

# **12 FAM 020 BUREAU MANAGEMENT**

(TL:DS-72; 01-26-2001)

## **12 FAM 021 EXECUTIVE DIRECTOR**

(TL:DS-72; 01-26-2001)

a. The Executive Director (DS/EX) is responsible for the allocation, administration, and accountability of all financial, personnel, and property resources within the Bureau of Diplomatic Security (DS). DS/EX directs the development and presentation of all training programs including career development courses for security professionals and familiarization briefings for nonsecurity personnel. *Implementation and management of the DS Physical Fitness Program is directed by DS/EX through DS/EX/PLD. See 3 FAM 1970.*

b. Additionally, DS/EX is responsible for the coordination of policy, planning, and security awareness. See 1 FAM for further information.

## **12 FAM 022 OVERSEAS SECURITY POLICY BOARD (OSPB)**

(TL:DS-60; 10-01-1999)  
(Effective Date: 11-20-1998)

a. The purpose of the OSPB is to develop, coordinate, and promote uniform policies, standards, and agreements on security operations outside the United States, programs and projects which affect U.S. Government civilian agencies represented abroad. See 12 FAM 055.

b. For OSPB Charter see 12 FAM 022 Exhibit 022.

## **12 FAM 023 FIREARMS POLICY AND REVIEW BOARD (FPRB)**

(TL:DS-60; 10-01-1999)  
(Effective Date: 11-20-1998)

a. The Diplomatic Security Firearms Policy and Review Board is an ad hoc advisory board to the Director of the Diplomatic Security Service (DS/DSS). See 1 FAM for further information.

b. For the FPRB-revised U.S. Department of State Deadly Force and Firearms Policy, approved by U.S. Attorney General Janet Reno on Nb-

vember 9, 1998, and promulgated herein, see 12 FAM 023 Exhibit 023.

## **12 FAM 024 OVERSEAS SECURITY ADVISORY COUNCIL (OSAC)**

*(TL:DS-60; 10-01-1999)*

*(Effective Date: 11-20-1998)*

See 1 FAM and 12 FAM 061 for responsibilities of the Overseas Security Advisory Council (OSAC).

## **12 FAM 025 THROUGH 029 UNASSIGNED**

# 12 FAM 022 Exhibit 022

## OVERSEAS SECURITY POLICY BOARD

### CHARTER

*(TL:DS-60; 10-01-1999)*  
*(Effective Date: 11-20-1998)*

#### **PURPOSE**

The Overseas Security Policy Board (hereafter referred to as "the Board") is established to develop, coordinate and promote uniform policies, standards and agreements on security operations abroad, programs and projects which affect U.S. Government civilian agencies represented abroad.

#### **PRINCIPAL AGENCY**

The Diplomatic Security Service within the Department of State shall be considered the lead organization and is responsible for chairing the Board.

#### **MEMBERSHIP**

Membership shall be comprised of the following agencies:

Department of State

Agency for International Development

Central Intelligence Agency

Defense Intelligence Agency

Department of Commerce

Department of Justice

Department of the Treasury

National Security Agency

Other agencies may be invited by the Chairperson to participate when issues that directly affect their operations are under consideration.

#### **OBJECTIVES**

The primary objectives of the Board are categorized and outlined as follows:

## **Continuation – 12 FAM 022 Exhibit 022**

### **I. Review of Security Policy Formulation Boards**

Review the number and extent of existing member agency working boards that are engaged in formulating security policies abroad, looking toward increased communication of ideas and elimination of duplicative efforts.

### **II. Budgeting and Funding**

Develop uniform procedures for budgeting and funding security projects, equipment and operations that are shared or of common benefit to member agencies represented abroad.

### **III. Security Personnel Abroad**

Confer on the selection of posts slated to be assigned professional security officer positions or Marine security guard detachments.

### **IV. Personnel and Access Controls**

a. Develop guidelines for control of access to interior office spaces of official premises for U.S. citizen employees, Foreign Service national employees, U.S. citizen dependents, U.S. citizen contractors, and others. This guidance should also delineate the degree of control required in public, nonpublic, controlled and noncontrolled office areas and set forth determining factors upon which post-specific visitor escort policies would be based.

b. Develop and coordinate uniform identification card standards for missions abroad and continuously monitor industry product developments for improved identity card systems suitable for adoption abroad.

