From: Secretary of the Navy

Subj: ARMING AND THE USE OF FORCE

Ref: See enclosure (1)

Encl: (1) References
      (2) Responsibilities
      (3) Arming Authorities
      (4) Use of Force
      (5) Acronyms and Definitions

1. Purpose
   
a. Establishes policy on the use of force and the carrying of firearms by personnel of the Department of the Navy (DON) in conjunction with performing security and protection, law and order, investigative, or counterintelligence duties, and personal protection consistent with the Department of Defense (DoD) guidance; for personal protection when related to the performance of official duties; and permitting the carrying of privately owned firearms on DON property by DON personnel, for personal protection purposes that are not associated with the performance of official duties per references (a), (b), and (c).

   b. Significant changes found in this revision include updated organizational responsibilities (enclosure (2)), arming authorities (enclosure (3)), and use of force (enclosure (4)).

2. Cancellation. SECNAVINST 5500.29C.

3. Definitions. See enclosure (5).

4. Applicability
   
a. This instruction applies to the Offices of the Secretary of the Navy (SECNAV), the Chief of Naval Operations (CNO), the Commandant of the Marine Corps (CMC), and all U.S. Navy and U.S. Marine Corps (USMC) installations, commands, activities, field
offices, and all other organizational entities within the DON that permit military members, civilian employees, or contract security forces of the Navy and Marine Corps to carry firearms as specified in reference (a).

b. This instruction applies to DON contract security forces. For contract security forces, the applicable contents of this instruction will be incorporated in the contractual agreement between the DON and the other contracting party.

c. This instruction does not apply to DoD personnel engaged in military operations that are subject to Rules of Engagement (ROE). Refer to reference (d), which contains guidance on ROE and the operations subject to such rules, as well as separate guidance for military activities that are instead subject to standing rules for the Rules for Use of Force (RUF).

(1) DoD personnel in an overseas location not under the authority or subject to the control of a U.S. military commander as agreed by appropriate memorandum of agreement in accordance with reference (e).

(2) Domestic military activities will be conducted under authority in this instruction, unless other superseding rules are specifically identified.

5. Policy

a. DON personnel engaged in law enforcement, security, and counterintelligence duties may be armed as determined by CNO, CMC, and the Director of the Naval Criminal Investigative Service (DIRNCIS) for personnel under their cognizance. Personnel authorized to be armed per this instruction shall remain qualified to be armed during the period of their performance. All law enforcement and security personnel who are armed must have received proper screening and authorization from an applicable arming authority to carry a government-issued firearm or a privately owned firearm for the performance of official duties and must receive annual firearms safety, sustainment and use of force instruction, and complete weapons qualification as required by reference (a).

b. Military and civilian personnel of the Navy and USMC, other than members of the Naval Criminal Investigative Service (NCIS), who are involved in full time law enforcement or security duties shall not carry government-issued firearms for personal protection within the Continental United States (CONUS)
when not on duty; unless specifically authorized by the CNO, Vice Chief of Naval Operations, CMC, or Assistant Commandant of the USMC, and Assistant Deputy Commandant Plans, Policy, and Operations Security Division respectively.

c. Eligible DON personnel may be authorized to carry privately owned firearms on DON property for personal protection when it is not related to the performance of official duties. Such authorizations will be on a case by case basis following deliberate consideration and the requirements of reference (a).

d. DoD assets shall be specifically designated as “assets vital to national security.” The Deputy Under Secretary of the Navy (DUSN), CNO, CMC, and Naval Component Commanders, shall maintain current lists of the DON assets that have been designated as “assets vital to national security” and provide effective means via which appropriate elements within the DoD can request or access this information.

6. Responsibilities. See enclosure (2).

7. Records Management

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned according to the records disposition schedules found on the Directives and Records Management Division (DRMD) portal page: https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/SitePages/Home.aspx.

b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact your local Records Manager or the DRMD program office.
8. **Forms.** DD FORM 2760 (DEC 2002), Qualification to Possess Firearms or Ammunition, may be obtained at [https://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd2760.pdf](https://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd2760.pdf).

