

PROGRAM REVIEW 4.8

Area of Review: NAVSEA Contract Security Guards at Washington Navy Yard Building 197

Date: 22 Oct 2013

References:

1. DTM 09-012 - Directive Type Memorandum "Interim Policy Guidance for DoD Physical Access Control", 08 Dec 2009
2. DoD 5220.22-R, Industrial Security Regulation, 4 Dec 1985
3. SECNAVINST 5530.4D, Naval Security Force Employment and Operations, 3 Oct 2006
4. SECNAV 5500.29, 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, 27 Aug 2003
5. OPNAVINST 5530.14E, Navy Physical Security and Law Enforcement dated 28 Jan 2009 with change 1, 19 Apr 2010
6. OPNAVINST 3591.1F, Small Arms Training and Qualification, 12 Aug 2009
7. OPNAVINST 5530.13C, Department of the Navy Physical Security Instruction for Conventional Arms, Ammunition, and Explosives (AA&E), 26 Sep 2003
8. NTTP 3-07.2.3, Law Enforcement and Physical Security, Aug 2011
9. NTRP 3-07.2.2, Force Protection Weapons Handling Standard Procedures and Guidelines, Jul 2003

Method of Review/Summary:

A review of the NAVSEA Contract Security Guard program for execution of and compliance with listed directives was conducted. Documents reviewed included the contract and its enclosures. Interviews were conducted with NAVSEA 09P personnel responsible for security, Naval Facilities Engineering Command (NAVFAC) personnel responsible for contract oversight, and Naval Security Force (NSF) personnel who interface with contract guards. Field Inspections were also conducted at multiple security guard posts.

Deficiencies were identified in contract administration, execution and oversight. Specific findings were reviewed with NAVSEA 09P on 24 Oct 2013.

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1. NAVSEA Security Guard Contract – General:

a. There is no evidence of OPNAV (N4) approval for NAVSEA, as a tenant activity of Naval Support Activity Washington (NSAW), to have a separate armed contract security guard force. OPNAVINST 5530.14E section 7.1 states that “Tenant activities are not authorized to establish a separate armed security force without approval from CNO (N4) via the Installation Commanding Officer (ICO), region commander, and Naval Component Commander (NCC).” Additionally, paragraph 0101.c states “With the exception of Strategic Weapons Facilities (SWFs), tenant commands shall not establish a security department of their own.” Additionally, there is no required memorandum of agreement or integration between the contract guard force and the NSAW NSF.

b. The Contract Security Specification (DD-254) found in the contract is blank and thus levies no specific Information Security requirements upon the contractor and does not permit the contractor any access to classified information. Page 20, section 28.6 of the contract states “Contractor Facility Clearance Requirements are indicated in DD Form 254 (DOD Contract Security Specification) in J-0200000-05.”

In the performance of their duties, contractors may be exposed to classified information. A completed Contract Security Specification per DoD 5220.22-R (Industrial Security Regulation), paragraphs C1.1.2.4.1 and C1.2.10 should be required with specific requirements for the protection of classified information.

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d. Post Orders contained in the contract state “Authority of contractor personnel to detain and make arrests shall be in accordance with the State of California Penal Code.” This code does not apply to NSAW, which is exclusive Federal jurisdiction. In addition, contract security guards are prohibited from performing Law Enforcement duties by OPNAVINST 5530.14E and NTTP 3-07.2.3.

e. Contractor Training Requirements do not list any training for an active shooter

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f. The contract does not require Arms, Ammunition and Explosives screening for personnel assigned to carry weapons as required by OPNAVINST 5530.13C. The Investigation Team was not provided any evidence this screening is conducted.

g. NAVFAC oversight of the contract is superficial. NAVFAC monitoring consists of observing contract guards for proper uniform wear and verifying guards are in possession of firearms qualification cards. Monitoring reports provided to the Investigation Team did not include any deficiencies. During brief observations the

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2. NAVSEA Security Guard Post Orders: Post Orders are required by NTTP 3-07.2.3 to provide the security force with detailed, specific duties and responsibilities associated with each specific guard post. The Investigation Team reviewed the Post Orders provided to the security guards. The Investigation Team identified the following deficiencies:

a. On 25 August 2009, a Naval Criminal Investigative Service (NCIS) Physical Security Assist Visit report provided to NAVSEA 09P identified as an observation that Post Orders were not in compliance with NTTP 3-07.2.3 requirements and recommended that these orders be reformatted and signed by the commander. This observation was not acted upon.

b. The Post Orders provided to the armed guards are part of the contract and provide minimal guidance for security guards in emergency situations. Specifically, there are no Pre-Planned Response (PPR) procedures incorporated into the Post Orders as required by NTTP 3-07.2.3 for scenarios such as fires, bomb threats, active shooters, terrorist attacks, etc. The Investigation Team noted that contract security guard guidance for an active shooter scenario is not included in any Post Order.

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c. The Post Orders are written both for fixed posts (entry access control for buildings 104, 176, 197 and 201) and for roving patrols. The roving patrol Post Orders include guidance to patrol the outside of NAVSEA buildings. The contract security guards do not have a memorandum of agreement or understanding with NSAW to conduct operations on the NSAW grounds, and contract guards do not have authority on the grounds of the WNY outside of NAVSEA buildings.

d. The Post Orders are not approved by the Commanding Officer (NAVSEA) as required by NTTP 3-07.2.3 Appendix S. The Investigation Team identified that the Post Orders do not have any record of review or approval by anyone in the NAVSEA security organization or chain of command.


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3. NAVSEA Security Guard Standard Operating Procedures (SOP): The following deficiencies were identified with the SOP included with the contract.

a. SOP, Section B (Use of Deadly Force instructions) does not comply with SECNAVINST 5530.4D. Contrary to SECNAVINST 5530.4D, the assets listed as vital to the National Security are not those designated by SECNAV.

b. SOP Section B, Use of Deadly Force procedures for the 9mm Beretta is contrary to NTRP 3-07.2.2, in that it specifies the weapon will be carried with a round in

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the chamber and a fully loaded magazine, but does not specify that the safety must be on.

c. NTRP 3-07.2.2 which provides the Navy's weapons handling procedures and standards, including upload and download of weapons is listed in the contract's references but is not invoked anywhere in the contract.

d. SOP Section A, General SOP orders for all NAVSEA Security Guards, requires the carrying of a baton by all security guards. NAVFAC reported to the Investigation Team that no baton training is being conducted, but batons are still issued and worn.

4. NAVSEA Security Guard Performance: The following deficiencies in security guard performance were identified at Post 3 in Building 197 and Post 10 in Building 104:

a. Inappropriate reading material was found at the guard post, contrary to contract Post Order Section A, General SOP orders for all NAVSEA Security Guards.¹

b. Watchstanders were not conducting hourly radio checks as required by Post Order 3, Alarm Control Center. When questioned, the supervisor was unfamiliar with the Post Order requirement for radio checks.²

c. The contractor is not following NTRP 3-07.2.2 procedures; weapons upload and download observed by the Investigation Team was non-compliant in that the supervisor did not read the procedure aloud and the person executing the procedure did not verbally acknowledge the steps. In addition, one guard was unable to download the weapon.³

d. Post 10 in Building 104 had no Post Orders present at the Post as required by the contract.⁴

¹ Summary of Field Observations (SFO) 4.2 - Field Inspection of Building 197 Main Entrance, Visitor Control Center and Alarm Control Center conducted on 7 Oct 2013.

² Id.

³ Id.

⁴ SFO 4.3 - Field Inspection of Building 197 Alarm Control Center conducted on 11 Oct 2013.