



Investigative

Policy &

Oversight

**Evaluation of the Policies and Practices of the Defense
Organizations Employing Criminal Investigators with
Respect to Control Over Firearms**

Report Number IPO2003E001

March 28, 2003

**Office of the Inspector General
of the Department of Defense**

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Additional Information and Copies

The Office of the Deputy Assistant Inspector General for Investigative Policy and Oversight, Office of the Assistant Inspector General for Inspections and Policy of the Department of Defense prepared this report. To obtain additional copies of the evaluation report, visit the Web site of the Inspector General of the Department of Defense at <http://www.dodig.osd.mil/dcis/cipo/evals>, or contact Mr. David Holmes at (703) 604-8746 (DSN 664-8746) (dholmes@dodig.osd.mil).

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Acronyms

AFOSI	Air Force Office of Special Investigations
DCIA	Defense Logistics Agency Criminal Investigations Activity
DCIO	Defense Criminal Investigative Organization
DCIS	Defense Criminal Investigative Service
DLA	Defense Logistics Agency
DPS	Defense Protective Service
FBI	Federal Bureau of Investigation
GAO	General Accounting Office
INS	Immigration and Naturalization Service
NCIS	Naval Criminal Investigative Service
OIG	Office of Inspector General
PPFACI/IAD	Pentagon Force Protection Agency Criminal Investigations/Internal Affairs Directorate
USACIDC	U.S. Army Criminal Investigation Command



INSPECTOR GENERAL
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March 28, 2003

MEMORANDUM FOR INSPECTOR GENERAL OF THE DEPARTMENT OF
DEFENSE
ASSISTANT SECRETARY OF THE AIR FORCE
(FINANCIAL MANAGEMENT AND COMPTROLLER)
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, DEFENSE LOGISTICS AGENCY
NAVAL INSPECTOR GENERAL
AUDITOR GENERAL, DEPARTMENT OF THE ARMY

SUBJECT: Report on Evaluation of the Policies and Practices of the Defense
Organizations Employing Criminal Investigators with Respect to Control
Over Firearms (Report No. IPO2003E001)

We are providing this report for review and comment. We considered management comments on a draft of this report when preparing the final report.

DoD Directive 7650.3 requires that all recommendations be resolved promptly. The Inspector General of the Department of Defense, the Defense Criminal Investigative Service, the Army, and the Air Force were responsive to all recommendations; however, estimated completion dates for promised actions were not provided by the Defense Logistics Agency, the Defense Criminal Investigative Service, or the Air Force. The Defense Logistics Agency did not concur with Recommendation B.4., but concurred with all other recommendations. The Pentagon Force Protection Agency did not concur with Recommendation A.2., but concurred with all other recommendations. The Navy partially concurred with Recommendation A.1, did not concur with Recommendation C.1., and concurred with the remaining recommendations. We accept the Navy's partial concurrence with Recommendation A.1. For reasons set forth in the final report, we did not accept the basis for non-concurrence by the Defense Logistics Agency on Recommendation B.4., by the Navy on Recommendation C.1., or by the Pentagon Force Protection Agency on Recommendation A.2. We request the Pentagon Force Protection Agency provide additional comments on Recommendation A.2.; the Defense Logistics Agency provide additional comments on Recommendation B.4.; and the Navy provide additional comments on Recommendation C.1. In addition, we request the Defense Logistics Agency provide an estimated completion date for promised actions on Recommendations B.3. and B.6., and that the Defense Criminal Investigative Service and the Air Force provide estimated completion dates for promised actions on all of their recommendations. We request the comments by April 30, 2003.

If possible, please provide management comments in electronic format (Adobe Acrobat file only). Copies of the management comments must contain the actual signature of the authorizing official. We cannot accept the / Signed / symbol in place of the actual signature. If you arrange to send classified comments electronically, they must be sent over the SECRET Internet Protocol Router Network (SIPRNET). We normally include

copies of the comments in the final report. Matters considered by management to be exempt from public release should be clearly marked for Inspector General consideration.

We appreciate the courtesies extended to the evaluation staff. Questions should be directed to Mr. David Holmes at (703) 604-8746 (DSN 664-8746). See Appendix E for the report distribution. The team members are listed inside the back cover.

A handwritten signature in black ink, appearing to read 'CW Beardall', written in a cursive style.

Charles W. Beardall
Deputy Assistant Inspector General
Investigative Policy and Oversight

Office of the Inspector General of the Department of Defense

Report No. IPO2003E001
(Project No. 2002C001)

March 28, 2003

Evaluation of the Policies and Practices of the Defense Organizations Employing Criminal Investigators With Respect to Control Over Firearms

Executive Summary

Who Should Read This Report and Why? Directors and Commanders of DoD and military organizations who employ criminal investigators, and congressional members and others interested in Federal law enforcement matters should read this report. It explains how some DoD Components need to improve their firearms accountability and loss reporting policies and practices.

Background. In response to a congressional request, the General Accounting Office (GAO) announced a study of Executive Branch civilian law enforcement agency controls over firearms and other weapons. To identify possible best practices that may not exist within traditional law enforcement, the General Accounting Office sought our support. In response, we conducted this evaluation of six criminal investigative agencies representing the Army, Navy, Air Force, Office of the Inspector General of the Department of Defense, Defense Logistics Agency, and the Pentagon Force Protection Agency.

Results. We accounted for all of the firearms in our random sample inventories conducted at 160 locations. Of 5,758 firearms used for law enforcement within the six evaluated organizations, only 12 firearms were reported lost or stolen during the review period of FY 1999 through FY 2001, and 9 of those were recovered. Of the 7 investigations concerning the 12 firearms, 5 were thorough and well documented. The remaining investigations contained discrepancies, which are addressed in section C of the report. The criminal investigators in each organization have proper authorization to carry firearms. We noted two discrepancies; one concerned the practice of taking Government firearms home, and the other concerned the authorization for carrying personal firearms. Instances existed where firearms accountability records were not up to date, and some organizations did not have procedures that would ensure only authorized firearms were procured. Additionally, most organizations did not have a recurring awareness program for personnel responsible for firearms accountability. While most of the organizations are not in compliance with DoD-required monthly and quarterly inventories, they all conduct serial number inventories at least annually. (See the report for detailed recommendations.)

Management Comments and Evaluation Response. The Navy concurred with two of the recommendations, partially concurred with one of the recommendations, and non-concurred with one of the recommendations. We agree with the Navy's partial concurrence, if the upcoming revision to the directive concerning carrying of personal firearms by criminal investigators while on duty provides an exemption to the requirement for a one-year termination date for such authorizations. We do not agree

with the Navy that establishing a policy concerning leaving firearms unattended in a vehicle would unduly hinder flexibility of the criminal investigator in some situations. We did not recommend that a policy be established prohibiting such a practice, as indicated in comments provided by the Director, Naval Criminal Investigative Service. We asked only that a command-wide policy addressing the practice be established. We request that the Navy provide comments on the final report by April 30, 2003.

The Director, Administration and Management, Office of the Secretary of Defense generally concurred with the recommendations. Although the Director concurred with the recommendation that a recurring awareness program concerning the accountability of arms, ammunition, and explosives be established, he indicated that only applicable personnel would be trained by March 31, 2003. No indication that a recurring awareness program was established that ensures personnel remain aware of the requirements exists. The Director did not concur that the Pentagon Force Protection Agency was in violation of DoD policy by permitting criminal investigators to take their Government firearms home with them at the end of their shifts, asserting that our recommendation was based on an improper and incomplete reading of the DoD Directive. We maintain that the current Pentagon Force Protection Agency weapons take home practice is inconsistent with the United States Code, is contrary to DoD policy, adversely effects its ability to protect Government-issued weapons, and imposes substantial (but not specifically quantifiable) liability risks for its employees, as well as DoD. We request that the Director, Administration and Management provide comments on the final report by April 30, 2003.

The Director, Defense Logistics Agency generally concurred with the recommendations; however, no estimated completion dates were provided. The Director did not concur that additional written policy for reporting required firearms information to their Component Registry for inclusion in the DoD Registry was required. We do not agree that existing policy adequately addresses the criminal investigators assigned to headquarters. We request that the Director, Defense Logistics Agency, provide comments on the final report by April 30, 2003.

The Defense Criminal Investigative Service, the Army, the Air Force, and the Inspector General of the Department of Defense concurred with all of the recommendations; however, the Defense Criminal Investigative Service and the Air Force did not provide estimated completion dates. We request that the Defense Criminal Investigative Service and the Air Force provide comments on the final report by April 30, 2003. See sections A, B, and C of the report for a discussion of management comments and the Management Comments section of the report for the complete text of the comments.

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Background

An Office of Inspector General (OIG), Department of Justice, audit report on the Immigration and Naturalization Service (INS) management of property, dated March 2001, discloses that INS could not account for 539 of its weapons. INS categorized the weapons as lost (23), missing (382), or stolen (134),¹ and reported that not all offices conducted weapons inventories. Those offices that did perform inventories did not necessarily physically verify the weapons on hand, but relied instead on property cards and quarterly firearms qualification records. Of the 539 weapons, 84 percent were handguns. The remaining weapons were shotguns, rifles, machine guns, and a gas grenade launcher. In addition, the report states that INS staff did not routinely report through proper channels the status of the weapons, and as a result, did not initiate timely follow-up action that would resolve each instance of an unaccounted weapon.

In July 2001, numerous news agencies reported that the Federal Bureau of Investigation (FBI) could not locate more than 400 of its weapons. Attorney General John Ashcroft asked that the OIG for the Department of Justice conduct a department-wide review of inventory controls over guns and other law enforcement equipment. The review disclosed that the FBI was missing 450 weapons and that no complete inventory of FBI weapons had been conducted since 1992.

Congressional Requests. On July 18, 2001, Representative John D. Dingell, ranking member on the House of Representatives Committee on Commerce, requested that the General Accounting Office (GAO) conduct an investigation of Federal agencies that issue firearms; explain the accounting procedures for tracking firearms at each agency; ascertain if similar problems exist throughout the Federal Government; and determine how many firearms the Government is missing.

On July 30, 2001, the House of Representatives Committee on the Judiciary requested that GAO undertake a study on internal controls for weapons in the possession of the law enforcement agencies within the Executive Branch of the Federal Government. For purposes of comparison, and to identify possible best practices that may not exist within traditional law enforcement, the committee asked GAO to also survey the Military Departments.

Inspector General of the Department of Defense Involvement. On September 4, 2001, GAO announced their study of Executive Branch civilian agency controls over firearms and other weapons. Subsequently, GAO representatives and members of the office of the Inspector General of the Department of Defense (IG DoD), Investigative Policy and Oversight, decided that Investigative Policy and Oversight would conduct a similar evaluation

¹ According to INS officials, a weapon was designated as “lost” if INS knew with certainty that the weapon was lost and could not be immediately recovered. A “missing” weapon meant that it was recorded on the property records, but INS could not find it and the circumstances surrounding its disappearance were unknown. “Stolen” meant that a weapon was the subject of a theft.

focused on DoD agencies employing criminal investigators. GAO would then use information from the Investigative Policy and Oversight evaluation in their study.² We announced our evaluation on April 26, 2002.

We examined policies and procedures at the Defense Criminal Investigative Service (DCIS), U.S. Army Criminal Investigation Command (USACIDC), Naval Criminal Investigative Service (NCIS), and Air Force Office of Special Investigations (AFOSI), as well as the Defense Logistics Agency (DLA) Criminal Investigations Activity (DCIA) and the Pentagon Force Protection Agency Criminal Investigation and Internal Affairs Directorate (PFPAI/IAD), referred to collectively as Defense organizations.

DCIS. Headquartered in Arlington, Virginia, DCIS is the criminal investigative arm of the OIG DoD. DCIS investigates allegations of criminal, civil, and administrative violations involving DoD contract and procurement fraud, antitrust violations, bribery, corruption, large-scale thefts of Government property, and health care fraud. DCIS employs approximately 320 civilian criminal investigators assigned to 57 locations throughout the continental United States, Hawaii, and Wiesbaden, Germany. It has an inventory of 441 firearms used for law enforcement, consisting mostly of the Sig Sauer, 9mm, model P-228, semi-automatic pistol.

DCIA. Headquartered at Fort Belvoir, Virginia, DCIA conducts criminal investigations involving persons and property under the charge of DLA when the Defense Criminal Investigative Organizations (DCIOs)³ or FBI declines the investigation. DCIA employs 18 civilian criminal investigators who are assigned to offices located throughout the United States and Wiesbaden, Germany. It has an inventory of 30 M-11s used for law enforcement.⁴

PFPAI/IAD. Headquartered at the Navy Annex in Arlington, Virginia, PFPAI/IAD, formerly part of the Defense Protective Service (DPS), is the investigative arm of the Pentagon Force Protection Agency. They conduct felony-level criminal investigations of crimes against persons and property on the Pentagon Reservation and at 180 DoD-leased facilities in and around the National Capitol Region, including Maryland, Virginia, and Washington, D.C. PFPAI/IAD employs six criminal investigators, with an authorization for nine. It has an inventory of six model P-228s used for law enforcement.

USACIDC. Headquartered at Fort Belvoir, Virginia, USACIDC investigates felony-level crimes of interest to the Army. As of August 2002, USACIDC had 1,183 military and civilian criminal investigators at 130 units throughout the

² GAO prepared an extensive questionnaire concerning policies and practices for the control of firearms to be sent to the agencies included in their study. At the request of GAO, we administered the questionnaire to a point of contact within each of the organizations in our evaluation. We provided the results to GAO, and we used the information in conjunction with our own research in this evaluation.

³ The DCIOs are DCIS, USACIDC, NCIS, and AFOSI.

⁴ The M-11 is the military version of the Sig Sauer, model P-228, and is the standard firearm issued to DCIA, USACIDC, NCIS, and AFOSI military and civilian criminal investigators.

world. It has an inventory of 1,345 firearms used for law enforcement, mostly M-11s. The inventory also includes the MP-5 machine gun.

NCIS. Headquartered at the Washington Navy Yard, Washington, D.C., NCIS investigates major criminal offenses, counterintelligence, and related security matters for the Navy and Marine Corps. It also has policy oversight for the Navy's law enforcement and security missions. NCIS employs 962 criminal investigators assigned to 113 locations throughout the world. It has an inventory of 1,874 firearms used for law enforcement, mostly M-11s. The inventory also includes shotguns.