Distribution:
Electronic only, via Department of the Navy Issuances website [https://www.secnav.navy.mil/doni/](https://www.secnav.navy.mil/doni/).
REFERENCES

(a) DoD Directive 5210.56 of 18 November 2016
(b) SECNAVINST 5580.3
(c) DoD Directive 3000.03E of 27 September 2017
(d) CJCS Instruction 3121.01B of 13 June 2005
(e) DoD Instruction 5210.84 of 15 October 1996
(f) 10 U.S.C.
(g) DoD Instruction 6400.06 of 26 May 2017
(h) 18 U.S.C. §922
(i) SECNAVINST 5430.107A
RESPONSIBILITIES

1. The Under Secretary of the Navy is designated as the deputy and principal assistant to the SECNAV, and acts with the full authority of SECNAV in managing the DON, per reference (f).

2. DUSN as the DON’s senior security executive, shall develop, publish, and maintain DON arming and use of force policy and guidance.

3. DUSN Senior Director for Security shall:
   
   a. Develop DON arming policy and provide oversight of DON arming and use of force.
   
   b. Serve as the principal adviser to the DUSN on all arming and use of force matters.
   
   c. Notify the Mission Assurance Senior Steering Group and the DoD Physical Security Review Board co-chairs of changes to arming plans or arming authority per reference (a).

4. DIRNCIS shall implement the provisions of reference (a) and will arm appropriately trained NCIS personnel. NCIS special agents will carry NCIS-approved firearms at all times, while on or off duty, on and off installations, aircraft, and ships. NCIS special agents are required to carry NCIS-approved firearms while on official business, except when in specific “exclusion areas” where special weapons/systems are stored. The need for a special agent to carry a firearm in such areas will be left to the discretion of the commander or commanding officer having responsibility for the “exclusion area.” DIRNCIS may further delegate this authority, per reference (a). DIRNCIS must ensure weapons qualification and training requirements for personnel assigned to NCIS, who are authorized to carry weapons, meet federal law enforcement and follow NCIS standards.

5. CMC and CNO shall:
   
   a. Issue implementing policy and prescribe supplemental guidance and training materials as required in paragraph 2.4 of reference (a).
b. Be authorized to arm appropriately trained and qualified military personnel and civilian officials of the Navy and USMC assigned to law enforcement, security, and counterintelligence duties. Per reference (a), the CNO and CMC may further delegate this authority. Designations of arming authorities must meet the requirements of reference (a).

c. Grant permission to DON personnel as defined in this instruction, to carry a privately owned firearm on DON property for a personal protection purpose not related to performance of an official duty or status. The CNO and CMC may further delegate this authority per reference (a). Designations of arming authorities must meet the requirements of reference (a). The applicable arming authority must maintain comprehensive knowledge of any limitations or prohibitions contained in State or Federal law for installations in U.S. jurisdictions, and any status of forces or other international agreements and law that may be applicable in foreign countries where personnel are stationed.

d. Notify the DUSN Senior Director for Security of any changes in arming authorizations for official purposes (other than the routine arming for security and law enforcement personnel) and permissions to carry on DON property for personal protection that are not related to the performance of official duties or duty status. This is in addition to the notification requirements of reference (a).

e. Ensure personnel prohibited by Federal law from receiving or possessing a firearm under the Brady Handgun Violence Prevention Act, Gun Control Act of 1968 and Lautenberg Amendment of 1996, and reference (g) are not authorized to carry firearms on installations or facilities under their control. Military and civilian personnel who are considered for carrying firearms in performance of official duties must be screened, utilizing DD Form 2760, with those forms maintained as part of their official record.

f. Suspend arming authorizations for personnel who are no longer qualified to be armed. This includes but is not limited to individuals failing to qualify, becoming ineligible under the Lautenberg Amendment or references (g) and (h), being charged with a crime that if convicted would render them ineligible to be armed, having a medically certified disqualifying physical or
mental health condition, or other circumstances deemed disqualifying by the arming authority. Retrieve any government-issued firearms, ammunition, Non-Lethal Weapons (NLWs), and non-lethal ammunition from personnel who are no longer qualified to be armed.