### **V. Physical Security**

a. After appropriate study, formulate and adopt location and physical security standards for official mission premises, including property barriers and other protective devices and appurtenances which would defeat bomb attacks and deter forced entry or clandestine physical penetration of official premises.

b. Coordinate member agency security construction and renovation projects abroad to ensure they meet adopted physical security standards. These standards need not be uniform for all agencies but may vary according to differing threat levels and mission of agency.

## **Continuation – 12 FAM 022 Exhibit 022**

### **VI. Security and Emergency Communications**

- a. Establish policy setting forth appropriate standards for embassy and major consulate secure voice communications systems keyed to threat levels.
- b. Develop uniform emergency communications guidance for diplomatic missions.
- c. Develop uniform guidance regarding telephone security.

### **VII. Information System Security**

- a. Develop common policies for the location, installation, operation and protection of classified information systems used abroad. These policies should be sufficiently flexible to cover procedures for use of Tempest and non-Tempest hardware at high, medium and low threat posts.
- b. Develop and revise formal guidance to detect automated system security violations.

### **VIII. Technical Security**

- a. Establish policy that requires all embassies and major consulates to be equipped with rooms secure from electronic surveillance or other forms of technical penetration.
- b. Develop and establish guidance which sets forth criteria on location of official mission facilities at high, medium and low technical threat posts.

### **IX. Personal/Residential Security**

Review and issue uniform guidance for personal and residential security programs based on threat levels.

## **ORGANIZATION**

- a. The Director of the Diplomatic Security Service shall chair the Board. The Chairperson shall appoint a vice-chairperson, who, in the absence of the Chairperson, shall act in lieu thereof or shall appoint an alternate.
- b. The Chairperson may approve the establishment of specialized subboards from among the member agencies. Subboard chairpersons shall be appointed by the Chairperson.

## **Continuation – 12 FAM 022 Exhibit 022**

c. An Executive Secretary of the Board shall be appointed by the Chairperson. The Diplomatic Security Service shall provide administrative support for the Board and for any subboards.

### **OPERATIONS**

a. The primary functions of the Board or subboards shall be to formulate and develop security policies and guidance for official civilian missions abroad. Implementation of policies adopted by the Board or by any agency of the Federal Government represented at a mission abroad shall be the responsibility of appropriate officials of that agency.

b. Meetings of the Board shall normally be held monthly at the Department of State, unless an alternative location is designated by the Chairperson. Subboards shall meet at such locations as approved by their chairpersons.

c. All Board and subboard meetings shall be held in accordance with an agenda approved in advance by the Chairperson. Subject to the foregoing, recommendations, plans and procedures shall be approved by consensus together with notation of alternative views.

d. Special invitees may attend meetings if requested by the Chairperson.

e. The Board and all subboards will report regularly on all activities, deliberations and recommendations, and shall include proposed plans and agendas for each succeeding period.

f. The Board will report through the Chairperson to the Assistant Secretary of State for Diplomatic Security; subboards will report to the Board through their respective chairpersons.

### **RECORDS**

a. The records of the Board shall consist of all papers and documents pertaining to its establishment and activities including, inter alia, its charter, membership, agendas, minutes, memoranda related to its proceedings and other materials and reports it considered or issued.

b. The Executive Secretary of the Board will prepare the minutes of each meeting. The minutes, as a minimum, shall contain a record of all persons present, including special invitees and supernumeraries, a summary of matters discussed, including recommendations made and conclusions reached, and copies of reports received, issued or approved by the Board. The Chairperson of each meeting shall certify the accuracy of the minutes and affix an appropriate classification.

## **Continuation – 12 FAM 022 Exhibit 022**

### **RELATIONSHIP WITH OTHER BODIES**

The Board may maintain liaison with other federally sponsored organizations having related interests, if it is found to be in the interest of member agencies.

### **FUNDING**

a. All funding necessary for the organization and operation of the Board will be charged to the Salaries and Expenses Allotment of the Bureau of Diplomatic Security or from such funds as shall otherwise be made available to that bureau for that purpose.

b. Representatives to the Board or to a subboard will serve at the expense of their respective organizations.

### **TERMINATION**

a. The Board will continue to function unless it is otherwise notified by memorandum by the Department of State Under Secretary for Management.

b. NOW, THEREFORE, this Charter shall be considered filed as of the date copies have been provided to the Department of State interests for management.

# 12 FAM 023 Exhibit 023

## DEPARTMENT OF STATE DEADLY FORCE AND FIREARMS POLICY

*(TL:DS-60; 10-01-1999)*  
*(Effective Date: 11-20-1998)*

### 1. DEADLY FORCE

#### 1.1 Deadly Force, General

##### 1.1A Definition of "Deadly Force"

"Deadly force" is the use of any force that is likely to cause death or serious physical injury. When an agent uses such force, it may only be done consistent with this policy. Force that is not likely to cause death or serious physical injury, but unexpectedly results in such harm or death, is not governed by this policy.

