Defense Criminal Investigative Organization
DHS	Department of Homeland Security
FAMS	Federal Air Marshal Service
IG DoD	Inspector General of the DoD
LEO	law enforcement officer
LEOFA	law enforcement officer flying armed
PSD	personnel security detachment
TSA	Transportation Security Administration
UCMJ	Uniform Code of Military Justice
UFAN	Unique Federal Agency Number
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purpose of this Instruction.

absentee. Any member of the Military Services not classified administratively as a deserter who is absent without authority from his or her unit, organization, or other place of duty where he or she is required to be.

armed. Associated with a DoD issued firearm.

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

deserter. A Service member who has left or remained absent from their unit, organization, or place of duty, where there has been a determined intent to not return.

desertion under aggravated circumstances. Those cases of desertion involving one or more of the circumstances listed in Enclosure 1 of Reference (g).

DoD Component LEO. In accordance with Reference (a) and for the purpose of flying armed on commercial aircraft, the law enforcement personnel in the categories listed in this definition are DoD Component LEOs. Further, the following categories of DoD Component LEOs are considered Federal LEOs by the FAMS:

Military police (Army and Marine Corps), Security Forces (Air Force), and Masters-at-Arms (Navy) who wear a military uniform with police identification while on duty; and DoD Component civilian police (GS 0083 series or equivalent of Reference (c)) who wear a civilian police uniform while on duty or are performing protective or investigative duties requiring civilian attire as the duty uniform when credentialed to perform those duties in accordance with the UCMJ.

Military and civilian (GS 1811 series of Reference (c)) criminal investigators (special agents).

Correctional officers (military and/or civilian employees in job series 0007 or equivalent of Reference (c)).

Other DoD personnel authorized by TSA, including those performing PSD missions in accordance with the UCMJ (Reference (f)).

DoD law enforcement agencies. Organizations, agencies, entities, and offices of the Military Departments and Defense Agencies and the IG DoD that perform a law enforcement function for those departments and agencies and are manned by DoD LEOs.

high risk prisoner. Military members in detention or custody suspected, charged or convicted of serious crimes against the criminal laws of the United States or of the District of Columbia or offenses against UCMJ punitive articles.

low risk prisoner. Prisoners not designated by the DoD Components as high risk.

prisoner. Service members under detention/custody of law enforcement or security personnel.

return to military control. The date and hour when an absentee or deserter surrenders to, is delivered to, is apprehended by or for military authorities, or otherwise comes under the control of military personnel.