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

1. The guidance in this enclosure supplements the guidance provided in reference (a) on arming authorities, authorizations, and permissions.

   a. Permissions granted at installations or facilities using electronic physical access control systems with Identity Matching Engine for Security and Analysis functionality will be valid for as long as the arming authority deems appropriate, not to exceed two years between renewals.

   b. Permissions granted at all other installations or facilities will be valid for as long as the arming authority deems appropriate, not to exceed one year between renewals.

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

3. DIRNCIS may authorize NCIS Special Agents to carry non-government weapons following the approvals set forth in NCIS policy.

4. Written authorization from the applicable arming authority is required before DON military and civilian personnel whose duties require the carrying of firearms, may begin carrying firearms. The applicable arming authority must withdraw the authorization whenever the person to whom the authorization was issued no longer meets the training, qualification, proficiency, or other requirements of reference (a), or no longer needs to be armed.

5. Written permission from the applicable arming authority is required before DON military and civilian personnel for personal protection not related to the performance of official duties, may begin carrying firearms. The applicable arming authority must withdraw the authorization whenever the person to whom the
permission was issued no longer meets the training, qualification, proficiency, or other requirements of reference (a), or no longer needs to be armed.

6. The DIRNCIS is delegated authority to arm appropriately trained NCIS personnel engaged in law enforcement, security, and counterintelligence duties and Navy/USMC Criminal Investigators assigned to NCIS, and Navy/USMC Military Police Investigators shall be issued credentials that reflect their authority to carry firearms. The carrying of firearms by NCIS personnel outside the CONUS shall be consistent with the applicable Status of Forces Agreement and host nation law and regulations.

7. Personnel who are credentialed as retired or separated law enforcement officers under reference (b) and those who possess a concealed carry weapon permit may be authorized to possess, carry, transport, safeguard, or store privately owned firearms per reference (a) and as determined by the Services and authorizing official. This includes personnel who make a request for the carrying of privately owned firearms for personal protection not related to official duties. All persons desiring to bring firearms onto DON installations must have the installation commander’s permission before doing so.

8. DON personnel may request permission from applicable arming authorities to carry a privately owned firearm on DON property for a personal protection purpose not related to performance of an official duty or status. Such requests will be reviewed and decided upon by the arming authority per reference (a) and any implementing guidance developed by CNO and CMC. Tenant organizations may not themselves grant permission to their assigned personnel; permission must be requested per host installation procedures.
USE OF FORCE

1. Military and civilian personnel who are performing law enforcement duties and are armed per reference (a) are authorized to use force in the performance of their official duties. When force is necessary to perform official duties, personnel will use a reasonable amount of force and will not use excessive force. The reasonableness of any use of force is determined by assessing the totality of the circumstances at the time force was used.

2. Per reference (a), the CNO, CMC, and NCIS may impose further restrictions on the use of deadly force if deemed necessary in their judgment and if such restrictions would not unduly compromise U.S. national security interests or unduly put DON personnel at risk.

   a. Deadly force is justified only when there is a reasonable belief that the subject of such force poses an imminent threat of death or serious bodily harm to a person or under the circumstances described in 2(c) below. If less than deadly force could reasonably be expected to accomplish the same result without unreasonably increasing the danger to armed DON personnel or to others, then it should be used.

   b. A verbal warning should be given prior to the use of deadly force if the situation permits and if doing so does not unreasonably increase the danger to DON personnel or others.

   c. Deadly force may only be used when reasonable, including, but not limited to, the following circumstances:

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

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

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

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

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

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

   (a) The subject has committed an offense involving the infliction or threatened infliction of serious physical injury or death; and

   (b) The escape of the subject would pose an actual or imminent threat of death or serious bodily harm to DON personnel or others in the vicinity.

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

3. Less than deadly force may be used when there is probable cause to believe it is reasonable to accomplish the lawful performance of assigned duties. The amount of force used must be reasonable when assessed under the totality of the circumstances leading to the need for force.

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

b. Less than deadly force may be used when reasonable:

(1) To defend oneself from actual or imminent threat of physical injury or death;

(2) To defend other persons from actual or imminent threat of physical injury or death;

(3) To overcome the active or passive resistance offered to a lawful detention, arrest, or apprehension or to accomplish the lawful performance of assigned duties;

(4) To prevent the escape of a prisoner;

(5) To prevent the destruction of DoD property;

(6) To control or restrain animals presenting an ongoing or imminent threat of bodily harm against oneself or others.