##### 1.1B Probable Cause for the Use of Deadly Force

Probable cause, reason to believe or a reasonable belief, for purposes of this policy, means facts and circumstances, including the reasonable inferences drawn therefrom, known to the agent at the time of the use of deadly force, that would cause a reasonable agent to conclude that the point at issue is probably true. The reasonableness of a belief or decision must be viewed from the perspective of the agent on the scene, who may often be forced to make split-second decisions in circumstances that are tense, unpredictable, and rapidly evolving. Reasonableness is not to be viewed from the calm vantage point of hindsight.

#### 1.2 Deadly Force Policy

##### 1.2A Principles on Use of Deadly Force

The Bureau of Diplomatic Security recognizes and respects the integrity and paramount value of all human life. Consistent with that primary value, but beyond the scope of the principles articulated here, is the full commitment by DS and the Diplomatic Security Service (DSS) to take all reasonable steps to prevent the need to use deadly force, as reflected in DS training and procedures. Yet even the best prevention policies are on occasion insufficient, as when an agent serving a warrant or conducting surveillance is confronted with a threat to his or her life. With respect to these situations and in keeping with the value of protecting all human life, the touchstone of the DSS policy regarding the use of deadly force is **necessity**. Use of deadly force must be objectively reasonable under all the circumstances known to the agent at the time.

## **Continuation – 12 FAM 023 Exhibit 023**

### **1.2B Permissible Uses**

a. The necessity to use deadly force arises when all other available means of preventing imminent and grave danger to agents or other persons have failed or would be likely to fail. Thus, employing deadly force is permissible when there is no safe alternative to using such force, and without it the agent or others would face imminent and grave danger. An agent is not required to place himself or herself, another agent or officer, a suspect, or the public in unreasonable danger of death or serious physical injury before using deadly force. DSS special agents will fire at a person only in response to an imminent threat of deadly force or serious physical injury against the agent, protectees, or other individuals.

b. Determining whether deadly force is necessary may involve instantaneous decisions that encompass many factors, such as the likelihood that the subject will use deadly force on the agent or others if such force is not used by the agent; the agent's knowledge that the subject will likely acquiesce in arrest or recapture if the agent uses lesser force or no force at all; the capabilities of the subject; the presence of other persons who may be at risk if force is or is not used; and the nature and the severity of the subject's criminal conduct or the danger posed.

c. Deadly force should never be used upon mere suspicion that a crime, no matter how serious, was committed, or simply upon the agent's determination that probable cause would support the arrest of the person being pursued or arrested for the commission of a crime.

### **1.2C Fleeing Felons**

DSS special agents can only use deadly force to prevent the escape of a fleeing subject if there is probable cause to believe:

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

(2) The escape of the subject would pose an imminent danger of death or serious physical injury to the agent or to another person.

## **Continuation – 12 FAM 023 Exhibit 023**

### **1.2D Lesser Means**

#### **1.2D-1 Intermediate Force**

If force less than deadly force could reasonably be expected to accomplish the same end, such as the arrest of a dangerous fleeing subject, without unreasonably increasing the danger to the agent or to others, then it must be used. Deadly force is not permissible in such circumstances, although the reasonableness of the DSS special agent's understanding at the time deadly force was used will be the benchmark for assessing applications of this policy.

#### **1.2D-2 Verbal Warnings**

Prior to using deadly force, if feasible, DSS agents will audibly command the subject to submit to their authority. If, however, giving such a command would itself pose a risk of death or serious physical injury to the agent or others, it need not be given.

### **1.2E Warning Shots and Shooting to Disable**

a. Warning shots are not authorized. Discharge of a firearm is usually considered to be permissible only under the same circumstances when deadly force may be used—that is, only when necessary to prevent loss of life or serious physical injury. Warning shots themselves may pose dangers to the special agent or others.

b. Attempts to shoot to wound or to injure are unrealistic and, because of high miss rates and poor stopping effectiveness, can prove dangerous for the officer and others. Therefore, shooting merely to disable is strongly discouraged.