AFOSI. Headquartered at Andrews Air Force Base, Maryland, AFOSI delivers investigative services that protect Air Force and DoD personnel and operations. AFOSI command priorities are to detect worldwide threats to the Air Force; identify and resolve crime threatening Air Force readiness or good order and discipline; combat threats to information systems and technologies; and detect and deter fraud in the acquisition of weapons systems. AFOSI has 1,835 military and civilian criminal investigators, including 437 reservists, assigned to 168 locations throughout the world. It has an inventory of 2,062 firearms used for law enforcement, mostly M-11s. The inventory also includes M-9s,⁵ shotguns, and machine guns.

Department of Defense Small Arms Central Registry. The DoD Small Arms Central Registry (DoD Registry) is a DoD-wide system established to maintain small arms serial number tracking capability.⁶ It provides a central repository of

⁵ The M-9 is the military version of the Berretta, model 92, 9mm, semi-automatic pistol, which the M-11 replaced as the standard firearm issued to criminal investigators.

⁶ The Army is the designated executive agency for operation and oversight of the DoD Small Arms Central Registry.

small arms serial numbers from the component registries,⁷ including firearms on hand, in transit, lost, stolen, demilitarized, or shipped outside the control of DoD.

Objectives

Our overall objective was to evaluate whether the Defense organizations have adequate policies and practices regarding the control of firearms issued to their criminal investigators. Specifically, we evaluated the adequacy and effectiveness of the Defense organization policies and practices regarding authorization of their criminal investigators to carry firearms; the accountability, control, and storage of firearms; and reporting and investigating lost, stolen, or missing firearms. See Appendix A for a discussion of the scope and methodology and prior coverage.

⁷ The Army Materiel Command Logistics Support Activity, Redstone Arsenal, Huntsville, Alabama, operates and maintains the DoD Registry as well as the Army Component Registry. Warner-Robins Air Logistics Center, Robins Air Force Base, Georgia, maintains the Air Force Component Registry. The Naval Surface Warfare Center, Crane, Indiana, maintains the Navy Small Arms Registry. DLA is the only DoD Component that has its own registry, which is maintained by the Defense Reutilization and Marketing Service, Battle Creek, Michigan. DCIS reports to the Army Component Registry, as does the Washington Headquarters Services for PFPA.

Evaluation Results

Each Defense organization has procedures for carrying, issuing, safeguarding, storing, and inventorying firearms, and for reporting and investigating incidents of lost, stolen, or missing firearms. With the exception of DCIA, each Defense organization permits criminal investigators to take their firearms home at the end of each duty day. Although discrepancies in inventory procedures among the Defense organizations existed, we accounted for all of the firearms examined in this evaluation. In five of seven incidents, the Defense organizations properly reported, investigated, and documented lost, missing, or stolen firearms.

A. Authorization to Carry Firearms

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, 2001,⁸ authorizes DoD law enforcement personnel to bear firearms. The directive requires written authority for carrying firearms, granted only if the individual satisfactorily completed qualification training, proficiency testing, and use of deadly force training within the preceding 12 months. DoD military and civilian personnel who are regularly assigned to law enforcement or security duties may be granted continual authority for carrying firearms if they meet yearly qualification standards. The directive requires that firearms be returned to the designated control point for storage and accountability once the assignment is completed. In addition, DoD personnel are only authorized to carry Government-owned and issued firearms and ammunition while performing official duties. However, the directive allows Secretaries of the Military Departments and the IG DoD to authorize exceptions of those two requirements for the DCIOs.

Each of the six Defense organizations use identification credentials as the written authority for criminal investigators to carry firearms. DCIS and NCIS are the only Defense organizations that permit criminal investigators to carry personally owned firearms while performing official duties. Criminal investigators authorized to carry personally owned firearms while performing official duties must meet the same qualification requirements as for Government-owned firearms.⁹ Each of the six Defense organizations developed supplemental guidance for carrying firearms. See Appendix B for individual agency compliance with DoD guidance. Specific areas of concern are discussed below.

⁸ Paragraphs 4.1, E1.1.4, E1.1.5, E1.1.6, and E1.1.9.

⁹ DCIS is considering replacing the current 9mm Sig Sauer model P-228 pistols with three different .40 caliber models, which will give its criminal investigators a greater choice of firearms. Under current DCIS guidance, personally owned firearms authorized for carrying while performing official duties must be of the same caliber as the issue firearm. Should DCIS transition to the .40 caliber firearm, criminal investigators would no longer be authorized to carry personally owned 9mm firearms while on duty.

NCIS. NCIS permits its criminal investigators to carry personally owned firearms; however, NCIS is not in compliance with Navy guidance.¹⁰ Navy guidance permits the Commander, Naval Investigative Service Command [Director, NCIS], to authorize criminal investigators to carry non-Government issued (personally owned) handguns while performing official duties. Each authorization must include a termination date, not later than 1 year from the date of the authorization, and notice to the criminal investigator that while the criminal investigator is performing official duties only Government ammunition is authorized for use with a personal firearm. NCIS guidance does not include a 1-year termination date nor notice to criminal investigators that only Government ammunition may be used in a personal firearm while performing official duties.

PFPA/CI/IAD. DoD Directive 5210.56 requires that firearms be returned for storage and accountability to a designated control point on completion of the assignment and authorizes exceptions for only the DCIOs. In November 1999, the Director, PFPA (formerly Chief, DPS), signed a policy memorandum authorizing criminal investigators to take their Government-owned firearms home at the end of each duty day. PFPA/CI/IAD then included the policy as a standard operating procedure. We verified that the Office of the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence, the directive's proponent, had not approved an exception for PFPA or DPS, and none had been requested.

Summary

We found that with the exception of PFPA/CI/IAD, the Defense organization policies and procedures concerning authorization of their criminal investigators to carry firearms in the performance of their duties comport with applicable DoD guidance. PFPA/CI/IAD does not have the authority to permit its criminal investigators to take home their Government-owned firearms.

Recommendations, Management Comments, and Evaluation Response

A.1. We recommend that the Director, Naval Criminal Investigative Service, revise NCIS Administrative Manual 1 (NCIS 1) to comply with Secretary of the Navy Instruction 5500.29B, "Use of Deadly Force and the Carrying of Firearms By Personnel of the Department of The Navy In Conjunction With Law Enforcement, Security Duties And Personal Protection," September 28, 1992, by adding the requirement for a termination date that is not later than

¹⁰ Secretary of the Navy Instruction 5500.29b, "Use of Deadly Force and the Carrying of Firearms By Personnel of the Department of The Navy In Conjunction With Law Enforcement, Security Duties And Personal Protection," September 28, 1992, paragraph 4b; and NCIS Manual for Administration (NCIS 1), chapter 34, "Firearms, Use of Force, Oleoresin Capsicum, and Ammunition," April 1999, paragraph 34-2.2a.

1 year from the date of the authorization for criminal investigators to carry personally owned firearms while performing official duties, as well as providing a notice to criminal investigators that only Government ammunition may be used in personally owned firearms while performing official duties.

Navy Comments. The Navy partially concurred, stating that Secretary of the Navy Instruction 5500.29b will be revised, and NCIS will add a notice in NCIS 1, section 34-4.1a concerning the use of Government ammunition in personally owned firearms. According to the Navy, however, NCIS requested an exemption from the yearly reauthorization requirement and, therefore, does not intend to revise NCIS 1 to require a 1-year termination date for personally owned firearm authorizations.

Evaluation Response. The Navy comments are responsive. If the NCIS exception to Secretary of the Navy Instruction 5500.29b is approved, the Navy should provide copies of the revision. If the exception is not approved, NCIS should revise the manual in accordance with our recommendation.

A.2. We recommend that the Director, Pentagon Force Protection Agency take immediate action to ensure Pentagon Force Protection Agency Criminal Investigation and Internal Affairs Directorate firearms are returned to a designated control point at the end of each shift in accordance with DoD Directive 5210.56, “Use of Deadly Force and the Carrying of Firearms by DoD Personnel Engaged in Law Enforcement and Security Duties.”

Pentagon Force Protection Agency Comments. The Director, Administration and Management, Office of the Secretary of Defense, to whom PFPA reports, did not concur. The Director asserted that our recommendation was based on an improper and incomplete reading of DoD Directive 5210.56. According to the Director, under a reasonable interpretation of DoD Directive 5210.56, DoD Component heads (including the Director, Administration and Management, and the Director, PFPA) have broad authorities, including the authority to authorize their personnel to store duty weapons at personal residences. The Director included a legal opinion from the Office of General Counsel, Washington Headquarters Services (WHS) for support of that position.¹¹ Based on that position, the Director claimed that PFPA was in compliance with DoD Directive 5210.56. The Director advised, however, that he and the Acting Director, PFPA were undertaking a comprehensive review of current firearms practices and policies, including whether or not, and under what circumstances, to continue the current duty weapon storage authorizations. In addition, the Director advised that PFPA intended to implement updated, comprehensive policies and guidelines consistent with the legal and policy requirements.

¹¹ During fieldwork on another evaluation involving PFPA, WHS Office of General Counsel attorneys attempted to convince us that DoD Directive 5210.56 did not apply to PFPA, because PFPA operates under separate statutory authority and this authority specifically addresses DPS arming. In assessing the current PFPA arming practices, we considered both the direct statutory authority governing PFPA operations and the Secretary of Defense’s broad authority to arm civilian employees.

Evaluation Response. We cannot accept the Director’s position. The current PFPA weapons take home practice, (1) is inconsistent with the provisions of section 2674, title 10, United States Code (10 USC 2674), the governing statute for PFPA law enforcement and security operations; (2) is contrary to DoD policy as articulated in DoD Directive 5210.56; (3) adversely effects the ability of PFPA to protect Government-issued weapons; and (4) imposes substantial (but not specifically quantifiable) liability risks on PFPA employees, as well as DoD.

The statute under which PFPA operates governs PFPA arming practices. Section 2674, paragraph (b)(1), title 10, United States Code, “Operation and Control of Pentagon Reservation and Defense Facilities in National Capitol Region,” specifically restricts authority for PFPA law enforcement and security personnel to “. . . property occupied by, or under the jurisdiction, custody, and control of the Department of Defense, and located in the National Capital Region.” The statute also limits authority to arm such personnel, specifically providing that they “. . . may be armed with appropriate firearms required for personal safety and for the proper execution of their duties, *whether on Department of Defense property or in travel status* [emphasis added]. . . .” The term “for proper execution of their duties” is key in the provision. PFPA officers have law enforcement authority only while on duty at a DoD property in the National Capital Region. In authorizing arming during “travel status,” the statute permits PFPA law enforcement and security personnel to remain armed when on duty and traveling between DoD locations in the National Capital Region, where they have law enforcement authority.¹² However, the time PFPA officers and investigators spend commuting between their personal residences and their jobs is not duty time and does not and cannot constitute travel status for duty purposes. Arming the individuals during that time is contrary to policy. The individuals are not on duty and arming them is tantamount to arming private citizens. Such action has substantial liability risks for both the individuals and DoD.

In addition to the authority under 10 USC 2674, the Secretary of Defense has broad authority to issue firearms to DoD civilian employees under section 1585, title 10 United States Code (10 USC 1585), “Carrying of Firearms.” The statute provides that, “Under regulations to be prescribed by the Secretary of Defense, civilian officers and employees of the Department of Defense may carry firearms or other appropriate weapons while assigned investigative duties or such other duties as the Secretary may prescribe.”

The statutory authority of 10 USC 1585 is the basis for the DoD-wide policy that is promulgated in DoD Directive 5210.56. This directive enunciates the DoD policy “. . . to limit and control the carrying of firearms by DoD military and civilian personnel.” The Applicability and Scope section of the Directive, at subparagraph 2.2 specifically “. . . authorizes DoD personnel to carry firearms *while engaged in law enforcement or security duties, protecting personnel, vital Government assets, or guarding prisoners* [emphasis added].” PFPA law enforcement officers and investigators have authority to engage in the specified activities only while on duty at a DoD property in the National Capital Region. Accordingly, the authority contained in DoD Directive 5210.56 does not

¹² To provide otherwise would have required PFPA to maintain weapons at each DoD location in the National Capital Region, and have weapons issue and turn-in procedures at each location.

authorize arming PFPA employees during off-duty travel between home and work.

Since 1999, DPS or PFPA has lost, allegedly through theft, five Government firearms during activities that were inconsistent with the statutory and policy requirements relative to carrying firearms. In one case, an investigator reported his Government firearm stolen from his privately owned vehicle, while the investigator was off duty and attending a social event. In another case, a police officer alleged that a girlfriend stole his Government firearm from his home. In a third case, three PFPA firearms were recently reported stolen while PFPA employees were on a personnel-recruiting trip for which the carrying of firearms was not authorized. Those firearm losses would not have occurred had PFPA complied with the statutory and policy requirements identified above.

In summary, under 10 USC 2674, PFPA authority to carry firearms is limited to DoD property in the National Capital Region or duty travel between those properties. In all other locations or circumstances, PFPA employees are under the Secretary's general authority for arming civilian employees pursuant to 10 USC 1585, and the Secretary has limited such arming to employees when they are actually engaged in specific law enforcement and security duties. The Secretary granted the authority to deviate from the regulatory requirement that all firearms be returned to a designated control point at the end of the duty period to only four individuals; specifically, the Secretaries of the Military Departments and the IG DoD. Those four individuals may authorize their organization's criminal investigators to store Government weapons at the criminal investigator's residence or other non-Government storage facility. The Secretary did not grant, however, the deviation authority to the Director of PFPA or the Director of Administration and Management, and we do not believe it would be appropriate to do so. Unlike the DCIO criminal investigators for which exceptions have been granted, PFPA police officers and investigators have law enforcement authority only when they are on duty at a DoD property in the National Capital Region. Authorizing their arming during commute times between residences and jobs is tantamount to arming private citizens and is improper.

In commenting on this final report, therefore, the Director, Administration and Management should advise us of the date on which PFPA will comply with the statutory and policy requirements that govern arming and weapons storage.

B. Accountability, Control, and Storage of Firearms

The criminal investigative organizations issue firearms to their investigators by way of a hand receipt. However, issue and accountability procedures by their supervising organizations vary widely. Although DCIA, DCIS, PFPACI/IAD, USACIDC, and NCIS criminal investigators are issued firearms that remain with them throughout their career, AFOSI criminal investigators are issued new firearms at each duty station. PFPA, with criminal investigators assigned to only one location, and AFOSI can more easily maintain accountability for firearms, because the firearms remain on the hand receipt of the local office and on the supporting installation account. The other Defense organizations must adjust firearms accountability at the agency's firearms accounting system with each criminal investigator transfer. For DCIA, DCIS, and NCIS, updated entries into in-house accountability systems are required. Firearms accountability at those agencies goes directly from each Defense organization headquarters to the criminal investigator in the field.