4. Warning shots are prohibited in the U.S. Warning shots are also prohibited outside the U.S. unless otherwise authorized by applicable host-nation law and status of forces agreements and per standing RUF in non-U.S. locations. Warning shots to protect U.S. Navy and Naval Service vessels and piers in the territorial seas and internal waters of the U.S. are authorized if all of the following factors are present:

a. The warning shots are fired over water to warn an approaching vessel;

b. A clear line of fire exists;

c. The shots are fired from a crew-served weapon or rifle;

d. The shots are fired by personnel who are certified under a training program approved by the CNO, CMC, and NCIS, and who are under the tactical direction of competent authority; and

e. There are no other means reasonably available to determine the intent of the approaching craft without increasing the threat to U.S. Navy and Naval Service vessels and personnel.
ACRONYMS AND DEFINITIONS

ACMC        Assistant Commandant of the Marine Corps
ADC         Assistant Deputy Commandant
CJCSI       Chairman of the Joint Chiefs of Staff Instruction
CMC         Commandant of the Marine Corps
CNO         Chief of Naval Operations
CONUS       Continental United States
DIRNCIS     Director of the Naval Criminal Investigative Service
DUSN        Deputy Under Secretary of the Navy
DoD         Department of Defense
DoDD        Department of Defense Directive
DoDI        Department of Defense Instruction
DON         Department of the Navy
HQMC        Headquarters Marine Corps
IMESA       Identity Matching Engine for Security and Analysis
NCIS        Naval Criminal Investigative Service
NLW         Non-Lethal Weapon
PP&O(PS)    Plans, Policy, and Operations Security Division
ROE         Rules of Engagement
RUF         Rules for the Use of Force
UNSECNAV    Under Secretary of the Navy
VCNO        Vice Chief of Naval Operations
Definitions: All definitions in this enclosure are derived from reference (a).

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

2. **Arming Authority.** A person or persons who can authorize the arming of persons under their command or supervision or permit the carrying of privately owned firearms for personal protection purposes not related to official duties on DoD property for which they are responsible.

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

4. **Authorization.** Approval to carry a firearm for official duties, including personal protection related to the performance of official duties.

5. **Carry.** Having a firearm, loaded and ready for employment, on one’s person, in one’s immediate effects, or within reach if one is in a vehicle.

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

7. **DON Personnel.** U.S. Navy and Marine Corps military personnel and DON civilian employees.

8. **DON Property.** Real property subject to DON jurisdiction, custody, or control. DON-controlled property includes both owned and leased property or facilities.

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

10. **Firearm.** Defined in Section 921 of Title 18, United States Code (U.S.C.).

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

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

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

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

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

16. **Law Enforcement Officers.** Defined in Section 8401 of Title 5, U.S.C., and Sections 926B and 926C of Title 18, U.S.C.

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

18. **NLW.** Weapons, devices, and munitions that are explicitly designed and primarily employed to incapacitate targeted personnel or material while minimizing fatalities, permanent injury to personnel, and undesired damage to property in the target area or environment.
19. **Permission.** Approval to carry a firearm on DON property for personal protection when it is not related to the performance of official duties.

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

21. **Possession.** Knowingly having a firearm, whether loaded or unloaded, on one’s person, in one’s immediate effects, or within reach if one is in a vehicle. An individual carrying a firearm is by definition also possessing it. An individual possessing a firearm may or may not be carrying it.

22. **Privately Owned Firearm.** A non-government-issued firearm (including handguns).

23. **Qualified Law Enforcement Officer.** Defined in Section 926B of Title 18, U.S.C.

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

25. **Transport.** Moving an unloaded firearm, locked in secure gun storage, for any lawful purpose from one place where it may be lawfully possessed or stored directly to another place where it may be lawfully possessed or stored. If such movement is in a vehicle, the movement is conducted in a manner such that the firearm is not readily accessible to any occupant of the vehicle.