### **1.2F Motor Vehicles and Their Occupants**

Shooting to disable a moving motor vehicle is forbidden. A DSS agent who has reason to believe that a driver or occupant poses an imminent danger of death or serious physical injury to the agent or others may fire at the driver or an occupant only when such shots are necessary to avoid death or serious physical injury to the agent or another, and only if the public safety benefits of using such force reasonably appear to outweigh any risks to the agent or the public, such as from a crash, ricocheting bullets, or return fire from the subject or another person in the vehicle.

### **1.2G Vicious Animals**

Deadly force may be directed against vicious animals when necessary in self-defense or the defense of others.

## **Continuation – 12 FAM 023 Exhibit 023**

### **1.3 Investigation of Incidents of Deadly Force**

#### **1.3A Investigative Jurisdiction**

The Federal, State, or local law enforcement authority having jurisdiction will conduct the investigation of the incident of deadly force. DSS personnel will cooperate fully with the investigating authority.

#### **1.3B Diplomatic Security Service Investigation**

The Chairman, Firearms Policy Review Board, shall establish procedures for internal review and investigations.

### **1.4 Administrative Leave/Duty**

DSS special agents who make use of deadly force will be placed, as circumstances dictate, on administrative leave or assigned to duties not requiring the carrying of a firearm.

### **1.5 Psychological Services**

In all cases where any person has been injured or killed as a result of use of deadly force by a DSS special agent, the involved special agent should undergo a debriefing by a qualified, practicing psychologist as soon as practical. In all such cases, the Department will make available to the involved special agent and his or her family the services of a Department-furnished psychologist to provide them with a source of professional consultation to aid them in dealing with the potential emotional after effects of the incident.

## **2. FIREARMS**

### **2.1 Authority to Carry Firearms**

Section 2709 of Title 22, United States Code, authorizes special agents of the U.S. Department of State to carry and use firearms in the performance of their duties with respect to investigating passport and visa issuance or use and performing protective functions.

### **2.2 General Policy**

#### **2.2A Authorization to Carry Firearms**

Special agents of the Diplomatic Security Service (DSS) who:

## **Continuation – 12 FAM 023 Exhibit 023**

(1) Are not disqualified by Pub. L. 104-208 (18 U.S.C. 922(g)) relating to convictions for misdemeanor crimes of domestic violence, or any similar law, from possessing a firearm and ammunition; and

(2) Have qualified in accordance with section 2.4 below; and

(3) Conduct investigations of illegal passport and visa issuance or use or protect and perform protective functions related to maintaining the security and safety of:--

(a) Heads of a foreign state, official representatives of a foreign government, and other distinguished visitors to the United States, while in the United States;

(b) The Secretary of State and the Deputy Secretary of State; and

(c) Official representatives of the U.S. Government in the United States or abroad, and their immediate families, or others as may be designated by the Secretary of State;

Are authorized to carry firearms pursuant to 22 U.S.C. 2709 and these regulations.

### **2.2B Responsibility**

A DSS special agent is responsible for having a complete understanding of his or her authority and its limitations, and of these regulations.

### **2.2C Issues Requiring Clarification**

All issues relating to these regulations which require clarification shall be directed to the Bureau of Diplomatic Security (DS) Firearms Policy Review Board (FPRB). The Director of DSS chairs the FPRB.

## **2.3 Authorized Firearms and Related Equipment**

### **2.3A In General**

DSS special agents may carry only handguns, holsters, support weapons (including submachine guns, shotguns, and specialized firearms) and ammunition that the Department of State, through the FPRB, has issued or approved.

### **2.3B Arrest Situations**

The special agent in charge (SAC), the assistant SAC (ASAC), or the division chief shall decide whether to deploy support weapons in an arrest situation.

## **Continuation – 12 FAM 023 Exhibit 023**

### **2.4 Qualification**

#### **2.4A In General**

To be authorized to carry a Department-issued or approved firearm, a DSS special agent shall qualify by meeting or exceeding a specified score on the DS qualification course with a Department-issued or approved firearm in accordance with the following section. Under no circumstance shall a DSS special agent carry a firearm if he or she has not successfully completed required firearms qualification or familiarization procedures within the past 12 months.

#### **2.4B DSS Special Agents Stationed in the United States**

##### **2.4B-1 Frequency of Qualification**

All DSS special agents stationed in the United States shall qualify with Department-issued or approved shoulder weapons and handguns every four months.

##### **2.4B-2 Responsibility for Qualification**

The SAC of each field office or the division chief for each headquarters division shall ensure that each DSS special agent under his or her command is qualified as required every four months. However, when a warranted exception such as illness, travel, change of assignment station, TDY, or an extended training assignment creates a reasonable administrative need to extend the four-month rule, the responsible supervisor shall ensure that each special agent qualifies at the earliest scheduled availability of the firing range facility at the agent's duty station.