USACIDC, however, must complete several transactions to transfer accountability and reporting of a firearm from the losing property book officer to the gaining property book officer. In some cases, USACIDC transactions took from 9 months to as long as 2 and one-half years to complete.¹³

Our only area of concern regarding storage of firearms for the Defense organizations pertained to policies on storage of firearms in vehicles, addressed in section C, later in this report. See Appendix C for individual agency compliance with DoD guidance. Specific areas of concern are discussed below.

Random Sample Inventories. We inventoried law enforcement firearms at randomly selected locations within each Defense organization. Our sample size was 160 from 491 total locations.¹⁴ Defense organization representatives assigned to each location conducted the inventories and forwarded the results to us along with a signed statement that certifies each firearm was physically inspected and serial number recorded on the inventory document. We reconciled the certifications with the inventory documents the Defense organization

¹³ Although these cases are the exception, lateral transfers appear to take longer than necessary to complete. USACIDC has no established criteria for how long lateral transfers should take to complete.

¹⁴ We calculated a statistical sampling of locations for each Defense organization using a 95-percent confidence level and 10-percent precision level. The numbers for the locations were: DCIS (30); DCIA (9); PFPACI/IAD (1); USACIDC (40); NCIS (40); and AFOSI (40). See Appendix A for technical information concerning sampling.

headquarters and independent sources provided. We accounted for all firearms in the sample.¹⁵

Inventory Procedures. Specific procedures for conducting inventories vary slightly among the Defense organizations. Some of the Defense organizations issue a firearms card to the criminal investigator. The firearms card lists the make, model, and serial number of the assigned firearm. When the criminal investigator takes the firearm from the storage container, the firearms card is put in its place. For those Defense organizations that permit criminal investigators to store firearms at their residences during non-duty hours, the firearm may remain out of the storage container for extended periods. When conducting inventories, some Defense organizations count the firearms card as the firearm itself for inventory purposes; therefore, the firearm serial number is not physically verified. Army written guidance permits that type of accountability for firearms.

At four of the randomly selected locations, representing two Defense organizations, we suspected that the certifications submitted to us did not represent a physical inspection of each weapon's serial number as specified in our inventory protocol and to which each Defense organization concurred.¹⁶ At each of those locations, the certification was not accurate. As a result, we dispatched our evaluators to those locations and conducted an inventory. In each case, the discrepancies that aroused our suspicion were rooted in the fact that the serial number on each firearm had not been physically inspected. In the end, we accounted for all firearms at those four locations.

DoD 5100.76-M, "Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives," August 12, 2000, requires unit-level firearm inventories monthly by the number of firearms, and quarterly by serial number of each firearm.¹⁷ PFPACI/IAD and USACIDC were in compliance with the requirements. DCIA, DCIS, NCIS, and AFOSI were not in compliance. DCIA recently requested an exemption to unit-level monthly and quarterly inventory requirements; however, the exemption has not been approved.

DoD 5100.76-M requires that those personnel responsible for the accountability of firearms shall be made aware of proper inventory procedures and the

¹⁵ Determining there were no unaccounted firearms in our statistical sample leads to a difficulty in interpreting the results quantitatively. The fact that there were no firearms missing in the sample obviously does not guarantee there are no missing firearms in the entire population, because not every location or firearm was inventoried. However, the probability of unreconciled firearms in the Defense criminal investigator population is low.

¹⁶ A similar practice was mentioned in a March 2001 Department of Justice IG report as a possible reason the INS could not account for numerous firearms.

¹⁷ Paragraph C5.3.2 sets inventory requirements, and paragraph C1.2.7 permits heads of DoD Components to exempt arms issued to Component criminal investigators from the provisions of the manual. Only DCIS has such an exemption, and that exemption applies to only the monthly inventories by the number of firearms assigned.

importance of accurate receipt, dispatch, and inventory records.¹⁸ In addition, the DCIOs each have Component-level policies for ensuring that those responsible for the accountability of firearms are trained in those duties.¹⁹ However, only USACIDC and AFOSI follow existing guidance to ensure the individuals are trained. No training programs are in place within DCIA, DCIS, PFFA, or NCIS that ensure those responsible for the accountability of firearms are trained in those duties.

DoD 5100.76-M requires DoD Components to establish procedures that ensure only authorized firearms are procured, and that unauthorized or excess requisitions are rejected.²⁰ USACIDC, NCIS, and AFOSI have such procedures, including tables of allowances that govern the number and type of firearms each is authorized. DCIS, DCIA, and DPS (DPS procures firearms for PFPACI/IAD), do not use tables of allowances, and no written guidelines exist for governing the number or type of firearms each is authorized.

DoD Registry. Of the six Defense organizations, four of the organizations have written procedures for updating the Component Registries, which, in turn, update the DoD Registry. Neither DLA nor Washington Headquarters Services has written policy or guidance for DCIA or PFPACI/IAD, respectively, to submit updates to their Component Registries.

The DoD Registry did not have current accountable activity data on numerous firearms included in our review. We based that determination on the results of our reconciliation process of random Defense organization inventories and on the results of the specific firearms queries sent to the DoD Registry. While the DoD Registry is an outstanding tool for locating small arms within DoD, that capability is reduced when agencies fail to comply with reporting requirements, or do not report in a timely manner.

DCIS. The DCIS Special Agents Manual requires that firearms instructors verify serial numbers of criminal investigators' firearms during quarterly qualification and report the verification to the firearms coordinators. DCIS has been in compliance with the requirement since only January 2002. Since approximately 1999, DCIS conducted only annual firearms inventory verifications throughout

¹⁸ Paragraph C2.1.6. "Prior to assumption of such duties (and at least annually thereafter), personnel responsible for the accountability of AA&E [arms, ammunition, and explosives] shall be made aware of the importance of accurate receipt, dispatch, and inventory records. Adherence to the requirement for scheduled inventories will be stressed, as well as procedures for processing inventory adjustment gains and losses as prescribed in DoD 4140.1-R" (Materiel Management Regulation).

¹⁹ Inspector General Manual 4140.1, "Property Management Program," March 29, 2001, paragraph 3.5.j; Army Regulation 190-11, "Physical Security of Arms, Ammunition, and Explosives," February 12, 1998, paragraph 2-10; Chief of Naval Operations Instruction 5530.13B, "Department of the Navy Physical Security Instruction for Conventional Arms, Ammunition, and Explosives," July 5, 1994, paragraph 0204; and Air Force Manual 23-110, volume 2, part 13, "Standard Base Supply Customer's Procedures," January 1, 2002, paragraph 1.17.2.1.

²⁰ Paragraph C5.3.1.

DCIS. No record of inventories being conducted prior to 1999 exists. The lack of 100-percent quarterly inventories allowed a major discrepancy to exist for approximately 5 years after a Government-owned firearm was mistakenly exchanged with a personal firearm of the same make and model. We presume the mistaken exchange occurred in 1994 because during this evaluation we discovered that a criminal investigator took the Government firearm with him when he transferred from DCIS to another Federal agency. Apparently, the criminal investigator mistakenly left behind his personal firearm. Further, the criminal investigator's personal firearm, which had previously been listed on the inventory as a personal firearm, ended up on both the DCIS and OIG Government firearms inventories without a source document indicating the firearm's origin. The missing Government firearm continued to be accounted for on both the DCIS and OIG Government inventories until a 1999 inventory discovered the loss (addressed further in section C). The criminal investigator's personal firearm continued on the Government inventory until the mistake was discovered in 2002.

DCIS maintains an independent firearms inventory database that contains information about the location of all DCIS firearms and the criminal investigators to whom the firearms are assigned. DCIS is in the process of adding personally owned firearms to that database. The result will be a master record of the firearm each criminal investigator carries. As criminal investigators re-qualify with the firearms, the personally owned firearms are added from the qualification records to the database.

For accountability purposes, Office of Administration and Information Management, Office of the IG DoD personnel enter DCIS firearms data into the Defense Property Accountability System (DPAS). Inspector General Manual 4140.1, "Property Management Program," March 29, 2001,²¹ requires that all receipts, issues, turn-ins, transfers, and shipments of firearms be reported to the Office of Administration and Information Management. The transaction information is needed to keep DPAS current. The DCIS practice, however, has been to only provide an annual update for activity on the firearms inventory. Therefore, DCIS firearms data within DPAS is often not up to date.

DCIA. DLA Directive 4160.9, "DLA Retail Supply and Property Accountability," August 13, 1996,²² has required DLA to use DPAS since 1996 to record property that requires accountability and to maintain hand receipts for controlled items that are sensitive. The directive also requires DLA to appoint an Accountable Property Officer responsible for maintaining personal property accountability records. DLA does not use DPAS for firearms accountability, and no Accountable Property Officer is appointed for the 30 firearms assigned to DCIA. The individual who controls firearms has inherent responsibility based on duty position, but is not accountable on a property hand receipt as required. When DCIA received their current firearms, the DCIA Firearms Program Manager signed a hand receipt from DLA warehouse personnel for all of the firearms. The DCIA firearms were never transferred to the current Firearms Program Manager on either a hand receipt or other document. Although DLA has

²¹ Paragraph 3.5a(2).

²² Paragraph 3.

Accountable Property Officers for other DLA property, no Accountable Property Officer exists for the 30 firearms assigned to DCIA.

NCIS. NCIS is not in compliance with DoD and Naval Sea Systems Command inventory guidance.²³ Specifically, NCIS does not require monthly inventories by the number of firearms assigned, and monthly counts are not conducted. NCIS 1, chapter 34, paragraph 34-2.15.c requires only a serial number inventory of all NCIS-issued firearms during quarterly firearms qualification. Unassigned firearms are not included in that requirement and are inventoried only during the annual inventory. Although NCIS policy requires annual firearms inventories, these inventories were not conducted during 2001 and 2002. The annual inventory conducted in 2002 was poorly documented. The field offices reported inventory results by way of e-mail instead of signed certifications that NCIS policy requires, and headquarters NCIS had no overall documentation that reflects the results of the inventory and the date completed.

AFOSI. Base supply personnel conduct semiannual inventories of AFOSI firearms, and AFOSI conducts command-wide annual firearms inventories. Firearms inventories are also conducted during AFOSI Inspector General inspections each 2 to 3 years. Monthly counts by the number of firearms assigned, and quarterly inventories by serial number, are not conducted throughout the command in accordance with DoD and Air Force guidance.²⁴ Local base supply personnel train AFOSI equipment custodians, but we have some concern that the training may not include the requirement for monthly and quarterly inventories at the unit level. That condition is evidenced by individuals at various AFOSI locations not being aware of the requirement. Also, at some locations, the firearms cards were inventoried in place of the firearms.

Summary

DoD guidance requires unit-level firearms inventories monthly by count and quarterly by serial number. Although most of the Defense organizations are not following that guidance, we accounted for all of the firearms in our random sample inventories. Those Defense organizations not in compliance with DoD guidance conducted inventories at least annually. During the random sample inventories, discrepancies as a result of improperly conducted inventories existed, including the use of existing inventory records and firearms qualification records instead of actually looking at the firearms. DoD 5100.76-M allows exceptions to inventory requirements. Some of the Defense organizations did not maintain current firearms accountability records, did not have a recurring training program for personnel responsible for firearms accountability, or did not establish procedures for ensuring only authorized firearms are procured.

²³ DoD 5100.76-M, paragraph C5.3.2; and Naval Sea Systems Command Instruction 8370.2, "Small Arms and Weapons Management Policy and Guidance Manual," June 12, 1989, paragraph 2-205.1.

²⁴ Air Force Instruction 31-101, "The Air Force Installation Security Program," June 1, 2000, paragraph 23.4.

Recommendations, Management Comments, and Evaluation Response

B.1. We recommend that the Directors, Defense Logistics Agency Criminal Investigations Activity; Defense Criminal Investigative Service; Naval Criminal Investigative Service; and the Commanders, U.S. Army Criminal Investigation Command; and Air Force Office of Special Investigations re-evaluate their inventory procedures and practices and ensure compliance with DoD firearms inventory requirements, and that serial number inventories require that each firearm be physically inventoried.

Defense Logistics Agency Criminal Investigations Activity Comments. DCIA concurred, stating that its request for an exception to DoD 5100.76-M inventory procedures was approved. DCIA is now required to conduct a 100 percent annual inventory in which it inspects each weapon by serial number and inspect weapons by serial number during supervisory visits to DCIA offices.

Defense Criminal Investigative Service Comments. DCIS concurred, stating that it will incorporate changes in its Special Agent Manual.

Navy Comments. The Navy concurred, stating that it will ensure quarterly and yearly inventories in accordance with DoD policy and that it is requesting an exemption to the unit-level monthly inventory requirement included in Navy policy.

Army Comments. The Army concurred, stating that it has revised its guidance to ensure that all firearms are physically inspected during monthly weapons inventories. In addition, the Army is reemphasizing its criteria for lateral firearm transfers to the appropriate personnel.

Air Force Comments. The Air Force concurred, stating that AFOSI guidance will be revised to incorporate the DoD inventory requirements. In addition, AFOSI added the DoD inventory requirements as an inspection item in its no-notice random and unit compliance inspections.

Evaluation Response. The management comments are responsive; however, the DCIS and Air Force comments do not include estimated completion dates for the promised actions. Comments on the final report should include estimated completion dates. When complete, we request copies of the relevant portions of the revised policy/guidance documents.

B.2. We recommend that the Directors, Defense Logistics Agency Criminal Investigations Activity; Defense Criminal Investigative Service; Pentagon Force Protection Agency; Naval Criminal Investigative Service; and the Commander, Air Force Office of Special Investigations establish recurring awareness programs that ensure individuals responsible for the accountability of arms, ammunition, and explosives are aware of their responsibilities in accordance with DoD 5100.76-M, “Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives,” and Component guidance.

Defense Logistics Agency Criminal Investigations Activity Comments. DCIA concurred, stating that it instituted scheduled, recurring training during which investigators are instructed on their responsibilities concerning the accountability of arms, ammunition, and explosives in accordance with DoD 5100.76-M. The training is documented in each individual's weapons folder.

Defense Criminal Investigative Service Comments. DCIS concurred, stating that it will incorporate policy changes in its Special Agents Manual.

Pentagon Force Protection Agency Comments. The Director, Administration and Management, Office of the Secretary of Defense, to whom PFPA reports, concurred, stating that it is scheduling training during March 2003 for applicable personnel.

Navy Comments. The Navy concurred, stating that it is establishing an awareness-training program to ensure that all of the required training is conducted and documented.

