

#### DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY 1000 NAVY PENTAGON WASHINGTON DC 20350·1000

> SECNAVINST 5500.37 CH-1 DUSN 2 Dec 2020

### SECNAV INSTRUCTION 5500.37 CHANGE TRANSMITTAL 1

From: Secretary of the Navy

Subj: ARMING AND THE USE OF FORCE

Encl: (1) Revised Enclosure (1)

(2) Revised Enclosure (3)

- 1. <u>Purpose</u>. This change incorporates guidance on Privately Owned Firearms (POF) as related to the ownership, use, possession, registration, vetting, and storage of POF. It also incorporates guidance on POF and Privately Owned Ammunition (POA) by International Military Students (IMS).
- 2. Cancellation. SECNAV WASHINGTON DC 311303Z Jan 20 (ALNAV 013/20) is superseded and incorporated into this change and is therefore cancelled.
- 3. Action. Remove enclosure (1) and replace it with enclosure (1) of this change transmittal. Remove enclosure (3) and replace it with enclosure (2) of this change transmittal.

GREGORY J. SLAVONIC

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> SECNAVINST 5500.37 DUSN 20 May 2019

## SECNAV INSTRUCTION 5500.37

From: Secretary of the Navy

Subj: ARMING AND THE USE OF FORCE

Ref: See enclosure (1)

Encl: (1) References

(2) Responsibilities

(3) Arming Authorities

(4) Use of Force

(5) Acronyms and Definitions

# 1. Purpose

- a. Establishes policy on the use of force and the carrying of firearms by personnel of the Department of the Navy (DON) in conjunction with performing security and protection, law and order, investigative, or counterintelligence duties, and personal protection consistent with the Department of Defense (DoD) guidance; for personal protection when related to the performance of official duties; and permitting the carrying of privately owned firearms on DON property by DON personnel, for personal protection purposes that are not associated with the performance of official duties per references (a), (b), and (c).
- b. Significant changes found in this revision include updated organizational responsibilities (enclosure (2)), arming authorities (enclosure (3)), and use of force (enclosure (4)).
- 2. Cancellation. SECNAVINST 5500.29C.
- 3. Definitions. See enclosure (5).

### 4. Applicability

a. This instruction applies to the Offices of the Secretary of the Navy (SECNAV), the Chief of Naval Operations (CNO), the Commandant of the Marine Corps (CMC), and all U.S. Navy and U.S. Marine Corps (USMC) installations, commands, activities, field

offices, and all other organizational entities within the DON that permit military members, civilian employees, or contract security forces of the Navy and Marine Corps to carry firearms as specified in reference (a).

- b. This instruction applies to DON contract security forces. For contract security forces, the applicable contents of this instruction will be incorporated in the contractual agreement between the DON and the other contracting party.
- c. This instruction does not apply to DoD personnel engaged in military operations that are subject to Rules of Engagement (ROE). Refer to reference (d), which contains guidance on ROE and the operations subject to such rules, as well as separate guidance for military activities that are instead subject to standing rules for the Rules for Use of Force (RUF).
- (1) DoD personnel in 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 reference (e).
- (2) Domestic military activities will be conducted under authority in this instruction, unless other superseding rules are specifically identified.

## 5. Policy

- a. DON personnel engaged in law enforcement, security, and counterintelligence duties may be armed as determined by CNO, CMC, and the Director of the Naval Criminal Investigative Service (DIRNCIS) for personnel under their cognizance. Personnel authorized to be armed per this instruction shall remain qualified to be armed during the period of their performance. All law enforcement and security personnel who are armed must have received proper screening and authorization from an applicable arming authority to carry a government-issued firearm or a privately owned firearm for the performance of official duties and must receive annual firearms safety, sustainment and use of force instruction, and complete weapons qualification as required by reference (a).
- b. Military and civilian personnel of the Navy and USMC, other than members of the Naval Criminal Investigative Service (NCIS), who are involved in full time law enforcement or security duties shall not carry government-issued firearms for personal protection within the Continental United States (CONUS)

when not on duty; unless specifically authorized by the CNO, Vice Chief of Naval Operations, CMC, or Assistant Commandant of the USMC, and Assistant Deputy Commandant Plans, Policy, and Operations Security Division respectively.

