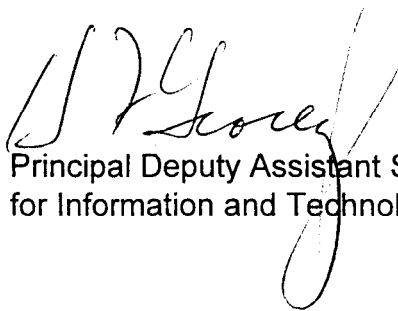


PROCEDURES TO ARM DEPARTMENT OF VETERANS AFFAIRS POLICE

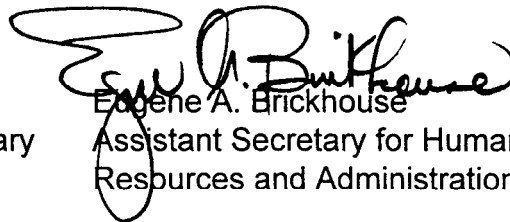
- 1. REASON FOR ISSUE:** This Handbook establishes procedures that implement the policies contained in VA Directive 0720, Program to Arm Department of Veterans Affairs Police Officers.
- 2. SUMMARY OF CONTENTS AND MAJOR CHANGES:** This Handbook contains procedures for arming VA police officers at selected facilities with firearms. It identifies responsibilities of the Office of Security and Law Enforcement (OS&LE) and of field facilities in ensuring that the carrying and use of firearms as a tool of the Department's Security and Law Enforcement program is accomplished in a safe and effective manner. The authority to carry firearms on duty by VA police officers is expanded beyond the original 12 facilities of the Firearm Pilot Program.
- 3. RESPONSIBLE OFFICE:** The Police and Security Service (07B), Office of Security and Law Enforcement, is responsible for the material contained in this Handbook.
- 4. RELATED DIRECTIVE:** VA Directive 0720, Program to Arm Department of Veterans Affairs Police.
- 5. RESCISSION:** VA Directive 0720/1, Pilot Program to Arm VA Police, Appendix A, dated April 14, 1998.

CERTIFIED BY:

**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**



Principal Deputy Assistant Secretary
for Information and Technology



Eugene A. Brickhouse
Assistant Secretary for Human
Resources and Administration

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PROCEDURES TO ARM DEPARTMENT OF VETERANS AFFAIRS POLICE

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PROCEDURES TO ARM DEPARTMENT OF VETERANS AFFAIRS POLICE

1. PURPOSE

a. This Handbook provides procedures for implementing the Department's program to arm VA police.

b. This Handbook is set forth solely for the purpose of internal Departmental guidance. It is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter, civil or criminal, and does not place any limitations on otherwise lawful activities of the Department.

2. VA CENTRAL OFFICE RESPONSIBILITY

a. The Deputy Assistant Secretary for Security and Law Enforcement (DAS for S&LE) will, as a cooperative decision with the Veterans Health Administration (VHA), select facilities to be armed that meet certain criteria. These criteria include, but are not limited to, a recent successful program inspection, appropriate supervision of the VA police unit and an evaluation of local statistical data.

b. The Office of Security and Law Enforcement (OS&LE) will provide guidance to each site in the development of a facility implementation plan.

c. OS&LE will review each facility implementation plan, conduct a site visit, and prepare a response either approving or disapproving the plan.

d. OS&LE will conduct initial training and qualification at each site.

e. OS&LE will conduct criminal history checks on all officers prior to their being armed.

f. OS&LE will issue firearm authorization cards, signed by the DAS for S&LE, to police officers that have successfully completed required firearms training and qualification and have met other requirements identified in paragraph 3a below.

g. The DAS for S&LE is responsible for determining the training requirements for VA police officers, which include the scope and duration of training and identifying the training provider. Policies and procedures authorizing employees to carry a firearm are subject to consultation with the Attorney General, in accordance with 38 USC § 902 (c). Guidance from the Attorney General (i.e., the Memorandum to Heads of Executive Departments and Agencies, date June 29, 1984) states that employees are to receive training from an accredited

course of training in the carrying and use of firearms. An accredited course of training is defined in the Attorney General's memorandum as a course of instruction offered by the Federal Law Enforcement Training Center (FLETC) or an equivalent course of instruction offered by another Federal agency. VA has determined that the course of instruction for basic police officer training and firearms training offered by the VA Law Enforcement Training Center (LETC) is an equivalent course of instruction, in all relevant aspects, to the training at FLETC. Therefore, pursuant to the policy in this Handbook, the DAS for S&LE has determined that all VA police officers will receive training as provided by the LETC. Any deviation from this policy must be approved, in writing, by the DAS for S&LE.

h. OS&LE is responsible for oversight of the firearm program and will conduct or direct administrative investigations of all firearm discharges and alleged inappropriate firearm displays by VA police officers. OS&LE will work with the Federal or local law enforcement agency having primary jurisdiction to coordinate any criminal investigations that result from a VA police officer involved shooting event.