##### **2.4B-3 Notification of Qualification**

The firearms instructor at the DS firing range (firing range instructor), or agents designated as the firearms officers at DS field offices (see section 2.10 below), shall ensure that the Diplomatic Security Training Center (DSTC) Registrar is notified of DSS special agent qualifications.

## **Continuation – 12 FAM 023 Exhibit 023**

### **2.4C Regional Security Officers, Assistant Regional Security Officers, and DSS Special Agents on Assignment Outside the United States**

#### **2.4C-1 Frequency of Qualification**

Regional security officers (RSOs), assistant regional security officers (ARSOs) and DSS special agents assigned as permanent change-of-station (PCS) personnel or on temporary duty (TDY) assignment abroad, who are qualified at the time of departure, shall be considered to remain qualified while outside the United States. At a minimum, agents shall conduct familiarization firing with their DS-issued or approved handguns once each year while abroad. All personnel returning from abroad who have not requalified within the previous four months shall requalify as soon as possible.

#### **2.4C-2 Responsibility for Requalification or Familiarization Firing**

The RSO, in consultation with the chief of mission, is responsible for ensuring that he or she, the ARSO, and other DSS special agent assigned abroad, are appropriately qualified; or, that they have conducted familiarization firing in conformance with these guidelines.

#### **2.4C-3 Notification of Qualification**

Each RSO, ARSO and other DSS special agent assigned abroad, shall notify the Registrar's Office at the Diplomatic Security Training Center of his or her qualification, or familiarization fire.

### **2.4D Firing Range Procedures**

The firing range instructor shall provide qualification and familiarization training to State Department personnel and to other persons as authorized by the Assistant Director for Professional Development, Diplomatic Security Training Center. The firing range instructor shall ensure that all training is conducted safely in accordance with FPRB-approved guidelines, lesson plans, and manuals provided by the Diplomatic Security Firearms and Explosives Training Unit.

## **Continuation – 12 FAM 023 Exhibit 023**

### **2.5 Prescription Medication**

A DSS special agent who is taking prescription medication, except for short-term antibiotics, anti-malarial prophylaxis, or oral contraceptives, which are not already a matter of record with M/MED, shall notify his or her supervisor and submit a medical certificate or other administratively acceptable documentation of the prescription and its effect(s) to the Domestic Programs Division of the Office of Medical Services (M/MED) immediately after beginning the medication. M/MED will review the information and make a recommendation to DSS. DSS shall determine whether such DSS special agent shall be allowed to continue to carry a firearm while taking the medication. Pending DSS's determination, the DSS special agent shall not continue to carry a firearm. DSS shall review such determinations at least annually for as long as the medication is being taken.

### **2.6 Standards of Conduct for Armed DSS Special Agents**

#### **2.6A General Responsibilities**

a. DSS special agents shall remember at all times the serious responsibility and potential dangers attendant in their authority to carry firearms and conduct themselves accordingly.

b. As special agents of the Department of State, DSS special agents are accountable for their actions and shall conduct themselves in a manner which shall not bring discredit to the Department or to themselves.

c. A DSS special agent shall treat a firearm at all times as if it were loaded.

d. All incidents involving misconduct with a firearm shall be reported immediately to the DSS Director. Any such incidents shall be considered serious, and the DSS special agent involved may be subject to disciplinary action as set forth in section 2.15.

#### **2.6B Activities Specifically Prohibited**

The following activities are specifically prohibited for DSS special agents while armed:

- (1) Careless or irresponsible behavior;
- (2) Careless or unnecessary display of a firearm in public;

## **Continuation – 12 FAM 023 Exhibit 023**

(3) Dry-firing or practicing quick draws other than during training or qualification practice;

(4) Threatening a person, or making an unwarranted allusion to being armed, in any situation not directly related to an official purpose;

(5) Consumption of any alcoholic beverage while armed, or six hours prior to being armed, or at any time prior to being armed sufficient to impair an agent's judgment or ability to perform his or her duties;

(6) Use of medications or drugs that may impair judgment or ability while on duty (see section 2.5 above);

(7) Carrying or using any firearm, ammunition, or related equipment not specifically issued or approved by the Department of State, FPRB; or

(8) Carrying or using a modified firearm not previously approved by the DS armorer.

