

PROGRAM REVIEW 4.5

Area of Review: Naval Support Activity Washington (NSAW) Law Enforcement Program

Date: 22 Oct 2013

References:

1. SECNAVINST 5530.4, Naval Security Force Employment and Operations, 3 Oct 2003
2. SECNAVINST 5500.29C, 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 Personnel Protection, 27 Aug 2006
3. OPNAVINST 5530.14E, Navy Physical Security and Law Enforcement, 19 Apr 2010
4. NTTP 3-07.2.1, Antiterrorism, 27 Jul 2010
5. NTTP 3-07.2.3, Law Enforcement and Physical Security, Aug 2011
6. USFF AT OPORD 3300-13, 1 Jan 2013

Method of Review/Summary:

A review of the NSAW Law Enforcement program for execution of and compliance with listed directives was conducted. Documents reviewed included NSAW instructions and orders, and interviews with NSAW Law Enforcement personnel. Field Inspections were also conducted at various Entry Control Points (ECP).

Deficiencies were identified in Law Enforcement program orders, administration, execution and oversight. Specific findings were reviewed with the NSAW Chief of Police; the NSAW Security Officer; and the NSAW N3I on 23 Oct 2013.

1. NSAW Law Enforcement Orders: The following deficiencies were identified:

a. Post Orders:

(1) Appendix S of NTTP 3-07.2.3 requires an annual review of all Post Orders. NSAW Post Orders are dated 24 October 2011; there is no evidence of required annual review.¹

(2) Post Orders are not approved by the Commanding Officer contrary to Appendix S of NTTP 3-07.2.3.²

(3) Post Orders do not include some required elements, such as specifying weapons conditions (e.g. loaded/unloaded, safety on/off), contrary to Paragraph S.1.1 of Appendix S of NTTP 3-07.2.3.³

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(4) Post Orders do not include some Pre-Planned Responses (PPR) to various potential threats and other scenarios required for each specific post contrary to Paragraph S.1.1 of Appendix S of NTTP 3-07.2.3.⁴

(5) Post Orders authorize the use of deadly force to protect assets vital to the national security; however, the post orders do not provide the Naval Security Force (NSF) a list of the applicable assets that should be protected with deadly force. The Investigation Team identified no assets on the Washington Navy Yard (WNY) meeting SECNAV criteria warranting the use of deadly force per SECNAVINST 5530.4D.⁵

b. Standard Operating Procedures (SOP): The Investigation Team reviewed guidance for the Use of Deadly Force (UODF) contained in both the SOP and the Post Orders. The Investigation Team identified that guidance differs between these documents and is also contrary to SECNAVINST 5530.4D (Naval Security Force Employment and Operations) and SECNAVINST 5500.29C (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 Personnel Protection). Specifically:

(1) SOP 32 (Active Shooter) is written in accordance with the guidance provided in NTTP 3-07.2.3, however, the SOP contains no specific, detailed actions to be taken by the Naval Security Force or other WNY personnel in the event of an active shooter.⁶

(2) SOP 14 (Use of Deadly Force - UODF), paragraph 5, specifically lists assets that NSF is authorized to use deadly force to protect that are contrary to and not listed in SECNAVINST 5530.4D and SECNAVINST 5500.29C.⁷

(3) SOP 14, paragraph 6 further provides “Deadly Force Policy in Simple Terms.” In this paragraph, it is stated that it is correct procedure to use deadly force to stop a hostile person from “Damaging Public Utilities or Infrastructure.” This non-specific statement is a truncated version of what actually appears in DoDD 5210.56 Enclosure 2, which states that deadly force may be used to protect such only if “...the damage to which would create an imminent danger of death or serious bodily harm.” The statement as written in the SOP is incorrect.⁸

c. Pre-Planned Responses:

(1) PPRs are not fully developed as required by Navy Tactics, Techniques and Procedures publications. NTTP 3-07.2.1, Antiterrorism, provides examples of PPR for situations including small boat threats, bomb threats, and active shooters but states that these are not the only available PPR’s against terrorist threats and that “Commanders must look beyond checklists.” For example, the PPR for Active Shooter response is taken virtually word for word from NTTP 3-07.2.1 vice being specifically tailored for use at the WNY. The PPR provides no specific actions for NSF in an active shooter scenario.⁹

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2. NSAW NSF Manning:

a. Overall Manning: The Commander Navy Installations Command N3AT provided Mission Profile Validation-Protection (MPV-P), the Navy's manpower development tool for security forces, (b) (7)(E)

(b) (7)(E)

b. Contrary to OPNAVINST 5530.14E NSAW has not established an auxiliary security force with support provided by tenant commands or established mutual aid agreements with local law enforcement agencies to mitigate the shortfalls.¹¹

c. Reaction Force Manning: (b) (7)(E)

(b) (7)(E)

d. WNY Security Patrol Manning: (b) (7)(E)

(b) (7)(E)

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e. WNY Supervisory Manning: (b) (7)(E)

(b) (7)(E)

f. Vehicle Inspectors: (b) (7)(E)

(b) (7)(E)

(b) (7)(E)

The rationale for disapproval was "Implement Rapid Gate." Rapid Gate or Navy Commercial Access Control System (NCACS) is a credentialing system used to provide contractors with access credentials and does not address the need to inspect commercial vehicles as required by NTT 3-07.2.3.¹⁵

g. MPV-P Model and true workload: The MPV-P model does not accurately capture the NSAW precinct's current workload. Additional duties routinely assigned to the NSAW NSF include courtroom security for courts-martial (b) (7)(E)

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(b) (7)(E)



h. WNY Yard Manning on 16 Sep 2013: On the morning (Day Shift) of 16 September, the WNY had four open ECPs (6th Street, 9th Street, 11th Street (also known as N Street), and O Street) requiring a (b) (7)(E)

(b) (7)(E)



¹ Reference Document (RD) 4.5 NSAW Post Orders.

² Id.

³ Id.

⁴ Id.

⁵ Id.

⁶ RD 4.6 NSAW Standard Operating Procedures.

⁷ Id.

⁸ Id.

⁹ RD 4.7 NSAW Pre-Planned Responses.

¹⁰ RD 4.8 NSAW MPV-P dated 28 Nov 2012.

¹¹ SI 4.6 with (b) (6), (b) (7)(C) conducted on 7 Oct 2013 and 9 Oct 2013.

¹² RD 4.8 NSAW MPV-P dated 28 Nov 2012; Summary of Interview (SI) 4.6 with (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) conducted on 7 Oct 2013 and 9 Oct 2013.

¹³ Id.

¹⁴ Id.

¹⁵ RD 4.9 NDW (b) (6), (b) (7)(C) e-mail to NSAW (b) (6), (b) (7)(C) dated 7 Oct 2011 and attachment (PMB Exception Log Results).

¹⁶ RD 4.8 NSAW MPV-P dated 28 Nov 2012; SI 4.6 with (b) (6), (b) (7)(C) conducted on 7 Oct 2013 and 9 Oct 2013.

¹⁷ SI 4.6 with (b) (6), (b) (7)(C) conducted on 7 Oct 2013 and 9 Oct 2013.