Air Force Comments. The Air Force concurred, stating that AFOSI guidance will be revised to reflect that appropriate individuals receiving annual awareness training in accordance with DoD guidance is required.

Evaluation Response. The Director, Administration and Management comments are not fully responsive. While scheduling training for March 2003 is a step in the right direction, no indication exists that PFPA intends to establish recurring training that will ensure personnel remain aware of the requirements. In responding to the final report, copies of policies or directives implementing a recurring awareness program should be provided.

Other management comments are responsive. The DCIS and Air Force comments do not, however, include estimated completion dates for the promised actions. Comments on the final report should include estimated completion dates. When completed, we request copies of the relevant portions of the revised policy/guidance documents.

B.3. We recommend that the Inspector General of the Department of Defense; the Director, Washington Headquarters Services; and the Director, Defense Logistics Agency establish written criteria for the quantity and type of firearms authorized to have in their inventories and procedures for procuring them.

Inspector General of the Department of Defense Comments. IG DoD concurred, stating that action is under way to implement the recommendation in Inspector General Manual 4140.1 and should be completed by May 1, 2003.

Washington Headquarters Services Comments. WHS concurred, stating that PFPA is preparing a table of allowances for weapons, and the action would be complete by March 31, 2003.

Defense Logistics Agency Comments. DLA concurred, stating that it will include a table of authorizations in the next revision of DLA Manual 5705.1,

“Law Enforcement Criminal Investigations Manual,” and the table of authorizations will include all weapons, devices, and equipment authorized for use by DLA investigative personnel.

Evaluation Response. The management comments are responsive. DLA did not, however, include estimated completion dates for the actions promised. Comments on the final report should include the estimated completion dates. When complete, we request copies of the relevant portions of the revised policy/guidance documents.

B.4. We recommend that the Directors, Defense Logistics Agency and Washington Headquarters Services, establish written policy for reporting required firearms information to their Component Registries for inclusion in the DoD Registry.

Defense Logistics Agency Comments. DLA did not concur, stating that written guidance for reporting firearms information in the DLA Small Arms Serialization Program already exists in DLA Regulation 7510.3, “Control of Small Arms by Serial Number.”

Washington Headquarters Services Comments. WHS concurred, stating that it is working with PFFA on the issues and expects to resolve them by March 31, 2003.

Evaluation Response. DLA comments are not fully responsive. DLA Regulation 7510.3 establishes specific responsibilities for DLA Field Activities and the DLA headquarters Executive Director of Technical and Logistics Services. The regulation does not provide guidance for reporting of small arms for other headquarters organizational components, such as DCIA. Additionally, DLA Regulation 7510.3 specifies that detailed operating procedures were implemented within the DLA Base Operations Support System. However, DCIA small arms are not included in that system. We recognize that the DCIA firearms program manager and the Chief of the Law Enforcement/Physical Security Division, DLA Support Services, headquarters DLA, are both aware of the requirement to notify their Component Registry at Battle Creek, Michigan, if a firearm is lost or stolen. Nevertheless, DLA should update DLA Regulation 7510.3 to include written policy and procedures for reporting DCIA small arms to the DLA Component Registry for inclusion in the DoD Registry.

In commenting on this final report, the Director, Defense Logistics Agency should advise us of the date on which the agency expects to update the guidance for reporting required firearms information to the DLA Component Registry and, in turn, the DoD Registry. When complete, we request copies of the relevant portions of the revised policy/guidance documents.

WHS comments are responsive. When complete, we request copies of the relevant portions of the revised policy/guidance documents.

B.5. We recommend that the Director, Defense Criminal Investigative Service enforce the requirement to promptly notify the Office of Administration and Information Management of receipt, issue, turn-in, transfer, shipment, or loss of Defense Criminal Investigative Service firearms.

Defense Criminal Investigative Service Comments. DCIS concurred, stating that they will incorporate changes to existing policy in its Special Agents Manual.

Evaluation Response. DCIS comments are responsive, but do not include an estimated completion date for the revision. In commenting on this final report, DCIS should advise us of the date on which it expects to complete and implement the revision. When complete, we request copies of the revised policy.

B.6. We recommend that the Director, Defense Logistics Agency ensure that all DLA Criminal Investigations Activity firearms are entered into the Defense Property Accountability System in accordance with DLA Directive 4160.9, “DLA Retail Supply and Property Accountability,” and assign an Accountable Property Officer for the firearms assigned to the DLA Criminal Investigations Activity.

Defense Logistics Agency Comments. DLA concurred, stating that an Accountable Property Officer will be assigned for DCIA firearms, and that officer will be required to ensure the firearms assigned to DCIA are entered into the Defense Property Accountability System.

Evaluation Response. The DLA comments are responsive, but do not include an estimated completion date for the actions. In commenting on this final report, DLA should include estimated completion dates. When complete, we request copies of the relevant portions of the revised policy/guidance documents.

C. Lost, Stolen, and Missing Firearms

Each Defense organization that we examined had written policy and guidance for reporting and investigating incidents of lost, stolen, and missing firearms. Each organization conducted investigations into each instance of lost, stolen, and missing firearms. However, the report formats differ. Each organization also had completed financial liability investigations. USACIDC uses the Department of Army Form 4697, "Report of Survey," and the other five Defense organizations use the DD Form 200, "Financial Liability Investigation of Property Loss." Some also use a Report of Investigation format similar to the format they use in criminal investigations. See Appendix D for individual organization compliance with DoD guidance.

Among the 6 Defense organizations, a total of 8 incidents involved 12 lost, stolen, or missing firearms during FY 1999 through FY 2001. The Defense organizations recovered 9 of the 12 firearms. The table below shows incidents by Defense organization.

Lost, Stolen, and Missing Firearms (FY 1999 through 2001)

	<u>DCIS</u>	<u>DCIA</u>	<u>PFPACI/IAD</u>	<u>USACIDC</u>	<u>NCIS</u>	<u>AFOSI</u>
Incidents	4	0	1	1	1	1
Inquiry Initiated	4 ²⁵	N/A	1	1	0 ²⁶	1
Firearms Involved	8	N/A	1	1	1	1
Firearms Recovered	8	N/A	0	0	1	0

Case File Review. We reviewed all seven of the reports the Defense organizations initiated concerning the incidents. Of the seven, two were incomplete. In one case, PFPACI/IAD conducted an investigation, but only partially completed the DD Form 200, and neither the appointing authority nor approving authority signed the form. The responsible officer did review the form and indicated that negligence or abuse was evident or suspected but did not forward the action to the appointing authority. Therefore, no financial liability determination was made as DoD 7000.14R, "Financial Management Regulation,"

²⁵ In one incident, DCIS recovered the firearm prior to the DD Form 200 being completed, and it was cancelled.

²⁶ In this case, NCIS recovered the firearm approximately three hours after it was reported stolen and no DD Form 200 was initiated.

April 1998,²⁷ requires. In the second case, DCIS completed a DD Form 200 in March 2000, but the form does not reflect the substantive efforts DoD 7000.14-R²⁸ requires. The DD Form 200 also indicates by check box that negligence or abuse was evident or suspected, yet no information in the report mentioned either negligence or abuse, and no further investigative activity occurred until 2002. Once the firearm was located, the circumstances were documented in a memorandum for record. Both of the incomplete DD Forms 200 resulted in removal of the firearms from the respective property accounts, but no financial liability determination was made in either case.

In reviewing the circumstances surrounding the 12 lost or stolen firearms, 4 were stolen from vehicles, 1 was stolen from checked baggage, 5 were missing and later found, 1 was left in a Government vehicle when it was turned in for maintenance, and 1 was inadvertently exchanged with a personal firearm. The inadvertent exchange occurred in approximately 1994. The discrepancy was resolved in 2002. The Government-owned firearm was retrieved, and the personally owned firearm was returned to its owner.

Firearms Storage in Vehicles. In 50 percent (4) of the reported incidents of lost or stolen firearms during FY 1999 through FY 2001, the incident occurred while the firearm was left unattended in a vehicle. DCIS, PFPACI/IAD, USACIDC, and NCIS all reported a firearm stolen from a vehicle during that period. Among those four Defense organizations, only USACIDC had policy addressing storage of firearms in vehicles, which was a local command-level policy. As a result of their losses, PFPACI/IAD established policy that prohibits storage of firearms in vehicles, and DCIS set policy that allows temporary storage of firearms in vehicles but prohibits overnight storage. NCIS still has no policy addressing this issue, and DLA and AFOSI both prohibit storage of firearms in vehicles. Of the four firearms lost or stolen from vehicles, two were recovered.

Summary

The six Defense organizations follow the basic DoD guidance concerning lost, stolen, and missing firearms. In five of the eight incidents of lost or stolen firearms, the investigations were thoroughly conducted and well documented. In one case, the Defense organization failed to follow specific investigative procedures for loss of Government property, contributing to the firearm being lost for several years. In another case, the DD Form 200 was never fully completed, and no financial liability determination was made. In the third case, the firearm

²⁷ Volume 12, chapter 7, "Financial Liability of Government Property," paragraphs 070205 and 070208.

²⁸ Volume 12, chapter 7, paragraph 070203.A., states that an inquiry shall be initiated immediately after discovery of a loss, damage, or destruction (of Government property). At a minimum, the inquiry should identify what happened, how it happened, where it happened, who was involved, when it happened, and any evidence of negligence, willful misconduct, or deliberate unauthorized use or disposition of the property.

was recovered within several hours and no investigation was conducted. Two of the Defense organizations do not have organization-wide policy on firearms left unattended in vehicles.

Recommendations and Management Comments

C.1. We recommend that the Commander, U.S. Army Criminal Investigations Command, and the Director, Naval Criminal Investigative Service establish command-wide policies concerning leaving firearms unattended in vehicles.

Army Comments. The Army concurred, stating that it established a command-wide policy regarding leaving firearms unattended in vehicles, and that USACIDC amended their regulations to include the new policy.

Navy Comments. The Navy did not concur, stating that strict policies on leaving firearms unattended in vehicles would unduly hinder the agent's flexibility in some situations, and that current NCIS policy makes each agent responsible for the safeguarding of their firearms. Additionally, NCIS stated they decided not to establish a policy that would preclude the storage of a firearm in a secured vehicle, because special circumstances could exist that would be in the best interest of the agency to do so.

Evaluation Response. The Navy comments are not responsive. While we understand their desire not to preclude the temporary storage of firearms in a vehicle in every case, our recommendation did not request them to do so. We simply asked that the Navy establish some type of policy discussing it. Some of the agencies in our evaluation prohibit the storage of firearms in a vehicle under any circumstances, while others permit the storage on a temporary or exigent circumstance basis. We feel the Navy should have a command-wide policy that discusses leaving firearms unattended in vehicles, whether they permit it or not. The Navy is currently the only agency in our evaluation that does not have such written policy. For these reasons, the Navy should reconsider its response.

In commenting on this final report, the Navy should tell us when they expect to have a policing addressing leaving firearms unattended in a vehicle, and when complete, we request copies of the relevant portions of the revised policy/guidance documents.

The Army comments are responsive. When complete, we request copies of the relevant portions of the revised policy/guidance documents.

C.2. We recommend that the Inspector General of the Department of Defense; and the Directors, Washington Headquarters Services; and Pentagon Force Protection Agency, provide additional management oversight for properly completing and processing the DD Form 200, "Financial Liability Investigation of Property Loss," in accordance with DoD 7000.14-R, "Financial Management Regulation," volume 12, chapter 7, paragraph 070203.

Inspector General of the Department of Defense Comments. IG DoD concurred, stating that action is being taken to implement the recommendation into Inspector General Manual 4140.1, “Property Management Program.”

Washington Headquarters Services Comments. WHS concurred, stating that PFPA is reorganizing their logistics functions, and management oversight with regard to property loss and financial liability will be an area of renewed vigilance for PFPA management and logistics personnel.

Evaluation Response. All comments are responsive. When complete, we request copies of the relevant portions of the revised policy/guidance documents.

Appendix A. Scope and Methodology

We performed this evaluation from February to October 2002. The evaluation focused on the Defense organizations' policies and practices for authorizing their criminal investigators to carry firearms; the accountability, control, and storage of firearms issued to criminal investigators within their organizations; and investigating incidents of lost, stolen or missing firearms. We included firearms carried by criminal investigators on a daily basis, including personal firearms that DCIS and NCIS have authorized their criminal investigators to carry while on duty, as well as other firearms used for law enforcement activities. We reviewed DoD and Defense organization policies that govern the firearms programs and visited the Department of Justice to learn the causes of the loss of firearms within agencies under their control. In addition, we reviewed firearms inventories for each of the Defense organizations to determine the sufficiency with which the inventories were conducted, record-keeping practices, and the number of firearms unaccounted for. We conducted inventories from a statistical sample within each Defense organization. Using sources from outside each Defense organization, we obtained a list of the firearms each Defense organization is supposed to have on hand. Further, we reviewed all of the investigative reports concerning lost, missing, or stolen firearms covering the period FY 1999 through FY 2001 to determine the extent to which incidents of lost, stolen, or missing firearms were properly reported and investigated.

Use of Computer-Processed Data. We did not use computer-processed data in this evaluation.

Statistical Sampling Methodology. We designed a statistical sample to estimate the proportion of unreconciled firearms assigned to criminal investigators of the six Defense organizations. Using a list of the total number of locations where firearms are assigned that each Defense organization provided, a stratified cluster-sampling plan was used, employing the six Defense organizations as the basis of stratification, and locations (offices or divisions) within the Defense organizations as clusters. The population for the Defense organizations was stratified in terms of locations as tabulated below:

<u>Stratum</u>	<u>Population Size (# of Locations)</u>	<u>Sample Size (# of Locations)</u>
USACIDC	134	40
NCIS	122	40
AFOSI	168	40
DCIS	57	30
DCIA	9	9
PFPAI/IAD	1	1
Total	491	160

The sample locations were randomly selected for each Defense organization stratum. For statistical sampling purposes, each sample location was treated as a cluster of assigned firearms. We recorded serial numbers for all of the firearms assigned to the activity associated with the cluster, and reconciled the local firearms list and serial numbers with the list and serial numbers obtained from the Defense organization or responsible component. We then recorded the total firearms by location, noting those on the Defense organization or component inventory, but not recorded locally, and those reported locally, but not on the Defense organization or component inventory.