- c. Eligible DON personnel may be authorized to carry privately owned firearms on DON property for personal protection when it is not related to the performance of official duties. Such authorizations will be on a case by case basis following deliberate consideration and the requirements of reference (a).
- d. DoD assets shall be specifically designated as "assets vital to national security." The Deputy Under Secretary of the Navy (DUSN), CNO, CMC, and Naval Component Commanders, shall maintain current lists of the DON assets that have been designated as "assets vital to national security" and provide effective means via which appropriate elements within the DoD can request or access this information.
- 6. Responsibilities. See enclosure (2).

# 7. Records Management

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned according to the records disposition schedules found on the Directives and Records Management Division (DRMD) portal page:

https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/SitePages/Ho
me.aspx.

b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact your local Records Manager or the DRMD program office.

8. Forms. DD FORM 2760 (DEC 2002), Qualification to Possess Firearms or Ammunition, may be obtained at https://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd2760. pdf.

THOMAS B. MODLY

Under Secretary of the Navy

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### REFERENCES

- (a) DoD Directive 5210.56 of 18 November 2016
- (b) SECNAVINST 5580.3
- (c) DoD Directive 3000.03E of 31 August 2018
- (d) CJCS Instruction 3121.01B of 13 June 2005
- (e) DoD Instruction 5210.84 of 15 October 1996
- (f) 10 U.S.C. §8013
- (g) DoD Instruction 6400.06 of 26 May 2017
- (h) 18 U.S.C. §922
- (i) SECNAVINST 5430.107A
- (j) DoD Instruction 5200.08 of 20 November 2015
- (k) DoD 5200.08-R, Physical Security Program, 19 October 2020
- (1) DoD Memorandum "Secretary of Defense Interim Guidance Message on Privately Owned Firearms", 30 November 2010
- (m) DoD Memorandum "Prohibition on the Transport, Possession, Storage, or Use of Privately Owned Firearms and Non-Official Ammunition by International Military Students," 10 January 2020
- (n) DoDM 5100.76, Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives (AA&E) of 5 October 2020
- (o) DoD Instruction 5100.76 of 19 October 2020

#### RESPONSIBILITIES

- 1. The Under Secretary of the Navy is designated as the deputy and principal assistant to the SECNAV, and acts with the full authority of SECNAV in managing the DON, per reference (f).
- 2. <u>DUSN</u> as the DON's senior security executive, shall develop, publish, and maintain DON arming and use of force policy and quidance.

# 3. DUSN Senior Director for Security shall:

- a. Develop DON arming policy and provide oversight of DON arming and use of force.
- b. Serve as the principal adviser to the DUSN on all arming and use of force matters.
- c. Notify the Mission Assurance Senior Steering Group and the DoD Physical Security Review Board co-chairs of changes to arming plans or arming authority per reference (a).
- 4. <u>DIRNCIS</u> shall implement the provisions of reference (a) and will arm appropriately trained NCIS personnel. NCIS special agents will carry NCIS-approved firearms at all times, while on or off duty, on and off installations, aircraft, and ships. NCIS special agents are required to carry NCIS-approved firearms while on official business, except when in specific "exclusion areas" where special weapons/systems are stored. The need for a special agent to carry a firearm in such areas will be left to the discretion of the commander or commanding officer having responsibility for the "exclusion area." DIRNCIS may further delegate this authority, per reference (a). DIRNCIS must ensure weapons qualification and training requirements for personnel assigned to NCIS, who are authorized to carry weapons, meet federal law enforcement and follow NCIS standards.

## 5. CMC and CNO shall:

a. Issue implementing policy and prescribe supplemental guidance and training materials as required in paragraph 2.4 of reference (a).