3. PROGRAM REQUIREMENTS

a. A firearm will be issued only to those persons appointed as police officers within the Department who have successfully completed the basic VA police officer training course and the firearms training. Authorized officers must be in possession of an approved VA Form 1396a, Firearms Authorization Card, whenever carrying the service pistol on duty.

b. The firearm, ammunition and holster for issue and use by VA police officers must be of a kind that is commonly used in law enforcement and approved by OS&LE. Only those firearms and ammunition that meet the specifications established by OS&LE will be issued. This will permit consistency in training and tactics throughout the Department.

c. Only the issued firearm and ammunition will be used by the Department's police officers in the performance of official duties. Officers will not utilize a personally owned firearm in the performance of official duties; will not bring a personally owned firearm on to VA property; and will not carry or use a personally owned firearm while wearing a VA police uniform. The prohibitions against the carrying or use of personally owned weapons on Department property applies regardless of any non-VA employment or State license, certification, or permit held by the officer.

d. Officers will only be armed while performing official duties. The firearm will not be carried by an officer while off VA property, except for the following situations:

(1) The firearm may be worn while en-route between geographically separated sections of Department property, such as two division medical centers. In such cases, the magazine must be removed from the weapon while the officer is in transit, rendering it inoperable.

(2) The firearm may be taken off the facility by an officer when going to an approved firing range for Department sanctioned practice or qualification. This includes official travel for training. In such cases the firearm must be carried unloaded and secured in the appropriate locked container. When traveling by air carrier, Federal Aviation Administration regulations and the air carrier's restrictions regarding the transportation of firearms must be followed. This means that the firearm, unloaded and in a locked container, will be checked as luggage and the presence of that weapon reported to the air carrier, in accordance with the requirements of 14 CFR §108.11.

(3) The VA-issued firearm may be temporarily stored at an officer's residence just prior to or immediately after official travel which requires the officer to be in possession of the weapon for a duty purpose. For example, this would include travel for training. Another example would be when the weapon is needed for an officer's temporary assignment to Department property that is not the primary duty station of that officer. On the rare occasions when this temporary storage is necessary, the weapon must have an appropriate child-safety trigger lock device applied. This is in accordance with the President's memorandum of March 5, 1997.

e. A police officer's authority to carry a firearm is subject to management discretion and may be suspended for any lawful reason, including but not limited to change in the officer's assignment, reevaluation of need, pending allegations of officer misconduct, or modification of administrative policies.

f. This Handbook grants no authority to any person to carry a firearm off-duty based on their employment as a VA police officer.

g. All Department police officers must achieve and maintain qualification in the use of agency approved firearm at an armed facility as a condition of continued employment as a VA police officer. This includes meeting the provisions of the Gun Control Act of 1968, as amended by Public Law 104-208, and found at 18 USC § 922 . Each otherwise qualified VA police officer at an armed facility will be provided appropriate training and a reasonable period of time to achieve weapons qualification.

h. A VA police officer's authority to carry a firearm on duty will be revoked and the firearm authorization card and weapon removed when and if it is determined that the officer has been convicted of a misdemeanor crime of domestic violence. This is in accordance with the guidelines of the Gun Control Act of 1968, as amended by Public Law 104-208, and found at 18 USC § 922. An officer who's firearms authority has

been revoked in accordance with this paragraph will be considered as not meeting the requirement to maintain qualification, as described in paragraph 3g above. Officers are also subject to any criminal sanctions established by law for such conduct.

4. USE OF FORCE

a. On October 20, 1995 the United States Attorney General issued guidelines for the use of deadly force by Federal law enforcement officers. The following is consistent with those guidelines. A VA police officer is not to utilize deadly force against any person except as necessary in self-defense or the defense of another. That is when the officer has a reasonable belief that the subject of the deadly force poses an imminent danger of death or serious physical injury to the officer or another person. No warning shots are to be fired by an officer in an effort to stop a fleeing person or for any other purpose.

b. Shooting to disable a moving vehicle is prohibited. Experience has shown that the use of firearms to disable a moving vehicle is either unsuccessful or results in uncontrolled risk to the safety of officers and others.

c. Each VA police officer is responsible for applying only the minimal level of force that is reasonably necessary to control a given situation. This applies during either emergency or routine operations. Minimal force can be defined as the lowest level of force that a reasonable police officer would deem necessary to bring a violent, hostile, or other emergency situation under control.

5. TRAINING

a. Initial firearms training of Department police officers will be conducted using the sanctioned training course.

b. Firearm range qualification and use of force training will be completed every 6 months, using an approved course that has been sanctioned by OS&LE. Officers who fail to qualify within a reasonable time frame and number of attempts will not carry a firearm.

c. Only those officers who have successfully completed physical examinations and the revised psychological assessment within the 12 months before initial firearms training, will be issued the Firearm Authorization Card, VA Form 1396a. Questions that are designed to determine an officer's suitability to be issued a firearm will be included in the psychological assessment interview. Armed officers must maintain current (annual) physical examinations and psychological assessments as a condition of continued employment as a VA police officer. The authority for medical and psychological evaluations is found in 5 CFR Part 339. Department medical and psychological evaluations must comply with these requirements. See 5 CFR §§ 339.301, *et. seq.*