We found no missing firearms in our statistical sample, which leads to a difficulty in interpreting the results quantitatively. Determining that no missing firearms in our statistical sample existed does not guarantee no missing firearms in the entire population because not every location or firearm was inventoried. Based on calculations using the sample results, the unbiased statistical estimate is that the proportion of reconciliation discrepancies occurring in the population of Defense criminal investigators is zero. Usually, calculating an upper bound value for the estimated proportion recognizes the uncertainty inherent in using a statistical sample to represent the entire population. However, no valid methodology exists for calculating the upper bound of an estimated proportion when no discrepancies are found in the sample. Therefore, we recommend that the statistical results be interpreted qualitatively. The proportion of unreconciled firearms in the Defense criminal investigator population is very small.

Use of Technical Assistance. Assistance with the design and interpretation of the results of the statistical sampling was provided by the Technical Director and analysts from the Quantitative Methods Division, Audit Followup and Technical Support, Office of the Assistant Inspector General for Audit, IG DoD.

Prior Coverage

During the last 3 years, the Department of Justice, the IG DoD, and the Air Force have issued three reports concerning controls over firearms within the Federal Government. Unrestricted Department of Justice reports can be accessed over the Internet at <http://www.usdoj.gov/oig/audit>. Unrestricted Inspector General of the Department of Defense reports can be accessed at <http://www.dodig.osd.mil/dcis/cipo/evals.htm>. Certain Government users can access Air Force Audit Agency audit reports at <http://www.afaa.hq.af.mil/>.

Department of Justice

Inspector General of the Department of Justice Report No. 02-31, "The Department of Justice's Control Over Weapons and Laptop Computers," August 2002

IG DoD

IG DoD Report No. 9950006F, "CIPO Evaluation of the Defense Protective Service," May 14, 1999

Air Force

Audit Report Number 99061003, "The Air Force Audit Agency Audit of Small Arms Management," 25 September 2000

Appendix B. Policy and Regulatory Guidance Regarding Authorization to Carry Firearms

<u>DoD Directive 5210.56</u>	<u>Defense Organizations in Compliance with DoD Policy</u>					
	<u>DCIS</u> ¹	<u>DCIA</u> ²	<u>PFPACI/IAD</u> ³	<u>USACIDC</u> ⁴	<u>NCIS</u> ⁵	<u>AFOSI</u> ⁶
DoD personnel regularly engaged in law enforcement or security duties:						
- shall be armed	Yes	Yes	Yes	Yes	Yes	Yes
- continuing authorization to carry firearms	Yes	N/A ⁷	No ⁸	Yes	Yes	Yes
Authorization to carry firearms in writing	Yes	Yes	Yes	Yes	Yes	Yes
Complete required training ⁹ within preceding 12 months	Yes	Yes	Yes ¹⁰	Yes	Yes ¹¹	Yes
Annual firearms qualification	Yes	Yes	Yes	Yes	Yes	Yes
Individual qualification records on file while assigned firearm	Yes	Yes	Yes	Yes	Yes	Yes
Only Government-owned weapons and ammunition authorized for official duties except DCIOs with approved exception	Yes	Yes	Yes	Yes	Yes	Yes
Personnel authorized to retain firearms at residence or non-Government locations	Yes	Yes	No ¹²	Yes	Yes	Yes
- safety lock devices and instructions provided with firearms	Yes	Yes	Yes	Yes	Yes	Yes

¹ DCIS Special Agent Manual, chapter 38 (section 3811; section 3817, paragraphs 2.a through 2.e, 4, 6, and 14; section 3809, paragraphs 2 and 3; section 3812, paragraph 1; section 3811, paragraph 1; section 3813, paragraph 6)

² DLA Directive 5715.1, “Carrying of Firearms and the Use of Force by DLA Personnel,” paragraphs E.1.b, E.1.c, E.1.g, E.3, and F.1.b; DCIA Policy Letter #02-11, “DCIA Firearms and Use of Force,” April 2002.

³ DoD Directive 5210.56, “Use of Deadly Force and the Carrying of Firearms by DoD Personnel Engaged in Law Enforcement and Security Duties,” paragraph 4.1; Washington Headquarters Services memorandum, November 29, 1999, “Designated Criminal Investigations Firearms Custodian”; DPS General Order 1005.03, “Semi-Annual Weapons Qualification,” August 10, 2002; Standard Operating Procedure CI-900.03, “DPS Criminal Investigators Take Home Weapons Procedures,” paragraphs 2, 2G and 2A.

⁴ Army Regulation 190-14, “Carrying of Firearms and Use of Force for Law Enforcement and Security Duties,” March 12, 1993, paragraphs 1-5.a., 1-5.b., 2-2.c.(1), 2-5, 2-4, 4-1.b.(6); U.S. Army Criminal Investigation Command Regulation 195-1, “Criminal Investigations Operational Procedures,” January 1, 2001, paragraphs 17-6.a, 17-3, 17-20.d, 17-20.f, and 17-11.

⁵ Secretary of the Navy Instruction 5500.29B, “Use of Deadly Force and the Carrying of Firearms by Personnel of the Department of the Navy in Conjunction With Law Enforcement, Security Duties and Personal Protection,” September 1992, paragraphs 4.a, 4.b, 4j, 4h, Enclosure 1: paragraphs E and D; Naval Criminal Investigative Service Manual for Administration (NCIS 1), chapter 34, August 20, 2002, paragraphs 34-2.1a, 34-2.2a, 34-2.12.a, 34-2.11c, 34-2.3a(1), 34-2.19; Naval Criminal Investigative Service Manual for Criminal Investigations (NCIS 3), chapter 1, July 1998, paragraph 1-4.3.

⁶ Air Force Instruction 31-207, “Arming and Use of Force by AF Personnel,” 1 Sep 99, paragraphs 2.7.1, 2.1, and 2.10.1; Air Force Instruction 36-2226, “Combat Arms Program,” 15 May 2000, paragraph 6.1.1; Air Force Office of Special Investigations Manual 71-113, “Firearms, Use of Force, and Apprehension Tactics,” May 28, 2000, paragraphs 1.1, 1.1.1, 1.1.1.1.1, 2.2.4, 2.2.4.1.1, 2.2.4.1.2, 3.1, and 3.7.

⁷ The DLA general policy is that no one in DCIA has continuing authorization to carry firearms.

⁸ See discussion in section A of the main body of the report.

⁹ DoD-required training includes qualification training, proficiency testing, and use of deadly force training.

¹⁰ PFPACI/IAD investigators receive Use of Force training during semiannual firearms qualification. The requirement is not included in their written policy and not documented in their training records. We noted that the semiannual qualification requirement is, however, included in a General Order and is documented.

¹¹ Although NCIS criminal investigators receive use of force training during quarterly firearms qualifications, the requirement is not included in NCIS written policy. We noted that NCIS firearms qualification requirements are included in NCIS 1, chapter 34. Additionally, all of the training requirements are included in Secretary of the Navy Instruction 5500.29B, Paragraph 4h.

¹² See discussion in section A.

Appendix C. Policy and Regulatory Guidance Regarding Accountability, Control, and Storage of Firearms

Defense Organizations in Compliance with DoD Policy or Exempt¹

<u>DoD Policy</u> ²	<u>DCIS</u> ³	<u>DCIA</u> ⁴	<u>PFPACI/IAD</u> ⁵	<u>USACIDC</u> ⁶	<u>NCIS</u> ⁷	<u>AFOSI</u> ⁸
DoD Components must have adequate verification procedures to preclude unauthorized and excess requisitions	No ⁹	No ⁹	No ⁹	Yes	Yes	Yes
Maintain records of property accountability system to include documents assigning responsibility for property	Yes	No ¹⁰	Yes	Yes	Yes	Yes
100% monthly count inventory	No ¹⁰	No ¹⁰	Yes	Yes	No ¹⁰	No ¹⁰
100% quarterly inventory by unique item identifier	Yes ¹⁰	No ¹⁰	Yes	Yes	No ¹⁰	No ¹⁰
Personnel made aware of firearms accountability requirements ¹¹	No ¹⁰	No ¹⁰	No ¹⁰	Yes	No ¹⁰	Yes ¹⁰
Firearms stored in arms room or GSA-approved Class 5 weapons storage container	Yes	Yes	Yes	Yes	Yes	Yes

¹ DoD 5100.76-M, “Physical Security of Sensitive Conventional Arms, Ammunition, Explosives,” August 2000, paragraph C1.2.7. On a case-by-case basis, the applicable heads of DoD Components may exempt arms and ammunition issued to DoD Component criminal investigators from the provisions of the Manual (except for loss reporting) if compliance would impede mission performance. Where such exemptions are invoked, the affected arms and ammunition will be safeguarded and accounted for in a manner prescribed by the heads of DoD Components.

² DoD 5100.76-M, paragraphs C5.3.1, C5.3.2, C2.1.6, C4.1, C4.2, C3.2.2, and C2.5; DoD Instruction 5000.64, “Defense Property Accountability,” August 13, 2002, paragraph 4.2; DoD 4140.1-R, “DoD Material Management Regulation,” May 1998, paragraph C5.3.1; DoD Directive 4140.1, “Materiel Management Policy,” January 4, 1993, paragraphs C5.3.3.2.2.1 and C5.3.3.2.5.8.

³ IG Manual 4140.1, "Property Management Program," March 29, 2001, paragraphs 3.5.a. and 3.5.j; DCIS Special Agent Manual, chapter 38 (section 3813, paragraphs 3, 8 and 9).

⁴ DLA Directive 4160.9, "DLA Retail Supply and Property Accountability," August 13, 1996, paragraphs E.3 and F; DCIA Policy Letter #02-11, "DCIA Firearms and Use of Force," April 2002, paragraph C.2.

⁵ General Order No. 1500.7, "Weapons Accountability," 9 July 1999, paragraphs 1 and 2; DoD 5100.76-M, paragraphs C3.2.2 and C4.1).

⁶ Army Regulation 710-2, "Inventory Management Supply Policy Below the Wholesale Level," October 31, 1997, paragraphs 2-6, 4-12, and Table 2-1; Department of the Army Pamphlet 710-2-1, "Unit Supply Procedures," December 31, 1997; U.S. Army Criminal Investigation Command Regulation 710-5, "Materiel Management System," May 3, 1996, paragraphs 2.2, 3.2.a, and 3.3.a; Army Regulation 190-11, "Physical Security of Arms, Ammunition, and Explosives," February 12, 1998, paragraphs 2-10 and 3.8; U.S. Army Criminal Investigation Command Regulation 195-1, "Criminal Investigations Operational Procedures," January 1, 2001, paragraph 17-10.

⁷ NCIS Manual for Administration (NCIS 1), chapter 7, "Supply, Property, and Equipment," paragraph 7-2; NCIS 1, chapter 34, paragraphs 34-2.15a, 34-2.14b, and 34-2.16; Naval Sea Systems Command Instruction 8370.2, "Small Arms and Weapons Management Policy and Guidance Manual," June 12, 1989, paragraphs 2-205.1 and 3-602; Chief of Naval Operations Instruction 5530.13B, "Department Of The Navy Physical Security Instruction for Conventional Arms, Ammunition, and Explosives (AA&E)," June 2, 1999, paragraphs 0601.b(3)(a), 0204, and 0401.d.

⁸ Air Force Instruction 23-111, "Management of Government Property in Possession of the Air Force," February 1, 1996, paragraphs 2, 5, and 6; Air Force Instruction 31-101, "The Air Force Installation Security Program," June 1, 2000, paragraphs 23.3.4 and 23.4; AFOSI Instruction 23-101, "Logistics Functions," May 10, 2001, paragraph 4.1; Air Force Manual 23-110, volume 2, Part 13, "Standard Base Supply Customer's Procedures," January 1, 2002, paragraphs 1.17.2.1, 8.23.18 and 8.30; AFOSI Manual 71-113, "Firearms, Use of Force, and Apprehension Tactics," 24 March 2000, paragraph 2.2.

⁹ While none of the Defense organizations appear to have excess firearms on hand, DCIS, DCIA, and PFPACI/IAD do not have authorization documents that prescribe the required equipment. Those agencies do not have documented requisition verification procedures that include positive steps for rejecting excess or unauthorized requisitions.

¹⁰ See discussion in section B of the main body of the Report.

¹¹ DoD 5100.76-M, paragraph C2.1.6., "Prior to assumption of such duties (and at least annually thereafter), personnel responsible for the accountability of AA&E [arms, ammunition, and explosives] shall be made aware of the importance of accurate receipt, dispatch, and inventory records. Adherence to the requirement for scheduled inventories will be stressed, as well as procedures for processing inventory adjustment gains and losses as prescribed in DoD 4140.1-R."

Appendix D. Policy and Regulatory Guidance Regarding Reporting and Investigating Incidents of Lost, Stolen, or Missing Firearms

DoD Policy ¹	<u>Defense Organizations in Compliance with DoD Policy</u>					
	<u>DCIS</u> ²	<u>DCIA</u> ³	<u>FPFACI/IAD</u> ⁴	<u>USACIDC</u> ⁵	<u>NCIS</u> ⁶	<u>AFOSI</u> ⁷
DoD Components must have procedures to report stolen, lost, or recovered arms, ammunition, and explosives to a centralized office	Yes ⁸	Yes	Yes	Yes	Yes	Yes
Report confirmed thefts, losses, and recoveries of DoD arms to appropriate outside agencies:	No ⁹	N/A	No ⁹	Yes	N/A	Yes
Incidents of lost, stolen, or missing firearms must be thoroughly investigated	No ⁹	N/A	Yes	Yes	N/A	Yes
- Initiate inquiry immediately after discovery of loss	Yes	N/A	Yes	Yes	N/A	Yes
- Determine cause of loss and evidence of negligence or abuse	Yes	N/A	Yes	Yes	N/A	Yes
- Determine financial liability when negligence or willful misconduct involved	No ⁹	N/A	No ⁹	Yes	N/A	N/A

¹DoD 5100.76-M, “Physical Security of Sensitive Conventional Arms, Ammunition, Explosives,” August 2000, paragraphs C7.2, C7.3, and C7.6; DoD 4000.25-2-M, “Military Standard Transaction Reporting and Accounting Procedures,” September 19, 2001, paragraph C12.2.8; DoD 7000.14-R, “Financial Management Regulation,” volume 12, chapter 7, “Financial Liability of Government Property,” April 1998.

²IG Manual 4140.1, “Property Management Program,” March 29, 2001, chapter 3, paragraphs 3.5.h and 3.5.i; DCIS Special Agents Manual, chapter 38, section 3813, “Firearms Security/Safety,” paragraph 12, “Lost, Stolen Firearms,” November 2001; DoD 7000.14-R, volume 12, chapter 7.

³DCIA Policy Letter #02-11, “DCIA Firearms and Use of Force,” April 2002, paragraphs H.1, H.3; DoD 5100.76-M, paragraph C7.6; DLA Regulation 7500.1, “Accountability and Responsibility for Government Property in the Possession of the Defense Logistics Agency,” August 26, 1993, paragraph VI.