- b. Be authorized to arm appropriately trained and qualified military personnel and civilian officials of the Navy and USMC assigned to law enforcement, security, and counterintelligence duties. Per reference (a), the CNO and CMC may further delegate this authority. Designations of arming authorities must meet the requirements of reference (a).
- c. Grant permission to DON personnel as defined in this instruction, to carry a privately owned firearm on DON property for a personal protection purpose not related to performance of an official duty or status. The CNO and CMC may further delegate this authority per reference (a). Designations of arming authorities must meet the requirements of reference (a). The applicable arming authority must maintain comprehensive knowledge of any limitations or prohibitions contained in State or Federal law for installations in U.S. jurisdictions, and any status of forces or other international agreements and law that may be applicable in foreign countries where personnel are stationed.
- d. Notify the DUSN Senior Director for Security of any changes in arming authorizations for official purposes (other than the routine arming for security and law enforcement personnel) and permissions to carry on DON property for personal protection that are not related to the performance of official duties or duty status. This is in addition to the notification requirements of reference (a).
- e. Ensure personnel prohibited by Federal law from receiving or possessing a firearm under the Brady Handgun Violence Prevention Act, Gun Control Act of 1968 and Lautenberg Amendment of 1996, and reference (g) are not authorized to carry firearms on installations or facilities under their control. Military and civilian personnel who are considered for carrying firearms in performance of official duties must be screened, utilizing DD Form 2760, with those forms maintained as part of their official record.
- f. Suspend arming authorizations for personnel who are no longer qualified to be armed. This includes but is not limited to individuals failing to qualify, becoming ineligible under the Lautenberg Amendment or references (g) and (h), being charged with a crime that if convicted would render them ineligible to be armed, having a medically certified disqualifying physical or

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mental health condition, or other circumstances deemed disqualifying by the arming authority. Retrieve any government-issued firearms, ammunition, Non-Lethal Weapons (NLWs), and non-lethal ammunition from personnel who are no longer qualified to be armed.

g. Ensure the minimum arming authorities of reference (a) and enclosure (3) of this instruction are met when designating arming authorities.

#### ARMING AUTHORITIES

- 1. The guidance in this enclosure supplements the guidance provided in reference (a) on arming authorities as designated by the Services, authorizations, and permissions. Permissions are approvals by the arming authorities that authorize personnel to carry POF for a personal protection purpose not related to performance of an official duty or status.
- a. Permissions granted at DON installations or facilities that utilize electronic physical access control systems with Identity Matching Engine for Security and Analysis functionality will be valid for as long as the arming authority grants such permission, not to exceed a period of two years between renewals.
- b. Permissions granted at all other DON installations or facilities will be valid for as long as the responsible arming authority grants such permission, not to exceed a period of one year between renewals.
- c. Commanding officers of tenant organizations may not grant permission to assigned personnel. Permission must be requested in accordance with host DON Service and host installation procedures.
- 2. Before the arming authority grants permission for an individual to carry a POF, authorization documentation must be completed and must include information necessary to identify who is being armed, when and where the armed individual is authorized to be armed, the arming authority (including the individual's name, unit, address, and signature) and what type of firearm the individual is authorized to carry.
- 3. <u>Director</u>, Naval Criminal Investigative Service (DIRNCIS) may <u>authorize</u> Naval Criminal Investigative Service (NCIS) Special Agents to carry non-government weapons in accordance with reference (i).
- 4. Written authorization from the applicable DON arming authority is required before DON military and civilian personnel, whose duties require the carrying of firearms, may begin carrying firearms in performance of their official duties. The applicable arming authority must withdraw authorization whenever the person to whom the authorization was issued no

longer meets the training, qualification, proficiency, or other requirements of reference (a), or no longer needs to be armed.