6. FACILITY RESPONSIBILITY: Each facility must submit a firearm implementation plan to OS&LE prior to final approval. An implementation plan will include a comprehensive facility firearm policy that, as a minimum, clearly sets forth the following:

a. Officer training and qualification to include the responsibility of OS&LE to conduct initial training and qualification.

b. The specific type of firearm, holster, and ammunition to be used, that are consistent with the specifications established by OS&LE. Each facility will establish procedures that ensure that each VA police officer is assigned an approved firearm for the sole use of that officer during training and on-duty carry. Facilities will also establish procedures that ensure the sufficient replacement of expendable items, such as ammunition and cleaning supplies.

c. Procedures for the maintenance of records with respect to the issuance and turn-in of firearms and ammunition.

d. Procedures for the proper care, storage, and maintenance of firearms, ammunition, and related equipment. This will include prohibition against any unapproved alterations.

e. Procedures for when, where, and under what conditions weapons will be rendered inoperable by removing the magazine.

f. Requirement that armed officers will have successfully completed a current physical examination and the revised psychological assessment within the 12 months prior to issuance of the VA Form 1396a. The psychological assessment must establish the officer's capability of performing the designated functional requirements essential to the duties of a VA police officer and include questions that are designed to determine an officer's suitability to be issued a firearm. The medical center policy shall also include the requirement that officers maintain current (annual) physical examinations and psychological assessments. Physical examinations and the psychological assessment must comply with the requirements of 5 CFR §§ 309.301, *et.seq.*

g. Requirement that police officers who have suffered personal psychological trauma, such as bereavement or other loss, are offered the appropriate counseling through the medical center Employee Assistance Program (EAP), or the equivalent Department-sanctioned program.

h. A clear statement that officers, including supervisors and detectives, will be armed only while performing official duties along with a clear description and/or designation of assignments during which officers will be armed. This section will reflect that the firearm will not be worn or carried while off VA property, except as

defined in paragraph 3d above. A firearm may be carried off the facility for training purposes as described in paragraph 6i below.

i. The medical center policy will include a clear statement that the firearm will not be carried off facility grounds except when taken to officially sanctioned practice or qualification. In such cases the firearm must be carried unloaded and secured in the appropriate locked container. This section should reflect that, in the very rare event that a firearm is temporarily stored at an officer's residence, it must be secured with the appropriate child-safety trigger locking device.

j. A statement that all Department police officers must achieve and maintain qualification in the use of the approved firearm at the armed facility, as a condition of continued employment as a VA police officer. This will include meeting the requirements of the Gun Control Act of 1968, as amended, and found at 18 USC 922.

k. Clear description of what an armed officer will do when responding on an urgent or emergency basis to an area and/or situation where the officer should not be armed.

l. Requirements on the use of a firearm, which will be consistent with, paragraphs 3 and 4 of this Handbook.

m. The medical center policy will include a clear statement on the doctrine of minimal force. The statement shall reflect that a VA police officer is responsible for applying only the minimal level of force that is reasonably necessary to control any given situation. This applies during either emergency or routine operations. Minimal force can be defined as the lowest level of force that a reasonable police officer would deem necessary to bring a violent, hostile or emergency situation under control.

n. Designation of a "safe" area for the loading and clearing of firearms. This should be in a secure area and out of public view.

o. The medical center policy will include procedures to be followed after a shooting event involving an officer. This will include as a minimum:

(1) Notification and a detailed description of the incident to both the Network Director and OS&LE;

(2) Notification of the Federal Bureau of Investigation (FBI) and the local police;

(3) Maintaining custody of the firearm and the ammunition used by the officer in the shooting;

(4) Obtaining a statement from the officer and witnesses as soon as reasonable, in coordination with the Federal or local law enforcement agency conducting any criminal investigation of the incident. If the VA police chief or senior VA official on the scene is advised by the FBI or other law enforcement agency having jurisdiction of its intent to conduct a criminal investigation, immediate VA actions will be limited to caring for injured persons, and providing any requested assistance to the investigation;

(5) Conduct a detailed and thorough administrative inquiry, in coordination with the Chief Network Officer and the OS&LE;

(6) Status of the officer pending conclusion of the inquiry;

(7) Provisions for dealing with the media and actions to deal with trauma which may have been experienced by the officer, other persons involved in the incident, and the staff and patients of the affected facility.

p. The policy will outline action to be taken when a firearm is lost or stolen. This will include as a minimum:

(1) Notification of the OS&LE in VA Central Office;

(2) Notification of the FBI and the local police;

(3) Preparation of a detailed VA Form 1393, Uniform Offense Report, and following the appropriate Report of Survey procedures.

q. The policy will also provide a clear statement of action to be taken by the facility any time evidence is received or developed which would cause a reasonable person to conclude that an officer's authority to carry a firearm should be suspended. This will include responsibility for prompt investigation and adjudication of the issues.

7. **COSTS.** All costs for arming VA police officers will be borne by the individual facilities.

8. **INTERNAL REVIEW.** Each participating Police and Security unit will establish an internal monitoring process for its firearms program after implementation. OS&LE will provide guidance and assist the Police and Security unit in establishing its review process.