⁴Office of the Secretary of Defense, Administrative Instruction No. 94, “Personal Property Management and Accountability,” November 6, 1996, paragraphs 6.7.2 and 6.7.1; DPS General Order No. 0000.00,

“Interim Guidance, Carrying and Securing Government Weapons and Ammunition from Residence to Duty Station or Official Travel,” January 15, 2002, paragraph 3.d; DPS Standard Operating Procedure No. 7.5, “Stolen/Recovered Weapons,” February 1995; DoD 7000.14-R, volume 12, chapter 7.

⁵ Army Regulation 190-11, “Physical Security of Arms, Ammunition, and Explosives,” February 12, 1998, paragraphs 8-2.a, 8-2.a (8)(b), 2-9, 2-9.a, and 8-3; U.S. Army Criminal Investigation Command Regulation 195-1, “Criminal Investigations Operational Procedures,” version 3, January 1, 2002, paragraphs 7-10.a, 7-10.b (13), 17-2.b (4), 17-12, 17-2.c, 17-12.b.

⁶ Chief of Naval Operations Instruction 5530.13B, “Department Of The Navy Physical Security Instruction for Conventional Arms, Ammunition, and Explosives (AA&E),” June 2, 1999, change 1, chapter 8, paragraphs 0800.b (2), 0800.e, 0801.b, and 0800.a; Naval Criminal Investigative Service Manual for Administration (NCIS 1), chapter 34 (2002), paragraph 34-2.8, and chapter 7, paragraph 7-4.2.c; NCIS Manual for Criminal Investigations (NCIS 3), paragraph 27-13.1.e.

⁷ Air Force Instruction 31-101, “The Air Force Installation Security Program (FOUO),” 1 Jun 2000, paragraphs 23.11.1 and 23.11.3; AFOSI Manual 71-113, “Firearms, Use of Force, and Apprehension Tactics,” May 28, 2000, paragraph 1.10; Air Force Manual 23-220, “Reports of Survey for Air Force Property,” July 1, 1996.

⁸ The IG DoD has guidance that applies to DCIS; however, DCIS is not in compliance. See Section B of the main body of the report for further discussion.

⁹ See discussion in Section C.

Appendix E. Report Distribution

Office of the Secretary of Defense

Under Secretary of Defense for Personnel and Readiness
General Counsel, Department of Defense
Inspector General of the Department of Defense
Director, Administration and Management
Deputy General Counsel (Inspector General)
Director, Defense Criminal Investigative Service
Director, Defense Logistics Agency
Director, Defense Logistics Agency Criminal Investigations Activity
Director, Pentagon Force Protection Agency
Director, Washington Headquarters Services

Department of the Army

Inspector General, Department of the Army
Auditor General, Department of the Army
Commander, U.S. Army Criminal Investigation Command

Department of the Navy

Director, Naval Criminal Investigative Service
Naval Inspector General

Department of the Air Force

Assistant Secretary of the Air Force (Financial Management and Comptroller)
Auditor General, Department of the Air Force
Inspector General, Department of the Air Force
Commander, Air Force Office of Special Investigations

Non-Defense Federal Organization

General Accounting Office

Congressional Committees and Subcommittees, Chairman and Ranking Minority Member

Senate Committee on Appropriations
Senate Subcommittee on Defense, Committee on Appropriations
Senate Committee on Armed Services
Senate Committee on Governmental Affairs
House Committee on Appropriations
House Subcommittee on Defense, Committee on Appropriations
House Committee on Armed Services
House Committee on Government Reform
House Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations, Committee on Government Reform
House Subcommittee on National Security, Veterans Affairs, and International Relations, Committee on Government Reform
House Subcommittee on Technology and Procurement Policy, Committee on Government Reform

Navy Comments



DEPARTMENT OF THE NAVY

OFFICE OF THE ASSISTANT SECRETARY
(MANPOWER AND RESERVE AFFAIRS)
1000 NAVY PENTAGON
WASHINGTON, DC 20350-1000

FEB 10 2003

MEMORANDUM FOR INSPECTOR GENERAL, DEPARTMENT OF DEFENSE

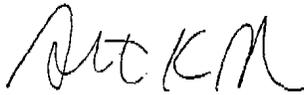
SUBJECT: Draft Report on the Evaluation of the Policies and Practices of the Defense Organizations Employing Criminal Investigators With Respect to Control Over Firearms (Project No. 2002C001)

The Department of the Navy has reviewed the subject report and, except as noted below, concurs with the findings and recommendations. Four of the report's ten recommendations apply to the DoN. The following comments on those recommendations are provided.

1. Recommendation A.1: PARTIALLY CONCUR. The applicable Service regulation, SECNAVINST 5500.29B, is currently under revision. NCIS will request a change to SECNAVINST 5500.29B that will exempt NCIS Special Agents from the regulation's yearly reauthorization to carry a personally owned weapon. Additionally, the requirement that only government-issued ammunition may be used in non-government weapons while performing official duties will also be incorporated into NCIS Manual 1, section 34-4.1a no later than 1 Apr 03.
2. Recommendation B.1: CONCUR. Implementation no later than 1 Oct 03. Further, NCIS will request an exemption from unit-level monthly inventory requirements.
3. Recommendation B.2: CONCUR. Implementation no later than 1 Oct 03.
4. Recommendation C.1: NON-CONCUR. Strict policies on leaving firearms unattended in vehicles would unduly hinder agent's flexibility in some situations. Current NCIS policy placing overarching responsibility with the NCIS employee to safeguard firearms from loss, theft, or destruction at all times is sufficient to maintain control and accountability over firearms.

The NCIS comments are provided at Attachment (i) and are incorporated into the DoN response.

If additional information is needed, the following points of contact are provided: NCIS: Assistant Director of Inspections Ms. Veronica McCarthy, at (202) 433-8830; ASN(M&RA): LCDR Stephanie Smart, JAGC, USN, at (703)695-4367.



Anita K. Blair
Deputy Assistant
Secretary of the Navy
(Personnel Programs)



DEPARTMENT OF THE NAVY

HEADQUARTERS
NAVAL CRIMINAL INVESTIGATIVE SERVICE
WASHINGTON NAVY YARD BLDG III
716 SICARD STREET SE
WASHINGTON DC 20388-5380

05 February 2003

MEMORANDUM FOR ASSISTANT SECRETARY OF THE NAVY (MANPOWER &
RESERVE AFFAIRS)

SUBJECT: Evaluation of the Policies and Practices of the Defense Organizations
Employing Criminal Investigators With Respect to Control Over Firearms
(Project No. 2002C001)

Enclosure (1) is provided in response to four (4) recommendations in the subject
named report. The Naval Criminal Investigative Service (NCIS) partially concurs with
recommendation A.1; concurs with B.1 and B.2 and does not concur with C.1.
Explanations are provided.

The NCIS point of contact for this matter is Special Agent Phyllis U. Wade,
inspections Division at (202) 433-9626.


VERONICA MCCARTHY
By Direction

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS
NAVAL CRIMINAL INVESTIGATIVE SERVICE
WASHINGTON NAVY YARD BLDG 111
716 SICARD STREET SE
WASHINGTON DC 20388-5380

05 February 2003

MEMORANDUM FOR THE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE

FROM: Director, Naval Criminal Investigative Service
Prepared by: SA Phyllis U. Wade, Inspections

SUBJECT: Draft Report on the Evaluation of the Policies and Practices of the Defense Organizations Employing Criminal Investigators With Respect to Control Over Firearms

PURPOSE: To provide comments on the findings and recommendations from the subject named report

STATEMENT OF NCIS POSITION:

The NCIS appreciates the results of the DOD-IG's evaluation of the DCIOs' policies and practices with respect to control over firearms. The following comments are provided in response to the recommendations made by the DOD-IG.

Recommendation A.1

The NCIS revise NCIS Manual 1 to comply with SECNAVINST 5500.29B by adding the requirement for a termination date that is no later than 1 year from the date of the authorization for agents to carry personally owned firearms while performing official duties, as well as provide a notice to individuals that only Government ammunition may be used in personally own firearms while performing official duties.

NCIS Planned Action: The NCIS is currently preparing input to the proposed SECNAVINST 5500.29C, which states "except for NCIS Special Agents, authorization to carry a non-government weapon shall include a termination date, not later than one year from the date of the authorization and must be revalidated each year." This will exempt Special Agents from the yearly authorization revalidation. The input to the instruction contains wording consistent with the updated "Use of Force" chapter of NCIS 1, section 34-2.11c, which states for non-special agents "the written authorization to carry personal weapons by non-special agents must be reissued no later than 1 year following the previous authorization". SECNAVINST 5500.29C will replace 5500.29B. Additionally, notice will be submitted in the instruction that only government issued ammunition may be used in the personal weapon while performing official duties. This notice will be incorporated into the NCIS 1, section 34-4.1a by 01April03.

Recommendation B.1

The NCIS re-evaluate its inventory procedures and practices and ensure the serial number inventories require each firearm to be physically inventoried.

NCIS Planned Action: The NCIS will ensure that quarterly and yearly firearm inventories will be conducted in accordance with DOD policy. Quarterly inventories will include sighting of serial numbers of issued and stored weapons. Individually issued weapons will be sighted and serial numbers annotated in the records maintained for quarterly firearms qualifications. Firearms maintained by component offices, either in reserve or in support of office operations, will likewise conduct quarterly inventories by serial number. The Special Agent In Charge (SAC), or his designee will conduct this inventory. Each respective NCIS Field Office will maintain signed and dated copies of this inventory. Inventory discrepancies within the Field Office will be immediately addressed, and/or reported for corrective action. Yearly firearms inventories will include a complete serialized inventory of all firearms on record. This inventory will be conducted by the SAC or his designee. Signed and dated inventories will be forwarded to NCIS Headquarters for certification. Personal firearms approved for carry in the course of duty will be required to follow the same inventory procedures. The responsibility for oversight of personal weapons will reside with the SAC or his designee. Individuals who desire to carry personal weapons will utilize firearms that meet the basic criteria and specifications outlined in NCIS policy documents. The NCIS believes that due to the geographical dispersal of its personnel, monthly firearm inventories by number is physically impractical. The NCIS intends to pursue an exemption to this requirement as provided for under DOD 5100.76-M, paragraph C1.2.7.

Recommendation B.2

The NCIS establish recurring awareness programs that ensure individuals responsible for the accountability of arms, ammunition and explosives are aware of their responsibilities in accordance with DoD 5100.76-M.

NCIS Planned Action: The NCIS intends to establish a firearms awareness-training program that will encompass individuals assigned firearms, ammunition coordinators and armory personnel. Individuals authorized to carry firearms in the performance of their duties will be provided said training during mandatory firearms qualifications, which are conducted on a quarterly basis. Each individual will have a signed and dated document on file that will attest to this training being received. This document will be updated on a yearly basis. The training will cover the safeguarding of individually assigned weapons/ammunition, and stress the necessity of properly reporting changes in firearm ownership and/or the firearms assigned location. Ammunition coordinators and armory personnel will be required to undergo yearly, documented training, that encompasses the proper handling, safeguarding, accounting and reporting requirements for firearms and ammunition under their charge.

Recommendation C.1

The NCIS establish command-wide policies concerning leaving firearms unattended in vehicles.

NCIS Planned Action: The NCIS has reviewed the issue of leaving firearms in unattended vehicles. It has decided not to establish a policy that would preclude the storage of a firearm in a secured vehicle, as there will undoubtedly be special circumstances where it would be in the best interest of the agency to do so. NCIS manual 1, section 34-2.16 states that "it is incumbent upon each NCIS employee who is authorized to carry a NCIS issued or personal firearm in the performance of his/her duties to safeguard it from loss, theft or destruction."


DAVID L. BRANT

Office of Administration and Management, DoD Comments



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

FEB 12 2003

MEMORANDUM FOR OFFICE OF THE INSPECTOR GENERAL
ATTN: MR. JAMES L PAVLIK

SUBJECT: Response to Project No. 2002C001, January 13, 2003, "Evaluation of the Policies and Practices of the Defense Organizations Employing Criminal Investigators With Respect to Control Over Firearms"

This memorandum is in response to the request for comments to the subject report.

Finding A

"DoD Directive 5210.56 requires that firearms be returned for storage and accountability to a designated control point on completion of the assignment and authorizes exceptions for only the DCIOs. In November 1999, the Director, PFFA (formerly Chief, Defense Protective Service) signed a policy memorandum authorizing criminal investigators to take their Government-owned firearms home at the end of each duty day. PFPACI/IAD then included this policy as a standard operating procedure. We verified the Office of the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (C3I), the directive's proponent, had not approved an exception for PFFA or DPS, and none had been requested."

"We found that with the exception of PFPACI/IAD, the Defense organization policies and procedures concerning authorization of their criminal investigators to carry firearms in the performance of their duties comport with applicable DoD guidance. PFPACI/IAD does not have the authority to permit its criminal investigators to take home their Government-owned firearms."

PFFA Response: Non-concur

This finding is based on an improper and incomplete reading of DoD Directive 5210.56 and, as such, is wrong as a matter of law. On its face, the authorities and responsibilities assigned under the Directive with respect to "Carrying of Firearms" are broadly vested in Component Heads as defined in the Directive. This clearly includes the Director, PFFA and the Director, DA&M for OSD as well as PFFA. To parse out and read only the section on "returning firearms to a designated control point" while ignoring the plain meaning of the remainder of that Directive (where authorization for residential storage of duty firearms "by DoD security and law enforcement personnel" is contemplated in numerous places) is simply not a sound or appropriate analysis.

While due weight and deference is given to proponents of the various Directives, the most reasonable interpretation of such policy documents needs to control their application. It is the Deputy Secretary of Defense who approves the policy contained in this Directive. Thus, should the Department wish to effect the policy purported by this

erroneous finding, the Directive proponent should seek a formal change to the subject Directive. In the meantime, the reasonable interpretation of DODD 5210.56, as it is currently written, is that Component Heads, including the Director of PFFPA, and ultimately the DA&M for both PFFPA and OSD elements, have the broad authorities contained in that Directive. This includes authorization for storage of duty weapons at residences in accordance with "component procedures." A legal opinion of the Office of General Counsel, WHS dated January 28, 2003, which provides a more detailed and comprehensive assessment of this question, is attached for your information. Should you have any further questions on this issue, please feel free to contact the Office of General Counsel, WHS at (703) 693-7374.