- 5. Written permission from the applicable DON arming authority is required before DoD military and DoD affiliated civilian personnel, for personal protection not related to the performance of official duties, may begin carrying firearms. The applicable arming authority must withdraw that permission whenever the person to whom the permission was issued no longer meets the training, qualification, proficiency, or other requirements of reference (a), or no longer needs to be armed.
- 6. DIRNCIS may prevent individuals granted permission by installation "arming authorities" from carrying POF for protection purposes into NCIS controlled spaces. The DIRNCIS is delegated authority to arm appropriately trained NCIS personnel engaged in law enforcement, security, and counterintelligence duties, Navy/USMC Criminal Investigators assigned to NCIS, and Navy/USMC Military Police Investigators and these individuals must be issued credentials that reflect their authority to carry firearms. The carrying of firearms by NCIS personnel outside the continental United States must be consistent with the applicable Status of Forces Agreement and host nation law and regulations.
- 7. Personnel who are credentialed as active, retired or separated law enforcement officers under reference (b) and who possess a concealed carry weapon permit, may be authorized to possess, carry, transport, safeguard, or store POF pursuant to reference (a) and as determined by the Services and arming authority. This includes personnel who make a request for the carrying of POF for personal protection not related to official duties. All persons desiring to bring POF onto DON installations must have the authorizing official's permission before doing so.
- 8. DON personnel may request permission from applicable arming authorities to carry a POF on DON property for a personal protection purpose not related to performance of an official duty or status. Such requests will be reviewed and decided upon by the arming authority in accordance with reference (a) and any implementing guidance developed by CNO and CMC.

# 9. POF

- a. Service policy will address POF and direct installation commanders to develop and implement guidance governing use and control of POF on their installations and facilities in accordance with references (j) through (m) of this instruction as well as federal, state, local, and tribal laws. The Services may establish POF policies that are more restrictive than stated below.
- b. Registration of POF is mandatory when transported or stored on DON installations. This includes weapons stored in family/privatized housing where the DON has legal jurisdiction (proprietary, concurrent, or exclusive) and all installation armories.
- (1) Registration is not required for POF stored off the installation.
- (2) Service regulations may limit POF registration requirements to specific types of POFs or to possession or storage in specified locations (i.e., non-access controlled hunting areas).
- c. Storage. Installation commanders may authorize storage of POF and POA in the installation armory. Storage may be authorized in the Ready For Issue (RFI) locker on a temporary basis (i.e., when POF are held in support of transiting personnel). Pursuant to reference (a), these items must be stored in a separate container from government-owned arms and ammunition.
- (1) Procedures must be established for issue and recovery of POF stored in the armory or RFI.
- (2) Properly registered POF and POA may be stored in military family or privatized housing on the installation, government owned/leased dormitories, barracks, or lodging facilities.
- (3) Service regulations may authorize non-armory storage locations and prescribe minimum security measures (e.g., trigger or chamber type locks or lockable containers) for POF and ammunition when not in use.

- (4) Armory storage will meet the minimum security and accountability requirements of references (n) and (o).
- d. Vetting. DON Component regulations will authorize and require checks of authoritative government sources, (i.e. Federal, State and local sources) to verify the lawful possession of POF.

## e. Mandatory Notifications

- (1) DON personnel who observe infractions of POF regulations or persons who exhibit behaviors not consistent with responsible firearms security and safety on the installation must report the infractions to appropriate command authority, installation security, or law enforcement personnel. Based on reports and investigations, installation Commanders may terminate arming authorities, authorizations, and permissions.
- (2) Individuals must disclose if they are in immediate possession of a POF and produce an approved installation authorization if possession of such written authorization is required by component or installation regulations whenever installation security or law enforcement personnel inquire, incident to a lawful stop, search, or inspection on a DON installation.
- (3) DON Components will require the arming authority to notify installation security or law enforcement personnel of individuals whose authorization is revoked or suspended.

# f. POF Possession or Use by IMS

- (1) Pursuant to reference (m), IMS and accompanying family members, regardless of their country of origin, are prohibited from transporting, possessing, storing, or using POF on DoD installations or property.
- (2) IMS and their accompanying family members are prohibited from transporting, possessing, storing, or using POA on DoD installations or property.
- (3) IMS are authorized use of government furnished firearms and ammunition when specifically required for official training aboard DON installations or property or on property not located on a DON installation but under DON control.