Recommendation A.2

"We recommend that the Director, PFFPA, take immediate action to ensure PFPACI/IAD firearms are returned to a designated control point at the end of each shift in accordance with DoD Directive 5210.56, "Use of Deadly Force and the Carrying of Firearms by DoD Personnel Engaged in Law Enforcement and Security Duties."

PFFPA Response: Non-concur

This Report recommendation, that PFFPA take action to cease its current authorizations for its CI/IAD officers to take home their duty weapons, is a policy recommendation but not a requirement of DoDD 5210.56. PFFPA is currently in compliance with the plain and reasonable interpretation of DODD 5210.56 as outlined above. However, recognizing the seriousness of the responsibilities and authorities with regard to the carrying of firearms, the DA&M and Acting Director, PFFPA are already undertaking a comprehensive review of PFFPA's current firearms practices and policies (including whether or not, and under what circumstances, to continue its current authorizations for home storage of duty weapons). PFFPA intends to put in place updated comprehensive written policies and guidelines consistent with all legal and policy requirements of these serious responsibilities.

Finding B

"No training programs are in place within DCIA, DCIS, PFFPA, or NCIS that ensure those responsible for the accountability of firearms are trained in those duties."

"DCIS, DCIA, and Defense Protective Service, who procure firearms for PFPACI/IAD, do not use tables of allowances, and no written guidelines exist for governing the number or type of firearms each is authorized."

"Neither DLA nor Washington Headquarters Service have any written policy or guidance for DCIA or PFPACI/IAD, respectively, to submit updates to their Component Registries."

PFFPA Response: Concur

Recommendation B.2

"We recommend that the Directors, Defense Logistics Agency Criminal Investigative Activity; Defense Criminal Investigative Service; Pentagon Force Protection Agency; Naval Criminal Investigative Service; and the Commander, Air Force Office of Special Investigations establish recurring awareness programs that ensures individuals responsible for the accountability of arms, ammunition, and explosives are aware of their responsibilities in accordance with DoD 5100.76-M, 'Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives,' and Component guidance."

PFPA Response: Concur

PFPA is working to schedule training for applicable personnel. This training should be completed by March 31, 2003.

Recommendation B.3

"We recommend that the Inspector General of the Department of Defense, the Director, Washington Headquarters Service; and the Director, Defense Logistics Agency establish written criteria for the quantity and type of firearms authorized to have in their inventory and procedures for procuring them."

PFPA Response: Concur

Although PFPA is not mentioned in this recommendation, PFPA is preparing a table of allowances for weapons to be completed by March 31, 2003.

Recommendation B.4

"We recommend that the Directors, Defense Logistics Agency and Washington Headquarters Service establish written policy for reporting required firearms information to their Component Registries for inclusion in the DoD Registry."

PFPA Response: Concur

PFPA is working with WHS on these issues and expects them to be resolved by March 31, 2003.

Finding C

"In one case, PFPACI/LAD conducted an investigation, but only partially completed the DD Form 200, and neither the appointing authority nor approving authority signed the form. The responsible officer did review the form and indicated that negligence or abuse was evident or suspected, but without forwarding the action to the appointing authority, no financial liability determination was made as DoD 7000.14R, 'Financial Management Regulation,' April 1998, requires."

PFPA Response: Concur

Recommendation C.2

"We recommend that the Inspector General of the Department of Defense, and the Directors, Washington Headquarters Service, and Pentagon Force Protection Agency, provide additional management oversight for properly completing and processing the DD Form 200, 'Financial Liability Investigation of Property Loss,' in accordance with DoD 7000.14R, 'Financial Management Regulation,' volume 12, chapter 7, paragraph 070203."

PFPA Response: Concur

As a new agency, PFPA is currently reorganizing its logistics functions. Management oversight with regards to property loss and financial liability will be an area of renewed vigilance for PFPA Management and logistics personnel.

Appendix B, footnote 10

"PFPA/CIAD investigators receive Use of Force training during semi-annual firearms qualification. The requirement is not included in their written policy and not documented in their training records. We noted that the semi-annual qualification requirement is, however, included in a General Order and is documented."

PFPA Response: Concur

PFPA will begin to record Use of Force training during the semi-annual firearms qualification given to PFPA/CIAD Criminal Investigators and the requirement will be added to the PFPA General Order 1005.03, "Semi-annual Weapons Qualification".

The POC for this response is Chris Layman who can be reached at 703-693-3678.


Raymond F. DuBois
Director

Attachment:
As stated



DEPARTMENT OF DEFENSE
WASHINGTON HEADQUARTERS SERVICES
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155



January 28, 2003

MEMORANDUM FOR ACTING DIRECTOR, PENTAGON FORCE PROTECTION AGENCY
THRU DEPUTY GENERAL COUNSEL, WHS *Jan 29 10 3*

SUBJECT: Authority to Permit Pentagon Force Protection Agency (PFPA) personnel to transport and retain Service Weapons at their Residences

This office is reviewing a comprehensive PFPA proposal to authorize designated PFPA law enforcement and security personnel to transport and store duty weapons at their residences in conjunction with the performance of their duties.¹ We are recommending that a number of procedural and legal safeguards be put into place as part of any approval of such a permanent program. In addition, a particular legal question has been raised by a DoD IG report concerning authority to approve the storage of duty weapons at the residences of authorized DoD personnel. This memorandum addresses that legal issue.²

As detailed in the attached legal analysis, the Director of PFPA has the authority to authorize, in writing, PFPA personnel, including DPS Police Officers, to carry service weapons and, if the Director determines, to authorize such personnel to store these weapons at their residences and to report to duty armed. In addition, the Director, Washington Headquarters Services (WHS) and the Director, Administration and Management (DA&M) also hold the full authority as Component Heads to authorize the carrying of firearms by employees in the DoD Components under their authority, direction and control.³ Given that PFPA is currently under an Acting Director, we recommend that this decision be made or approved by the Director, Administration & Management who has authority, direction and control over the Director, PFPA.

Bill Brazis
William E. Brazis
Senior Counsel

Attachment: As stated

Cc: Director, Administration & Management

¹ On September 11, 2001, the Director of Washington Headquarters Services orally authorized DPS officers to store duty weapons at home and to report to duty armed under the National Emergency conditions existing at that time. This temporary authority remains in effect. This office has advised that a formal review and written decision be made to authorize continuance of this practice.

² While this addresses legal authorities, there still may be disagreement w/ OASD C3I over this as a policy matter.

³ Prior to the stand-up of PFPA on May 3, 2002, the Director, Washington Headquarters Services was the Component Head for DPS officers and, as such, held the delegated authorities to authorize DPS officers to carry weapons. The DA&M is specifically designated as Component Head for OSD and DLSA for authorizing carrying of weapons under DoDD 5210.56 and also has authority, direction and control over PFPA under DoDD 5105.68.



ATTACHMENT

Analysis of authorities to authorize home storage of weapons by PFFA personnel.

The PFFA Director's authority regarding the carrying of DPS service weapons is derived from title 10 U.S.C. § 1585, "Carrying of firearms," 10 U.S.C. § 2674, "Operation and control of Pentagon Reservation and defense facilities in National Capital Region," DoD Directive 5210.56, "Use of Deadly Force and the Carrying of Firearms by DoD Personnel Engaged in Law Enforcement and Security Duties," and DoD Directive 5105.68, "Pentagon Force Protection Agency."

I. Statutory authorities.

The general statute, 10 U.S.C. § 1585, provides that the Secretary of Defense may authorize DoD civilian officers and employees to carry firearms as a part of their duties. Section 1585 also requires the Secretary of Defense to prescribe regulations to govern the carrying of firearms by DoD employees.

The more specific statute with respect to PFFA, 10 U.S.C. § 2674(a)(1), provides that jurisdiction, custody, and control over, and responsibility for, the operation, maintenance, and management of the Pentagon Reservation rests with the Secretary of Defense. 10 U.S.C. § 2674(b)(1) provides that the Secretary of Defense may appoint military, civilian or contract personnel to perform law enforcement and security functions for property occupied by, or under the jurisdiction, custody, and control of the Department of Defense, and located in the National Capital Region. 10 U.S.C. § 2674(b)(1)(A) provides that such law enforcement personnel may be armed with appropriate firearms required for personal safety and for the proper execution of their duties, whether on Department of Defense property or in travel status. Under DoDD 5105.68, the Secretary delegated to the Director of PFFA authority to perform these law enforcement and security functions under 10 U.S.C. §2674.

II. Regulatory authorities.

As required by 10 U.S.C. § 1585, the Secretary of Defense prescribed Department of Defense Directive 5210.56¹ (hereinafter "the Directive") governing the carrying of firearms by DoD employees. Paragraph 2.1 of the Directive applies to "the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense (DoD IG), the

¹ The proponent of this DoD Directive is the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD[C3I]).

Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (referred to collectively as "the DoD Components")." Thus, for purposes of this Directive, the Directors of PFFA and WHS are designated Component Heads. Additionally, paragraph 5.3.1 of the Directive specifically designates the DA&M as Component Head for OSD and DLSA. Finally, DoDD 5105.68 gives to the DA&M authority, direction and control over PFFA.

Paragraph 2.2 of the Directive, in conjunction with paragraph 5.3.1 of the Directive, delegates to the DoD Components, the Secretary of Defense's authority to permit DoD personnel to carry firearms while engaged in law enforcement or security duties, protecting personnel, vital Government assets, or guarding prisoners.

Paragraph 4.1 of the Directive provides that DoD personnel regularly engaged in law enforcement or security duties shall be armed. This paragraph also requires that instruction for the proper use of safety lock devices be issued to personnel who have been authorized to retain firearms at their residence. Thus, paragraph 4.1 by its plain meaning clearly contemplates that some DoD personnel authorized to carry firearms may also be authorized to retain firearms at their residences. Since the authority to permit retention of firearms is not one of those limited responsibilities specifically given to ASD (C3I) or DoD IG², this responsibility must necessarily rest with the Heads of the DoD Components under paragraph 5.3.1 of the Directive.

The Component Heads also have the authority to establish implementing procedures to ensure compliance with DoDD 5210.56. Paragraph 5.3.2. Since DoD Component Heads have authority to permit their employees to carry firearms as a part of their duties and to establish implementing procedures, and since paragraph 4.1 requires DoD Component Heads to issue instructions when firearms are retained at employees' residences, the logical conclusion is that DoD Component Heads have the authority to permit the retention of firearms at employees' residences.

Further, Enclosure 1 to DoDD 5210.56, entitled "Guidance on the Arming of DoD Law Enforcement and Security Personnel" contemplates Component Heads' authority to permit their personnel to retain firearms at their residences. Paragraph E1.1.1 vests in the Component Heads the authority to permit personnel to carry firearms. The authorities enumerated at Enclosure 1

² Paragraph 5 of the Directive assigns certain limited responsibilities to two DoD officials. In accordance with paragraph 5.1, ASD (C3I) has the responsibility to *monitor* compliance with the Directive *as it relates to counterintelligence, law enforcement and security matters*. The DoD IG has the responsibility to *monitor* compliance with the Directive *as it relates to criminal investigative policy and law enforcement functions in the DCIOs*. (Emphasis added.) Aside from these two exceptions, all other authorities regarding this Directive, to include the authority to carry firearms, rest with the Heads of the DoD Components (paragraph 5.3).

apply only to DoD Component Heads. Paragraph E1.1.4 requires that the DoD Component Heads authorize their personnel to carry firearms in writing, except in situations requiring immediate action to protect life or vital Government assets. Paragraph E1.1.7 states that: "All firearms issued to DoD security or law enforcement personnel, who have been authorized to retain such firearms at their residence or non-governmental locations, shall be accompanied by safety lock devices and instructions for their proper use." (Emphasis added). Paragraph E1.1.6 provides that each DoD Component Head has the authority to establish procedures for storage and accountability of firearms issued to DoD civilian officers and employees upon completion of their assignments. This paragraph states that firearms carried by DoD civilian officers and employees shall be returned to a designated control point upon completion of the assignment for storage and accountability in accordance with Component procedures. Paragraph 1.1.6 also states that the Secretaries of the Military Departments and the Inspector General, Department of Defense may authorize exceptions to this requirement *for the DCIOs*. (Emphasis added.)

The logical conclusion is that DoD Component Heads have not only the authority to permit their employees to carry firearms and issue instructions regarding that permission, they also have the authority to specify when the employees can retain such firearms at their residences and issue applicable instructions. DoD Components generally (as differentiated from the limited authorities of two specific DoD Components [DoD IG and the Military Departments] to except *their DCIOs* from this requirement) have the duty to assign designated control points, but also hold the authority to authorize employees to carry and store weapons at their residences. Finally, no law or directive specifically states or implies that an entity other than a DoD Component Head has the authority to permit the retention of firearms at its employees' residences.

III. Conclusion

In summary, the Secretary of Defense has authority to arm DoD law enforcement and security personnel. The Secretary of Defense, in turn, delegated the authority to permit DoD civilian officers and employees to carry firearms as a part of their duties, and the authority to permit them to carry firearms to their residences, to the Heads of each DoD Component (for DPS Officers, the Director of PFFA). In addition, the Secretary has also specifically delegated to the Director of PFFA those law enforcement and security authorities under 10 USC §2674, including the authority to arm personnel, for the Pentagon Reservation and DoD facilities in the NCR. Consequently, and in accordance with this legal analysis, the Director of PFFA has the authority to permit DPS employees to carry firearms and store them at their residences.

COORDINATION SHEET

Office	Name	Comments	Initials	Date
WHS/GC	William Brazis			
			WB	7 Feb 03

Defense Logistics Agency Comments



DEFENSE LOGISTICS AGENCY
HEADQUARTERS
8725 JOHN J. KINGMAN ROAD, SUITE 2533
FORT BELVOIR, VIRGINIA 22060-6221

IN REPLY
REFER TO DI

February 12, 2003

MEMORANDUM FOR DEPUTY ASSISTANT INSPECTOR GENERAL
INVESTIGATIVE POLICY AND OVERSIGHT

SUBJECT: Draft of a Proposed Report on Evaluation of the Policies and Practices of the
Defense Organizations Employing Criminal Investigators with Respect to
Control Over Firearms (Project No. 2002C001)

Comments on the findings and recommendations of the subject draft report are
attached.

The point of contact for this is Mr. Brian L. Grimord, Defense Logistics Agency
(DLA), Criminal Investigations Activity (DCIA), 703-767-5417.

A handwritten signature in cursive script, appearing to read "Tamara S. Fivehouse".