- (4) DON installation commanders may not permit IMS or their accompanying family members to transport, possess, store, or use POF or POA on any DON installation or property.
- (5) As a condition of acceptance into a DoD sponsored training program, IMS and accompanying family members are not permitted to bring a POF or POA with them to the United States, or possess or use another individual's POF or POA off of DON installations or property.
- (a) The DON Services may approve one-time, short term exceptions allowing an IMS or accompanying family member to possess and use, but not own, another individual's POF and POA off of a DON installation in accordance with applicable Federal, State, and local laws and regulations. The Services may delegate this approval no lower than the arming authorities specified in this instruction.
- (b) Exceptions may be permitted as stated above when requested to the arming authority for events such as an IMS invitation to shoot at a gun club, take part in a hunting event, accompany a colleague to a range for target practice or other similar activities.

### USE OF FORCE

- 1. Military and civilian personnel who are performing law enforcement duties and are armed per reference (a) are authorized to use force in the performance of their official duties. When force is necessary to perform official duties, 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 at the time force was used.
- 2. Per reference (a), the CNO, CMC, and NCIS 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 DON personnel at risk.
- a. 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 2(c) below. If less than deadly force could reasonably be expected to accomplish the same result without unreasonably increasing the danger to armed DON personnel or to others, then it should be used.
- b. A verbal warning should be given prior to the use of deadly force if the situation permits and if doing so does not unreasonably increase the danger to DON personnel or others.
- c. Deadly force may only be used when reasonable, including, but not limited to, the following circumstances:
- (1) Self-defense and defense of other DoD personnel. Authorized DON personnel may use deadly force in order to defend themselves or other DoD personnel in their vicinity when it is reasonable to believe the target of that force poses an actual or imminent threat of death or serious bodily harm;
- (2) Defense of others. Authorized DON personnel may use deadly force to defend non-DoD personnel in their vicinity when it is reasonable 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;

- (3) Protecting assets vital to national security. Authorized DON personnel may use deadly force to prevent the actual theft or sabotage of assets vital to national security;
- (4) Protecting inherently dangerous property. Authorized DON personnel may use deadly force to prevent the actual theft or sabotage of inherently dangerous property;
- (5) Protecting national critical infrastructure. Authorized DON personnel may use deadly force to prevent the sabotage or destruction of national critical infrastructure;
- (6) Performing an arrest or apprehension, or preventing escape. Authorized DON personnel may use deadly force to arrest, apprehend, or prevent the unlawful escape of a fleeing subject if there is probable cause to believe:
- (a) The subject has committed an offense involving the infliction or threatened infliction of serious physical injury or death; and
- (b) The escape of the subject would pose an actual or imminent threat of death or serious bodily harm to DON personnel or others in the vicinity.
- (7) Defending against animals. Deadly force may be directed against vicious animals when necessary in self-defense or in defense of others.
- 3. Less than deadly 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.
- a. 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. DON 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) per reference (c).

- b. Less than deadly force may be used when reasonable:
- (1) To defend oneself from actual or imminent threat of physical injury or death;
- (2) To defend other persons from actual or imminent threat of physical injury or death;
- (3) To overcome the active or passive resistance offered to a lawful detention, arrest, or apprehension or to accomplish the lawful performance of assigned duties;
  - (4) To prevent the escape of a prisoner;
  - (5) To prevent the destruction of DoD property;
- (6) To control or restrain animals presenting an ongoing or imminent threat of bodily harm against oneself or others.
- 4. Warning shots are prohibited in the U.S. Warning shots are also prohibited outside the U.S. unless otherwise authorized by applicable host-nation law and status of forces agreements and per standing RUF in non-U.S. locations. Warning shots to protect U.S. Navy and Naval Service vessels and piers in the territorial seas and internal waters of the U.S. are authorized if all of the following factors are present:
- a. The warning shots are fired over water to warn an approaching vessel;
  - b. A clear line of fire exists;
  - c. The shots are fired from a crew-served weapon or rifle;
- d. The shots are fired by personnel who are certified under a training program approved by the CNO, CMC, and NCIS, and who are under the tactical direction of competent authority; and
- e. 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.

### ACRONYMS AND DEFINITIONS

ACMC Assistant Commandant of the Marine Corps

ADC Assistant Deputy Commandant

CJCSI Chairman of the Joint Chiefs of Staff Instruction

CMC Commandant of the Marine Corps

CNO Chief of Naval Operations
CONUS Continental United States

DIRNCIS Director of the Naval Criminal Investigative

Service

DUSN Deputy Under Secretary of the Navy

DoD Department of Defense

DoDD Department of Defense Directive
DoDI Department of Defense Instruction

DON Department of the Navy
HQMC Headquarters Marine Corps

IMESA Identity Matching Engine for Security and Analysis

NCIS Naval Criminal Investigative Service

NLW Non-Lethal Weapon

PP&O(PS) Plans, Policy, and Operations Security Division

ROE Rules of Engagement

RUF Rules for the Use of Force UNSECNAV Under Secretary of the Navy

U.S.C. United States Code

VCNO Vice Chief of Naval Operations

<u>Definitions</u>: All definitions in this enclosure are derived from reference (a).

- 1. <u>Armed</u>. A person equipped with a firearm that has a live round of ammunition in a magazine inserted into the firearm, chamber, or cylinder.
- 2. <u>Arming Authority</u>. A person or persons 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.
- 3. 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).
- 4. <u>Authorization</u>. Approval to carry a firearm for official duties, including personal protection related to the performance of official duties.
- 5. <u>Carry</u>. Having a firearm, loaded and ready for employment, on one's person, in one's immediate effects, or within reach if one is in a vehicle.
- 6. <u>Deadly Force</u>. 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.
- 7. <u>DON Personnel</u>. U.S. Navy and Marine Corps military personnel and DON civilian employees.
- 8. <u>DON Property</u>. Real property subject to DON jurisdiction, custody, or control. DON-controlled property includes both owned and leased property or facilities.
- 9. <u>Host</u>. 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.

- 10. Firearm. Defined in Section 921 of Title 18, United States Code (U.S.C.).
- 11. <u>Force</u>. Physical presence, action, or exercise of strength to compel another to act or refrain from certain behavior.
- 12. Handgun. Defined in Section 921 of Title 18, U.S.C.
- 13. <u>Imminent</u>. A level of certainty that something is ready to happen, and is more likely tied to circumstances rather than a fixed period of time.
- 14. 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.
- 15. <u>Lautenberg Amendment</u>. 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 Department of Defense Instruction 6400.06).
- 16. <u>Law Enforcement Officers</u>. Defined in Section 8401 of Title 5, U.S.C., and Sections 926B and 926C of Title 18, U.S.C.
- 17. <u>National Critical Infrastructure</u>. 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.
- 18.  $\underline{\text{NLW}}$ . 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.

- 19. <u>Permission</u>. Approval to carry a firearm on DON property for personal protection when it is not related to the performance of official duties.
- 20. <u>Personal Protection</u>. The carrying and employment of a firearm for the protection of oneself or others from death or serious bodily injury.
- 21. <u>Possession</u>. Knowingly having a firearm, whether loaded or unloaded, on one's person, in one's immediate effects, or within reach if one is in a vehicle. An individual carrying a firearm is by definition also possessing it. An individual possessing a firearm may or may not be carrying it.
- 22. Privately Owned Firearm. A non-government-issued firearm (including handguns).
- 23. Qualified Law Enforcement Officer. Defined in Section 926B of Title 18, U.S.C.
- 24. 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.
- 25. <u>Transport</u>. Moving an unloaded firearm, locked in secure gun storage, for any lawful purpose from one place where it may be lawfully possessed or stored directly to another place where it may be lawfully possessed or stored. If such movement is in a vehicle, the movement is conducted in a manner such that the firearm is not readily accessible to any occupant of the vehicle.