TAMARA S. FIVEHOUSE
Director
DLA Criminal Investigations Activity

Attachment
DLA Comments

B. Accountability, Control, and Storage of Firearms

RECOMMENDATION B1: We recommend that Directors, Defense Logistics Agency Criminal Investigative Activity; Defense Criminal Investigative Service; Naval Criminal Investigative Service; the Commanders, U.S. Army Criminal Investigation Command; and Air Force Office of Special Investigations re-evaluate their inventory procedures and practices and ensure compliance with DoD firearms inventory requirements, and that serial number inventories require that each firearm be physically inventoried.

DLA COMMENTS: N/A

DCIA COMMENTS: Concur. DCIA requested an exception to policy as provided by DoD 5100.76-M for inventory procedures. DCIA's current policy is to accomplish a 100% annual inventory inspection of all weapons by serial number and weapons inspections by serial number during supervisory office visits. DCIA's inventory policy and authorization for exception to policy memorandums are found in DCIA Policy Letter 02-11, DCIA Firearms and Use of Force, revision 2, dated January 14, 2003.

DISPOSITION:

- Action is ongoing ECD
- Action is considered complete

RECOMMENDATION B2: We recommend that the Directors, Defense Logistics Agency Criminal Investigative Activity; Defense Criminal Investigative Service; Pentagon Force Protection Agency; Naval Criminal Investigative Service; and the Commander, Air Force Office of Special Investigations establish recurring awareness programs that ensures individuals responsible for the accountability of arms, ammunition, and explosives are aware of their responsibilities in accordance with DoD 5100.76-M, "Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives," and Component guidance.

DLA COMMENTS: N/A

DCIA COMMENTS: Concur. DCIA has instituted a scheduled recurring training during which each investigator is instructed on his/her responsibilities concerning the accountability of arms, ammunition, and explosives per DoD 5100.76-M. Training is documented in each individuals weapons folder located at HQ DLA, DCIA, Ft. Belvoir, VA.

DISPOSITION:

- Action is ongoing ECD
- Action is considered complete

RECOMMENDATION B3: We recommend that the Inspector General of the Department of Defense, the Director, Washington Headquarters Service; and the Director, Defense Logistics Agency establish written criteria for the quantity and type of firearms authorized to have in their inventory and procedures for procuring them.

DLA COMMENTS: Concur, a table of authorizations will be included in the next revision of DLAM 5705.1, Law Enforcement Criminal Investigations Manual, which will include all weapons, devices, and equipment authorized for use by DLA investigative personnel.

DCIA COMMENTS: N/A

DISPOSITION:

- Action is ongoing ECD Aug 03
- Action is considered complete

RECOMMENDATION B4: We recommend that the Directors, Defense Logistics Agency and Washington Headquarters Service establish written policy for reporting required firearms information to their Component Registries for inclusion in the DoD Registry.

DLA COMMENTS: Non-concur, a written policy for reporting firearms information into the DLA Small Arms Serialization Program (registry) already exists, DLAR 7510.3 Control of Small Arms by Serial Number.

DCIA COMMENTS: N/A

DISPOSITION:

- Action is ongoing
- Action is considered complete

RECOMMENDATION B6: We recommend that the Director, Defense Logistics Agency, ensure that all DLA Criminal Investigations Activity firearms are entered into the Defense Property Accountability System in accordance with DLA Directive 4160.9, "DLA Retail Supply and Property Accountability," and assign an Accountable Property Officer for the firearms assigned to the DLA Criminal Investigations Activity.

DLA COMMENTS: Concur, an Accountable Property Officer (APO) will be assigned for the firearms assigned to the DLA Criminal Investigations Activity. That APO will be required to ensure that the firearms assigned to the DLA Criminal Investigations Activity are entered into the Defense Property Accountability System. We wish to note that DLA has recently completed a 100% inventory of assigned weapons and all DLA weapons are accounted for.

DCIA COMMENTS: In addition to above ongoing actions by DLA, DCIA also accomplished a 100% hand receipt of weapons assigned to their office. DLA Form 1311, Equipment Transfer or Return was utilized for this purpose with one original signed copy provided to the Chief, Physical Security/Law Enforcement, DLA Support Services (DSS-SP), and one original signed copy placed on file within DCIA.

DISPOSITION:

- Action is ongoing ECD May 2003
- Action is considered complete

Defense Criminal Investigative Service Comments



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-4704

JAN 23 2003

MEMORANDUM FOR ACTING ASSISTANT INSPECTOR GENERAL FOR
INSPECTIONS AND POLICY

SUBJECT: Evaluation of the Policies and Practices of the Defense Organizations
Employing Criminal Investigators With Respect to Control Over
Firearms

The subject draft report dated January 13, 2003, was reviewed. We concur with the three recommendations (B.1, B.2 and B.5.) that relate to the Defense Criminal Investigative Service. The recommendations, which require changes to our policy, will be incorporated into the Special Agent Manual within 60 days of the date of this memorandum.

It should be noted, page 5, footnote #9, states, "Should DCIS transition to the .40 caliber firearm, criminal investigators would no longer be authorized to carry personally owned 9mm firearms while on duty." A decision on this issue has not yet been made.

If you have any questions regarding this matter, please contact Mrs. J. Annette Wright, at (703) 604-8639.


Charles W. Beardall
Acting Assistant Inspector General
for Investigations

Army Comments

NLD SB

March 3, 2003

3/5/03
K977
MEMORANDUM THRU Mr. McLaurin

Colonel Stamillo

FOR Mr. Brown

FROM Major H Johnson

SUBJECT: Report on Control of Fire Arms

DISCUSSION: MG Chiarelli forwards a request (Orange Tab) for you to concur with the recommendations by the Department of Defense Inspector General (DODIG) (Blue Tab) on their enclosed report on the control of firearms. The objective of the report was to evaluate the adequacy and effectiveness of the policies and practices regarding authorization of their **criminal investigators** to carry firearms; the accountability; control, and storage of firearms, and reporting and investigating lost, stolen or missing firearms.

SUMMARY: The finding was that with the exception of Pentagon Force Protection Agency Criminal Investigation/Internal Affairs Directorate PFPACI/IAD, the Defense organizations policies and procedures concerning authorizations of their criminal investigators to carry firearms in the performance of their duties comport with applicable DoD guidance.

BACKGROUND: This report was directed by the GAO in response to a Congressional inquiry as a result of Department of Justice audit reports in 2001 on the Immigration and Naturalization Service (INS) and the Federal Bureau of Investigations (FBI) concerning their management of firearms. The INS could not account for 539 of its weapons. The FBI could not account for more than 400 of their weapons. GAO sought the DoDIG's assistance to identify possible best practices that may not exist within traditional law enforcement agencies.

On July 18, 2001, Representative John Dingell, ranking member on the House of Representatives Committee on Commerce, requested that the General Accounting Office (GAO) conduct an investigation of Federal Agencies that issue firearms.

U.S. Army Criminal Investigation Command regulations are being revised to ensure:

1. All weapons are physically inventoried during monthly weapons and ammunition inventories to ensure that there are no discrepancies with the weapon and serial number.
2. when a weapon is unavailable, documentation must be verified to ensure it is properly signed out and upon return of the weapon a responsible representative will physically inventory the weapon at the earliest possible date.

3. Established Army policy concerning lateral transfers of weapons will be reviewed with unit performance standards for lateral transfers.

4. USACIDC regulations concerning temporary storage of weapons will be revised. Current language states that only under the most exceptional and unusual circumstances will USACIDC investigators temporarily store (Not to exceed 1-hour) their assigned weapon in a privately owned or government vehicle. Their revision will require storage of the weapon in a locked glove box or trunk of a vehicle. Overnight storage in a vehicle is prohibited.

COORDINATION:

USACIDC: Colonel Swengros concurs

DCS-G-3: MG Chiarelli, Director of Operations, Readiness and Mobilization recommends that you sign the memorandum at Tab A

OGC: SB, NLO, S Meas / MS Barna

RECOMMENDATION: That you concur with comments on the subject report at TAB B by signing the memorandum next under.



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
MANPOWER AND RESERVE AFFAIRS
111 ARMY PENTAGON
WASHINGTON, DC 20310-0111



March 7, 2003

REPLY TO
ATTENTION OF

MEMORANDUM FOR DEPARTMENT OF DEFENSE INSPECTOR GENERAL

SUBJECT: Report on Evaluation of the Policies and Practices of the Defense Organizations Employing Criminal Investigators with Respect to Control Over Firearms (Project No. 2002COOL)—ACTION MEMORANDUM

Reference memorandum, DCS, G-3, DAMO-ODL, 11 February 2003, subject as above.

I concur with the recommendations set forth in the subject report. Enclosed are comments concerning implementation of the recommendations by the U.S. Army Criminal Investigation Command.

Reginald J. Brown
Assistant Secretary of the Army
(Manpower and Reserve Affairs)

Enclosure

COMMENTS ON RECOMMENDATIONS

a. Recommendation B.1., page 13. "the U.S. Army Criminal Investigation Command (USACIDC)...re-evaluate their inventory procedures and practices and ensure compliance with DoD firearms inventory requirements, and that serial number inventories require that each firearm be physically inventoried."

Comments:

(1) The Deputy Chief of Staff for Operations, USACIDC, has amended USACIDC Regulation 710-5, Material Management System, 10 Apr 01, paragraph 3-3b(4). The current regulation states that an individual will ensure that all weapons are physically inventoried during monthly weapons and ammunition inventories in accordance with Department of the Army Pamphlet 710-2-1, paragraph 9-10. All weapons should be physically inventoried to ensure there are no discrepancies between the weapons serial number and the weapons documentation. When a weapon is unavailable, documentation must be verified to ensure that the weapon is properly signed out or in maintenance. Upon return of the weapon, responsible representatives must physically inventory it at the earliest convenience.

(2) Army Regulation 710-2, Inventory Management Supply Policy Below the Wholesale Level, 31 Oct 97, paragraph 3-18, Table 1-1, and USACIDC Regulation 710-5, paragraph 3-5(g), provides guidelines and establishes unit performance standards for lateral transfers. Compliance with established criteria will be emphasized to personnel during the required Command Supply Discipline Program Inspection and Training.

b. Recommendation C.1., page 16. "the U.S. Army Criminal Investigation Command...establish command-wide policies concerning leaving firearms unattended in vehicles."

Comment. The Deputy Chief of Staff for Operations has amended USACIDC Regulation 195-1, Criminal Investigation Operational Procedures, 1 Jan 03, paragraph 17-11g. The current paragraph states under only the most exceptional and unusual circumstances will CID investigative personnel temporarily store (not to exceed one hour) their assigned government weapon in a privately owned or government vehicle. The revision will require storage of the weapon in a locked glove box or trunk, and prohibit overnight storage in a vehicle.

Encl

Air Force Comments



DEPARTMENT OF THE AIR FORCE
OFFICE OF THE INSPECTOR GENERAL
WASHINGTON DC

FEB 12 2003

**MEMORANDUM FOR ASSISTANT INSPECTOR GENERAL FOR AUDITING, OFFICE
OF THE INSPECTOR GENERAL DEPARTMENT OF DEFENSE**

FROM: SAF/IGX

SUBJECT: AFOSI Response - Report on Evaluation of the Policies and Practices of the
Defense Organizations Employing Criminal Investigators with Respect to Control
Over Firearms (Project No. 2002COO1)

We appreciate the opportunity to provide a response to the draft subject report. AFOSI reviewed the document and agreed with all recommendations. Attached are AFOSI's responses. AFOSI agreed with both comments made in the report and have initiated the process of implementing these initiatives. If you have any questions please contact my point of contact Maj Lee Shaffer at 703-695-3726.


WILLIAM D. STERNENS, Lt Col, USAF
Deputy Director of Investigations

Attachment:
AFOSI response to subject report

cc: SAF/FMPF



DEPARTMENT OF THE AIR FORCE
AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS

28 Jan 03

MEMORANDUM FOR DOD/IG

FROM: AFOSI/CC

SUBJECT: Response to DoD/IG Draft Report: Evaluation of Policies and Practices of DCIOs on Control of Firearms

1. I appreciate the opportunity to provide comments on the recommendations (B-1 and B-2) of the draft DoD/IG evaluation report regarding AFOSI. My course of action is described below:

Recommendation B.1. The Air Force Office of Special Investigations re-evaluate their inventory procedures and practices and ensure compliance with DoD firearms inventory requirements, and that serial number inventories require that each firearm be physically inventoried.

Concur. AFOSIMAN 71-113, *Firearms, Use of Force, and Apprehension Tactics* will be revised to incorporate the DoD requirements. In addition, HQ AFOSI/IG added the DoD inventory requirements as an inspection item on no-notice random and unit compliance inspections.

Recommendation B.2. The Commander, Air Force Office of Special Investigations establish recurring awareness programs that ensures individuals responsible for the accountability of arms, ammunition, and explosives are aware of their responsibilities in accordance with DoD 5100.76-M, *Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives*, and Component guidance.

Concur. AFOSIMAN 71-113, *Firearms, Use of Force, and Apprehension Tactics* and AFOSI 23-101, *Logistics Functions* will be revised to require Unit Weapons Monitors and Weapons Custodians receive annual training on DoD 5100.76-M and AFI 31-101, *The Air Force Installation Security Program*.

2. I anticipate revision of these policies by May 2003. If you have questions or comments, my POC for this matter is Mr. George L Jackson, AFOSI Policy Division, (240) 857-1928.


LEONARD E. PATTERSON
Brigadier General, USAF
Commander

EYES OF THE EAGLE

Inspector General of the Department of Defense Comments



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-4704

FEB 13 2003

MEMORANDUM FOR DEPUTY ASSISTANT INSPECTOR GENERAL FOR
INVESTIGATIVE POLICY AND OVERSIGHT

SUBJECT: Draft Report, "Evaluation of the Policies and
Practices of the Defense Organizations Employing
Criminal Investigators with Respect to Control
Over Firearms" (Project No. 2002C001)

We have reviewed the draft report and concur with
recommendations number B.3 and C.2.

We are taking action to implement these recommendations
in Inspector General Manual 4140.1, "Property Management
Program." We anticipate completion will be on or before
May 1, 2003.

Should you have any questions regarding this response
please contact me or Mr. Frank Bailey at (703) 604-9839.

A handwritten signature in black ink, appearing to read "Joel L. Leson", is positioned above the typed name.

Joel L. Leson
Director
Office of Administration
and Information Management

Team Members

The Investigative Policy and Oversight Directorate, Office of the Assistant Inspector General for Inspections and Policy of the Department of Defense prepared this report. Personnel of the Office of the Inspector General of the Department of Defense who contributed to the report are listed below.

David Holmes
Yvonne Cormier
Nakita Pounds
Terry Hammer