### **2.7 Availability of Firearms**

#### **2.7A In the United States**

a. DSS special agents may be authorized by the Director of DSS, pursuant to internal procedures, to carry firearms while in the United States if the Director concludes that their responsibilities necessitate possession of a firearm for protective functions or criminal investigations. Such authorized firearms possession may include the transport of firearms to and from official assignments, in addition to possession while on duty, while on official travel, while using a U.S. Government vehicle, and while at a private residence (subject to secure storage requirements discussed at section 2.8C).

b. Pursuant to internal procedures as the Director of DSS may prescribe, authority to carry firearms may be extended for individual agents by the Director to other specific off-duty periods, including leave periods, upon a written determination that off-duty possession by a DSS agent is necessitated by that agent's required availability for rapid response directly to a protective or investigative assignment and that the agent has identified a means of securing that firearm for periods in which it is not in the agent's physical possession. Any such written extension of firearms authority shall be re-evaluated, and reissued only if necessary, following changes in the named agent's assignment or duties.

## **Continuation – 12 FAM 023 Exhibit 023**

### **2.7B Abroad**

DSS special agents may carry their firearms abroad in accordance with written approval by the chief of mission or principal officer consistent with applicable statutory authority.

## **2.8 Securing Firearms**

### **2.8A In General**

a. A DSS special agent is responsible for maintaining the safety and security of his or her firearm. As provided below, a DSS special agent shall secure his or her firearm in one of the following storage locations:

(1) In the DSS special agent's safe, or barlock cabinet, provided the DSS special agent locks it when he or she is not present; or

(2) In a centrally and safely located safe or weapons safe, or barlock cabinet, designated by the SAC or the division chief.

b. A DSS special agent shall not store his or her loaded firearm in a briefcase or luggage, even if it is locked.

#### **2.8A-1 Field Office**

In a field office, a DSS special agent may carry his or her authorized handgun. If a DSS special agent chooses not to carry his or her handgun in the field office, the DSS special agent shall secure it in accordance with section 2.8A above.

#### **2.8A-2 Headquarters**

In headquarters, all DSS special agents, except those having specific protective responsibilities, shall secure their firearms in accordance with section 2.8A above.

#### **2.8A-3 Abroad**

An RSO, ARSO, or other DSS special agent assigned abroad shall secure his or her firearm in a safe storage location designated by the RSO, in accordance with the chief of mission's firearms policy.

### **2.8B Securing Firearms Prior to Annual Leave**

A DSS special agent shall secure his or her firearm at one of the locations specified in section 2.8A before beginning annual leave that is longer than 72 hours, unless otherwise informed pursuant to section 2.7A or 2.7B that he or she may be subject to recall.

## **Continuation – 12 FAM 023 Exhibit 023**

### **2.8C Securing Firearms at a DSS Special Agent's Residence**

a. The Department of State shall provide a safety locking device, accompanied by instructions for its proper use, as a means of securing the special agent's Department-issued or approved handgun at his or her residence.

b. The special agent is required to use this device or a Department-approved security container whenever the firearm is not in the agent's possession.

### **2.9 Loss or Theft of Firearms**

#### **2.9A In the United States**

a. If a DSS special agent loses his or her firearm, or if the firearm is stolen, the DSS special agent shall immediately notify the local law enforcement authority with investigative jurisdiction.

b. The DSS special agent shall immediately report any loss or theft to his or her supervisor who shall promptly notify DS headquarters. On the next business day, the DSS special agent shall prepare a memorandum, through his or her immediate supervisor, to the Director of the Diplomatic Security Service, thoroughly explaining the circumstances of the loss. The DSS special agent's supervisor shall promptly forward copies to the Director of the Office of Investigations and Counterintelligence (DSS/ICI) and the Chief of the Protective Equipment and Logistics Division (CS/PSP/PEL), and shall promptly transmit the identification marking of the weapon to the National Crime Information Center (NCIC).

#### **2.9B Abroad**

a. If an RSO or ARSO, or other DSS special agent assigned abroad, loses his or her firearm, or if the firearm is stolen, the RSO or ARSO may notify local law enforcement authorities at the chief of mission's discretion.

b. The RSO, ARSO, or other DSS special agent assigned abroad, shall cable a written report within 24 hours to the DSS Director, the Director, Office of Investigations (DSS/ICI), and the Chief, Protective Equipment and Logistics Division (CIS/PSP/PEL).

## **Continuation – 12 FAM 023 Exhibit 023**

### **2.10 Firearms Officers**

#### **2.10A Designation**

Each field office, headquarters division, and RSO shall designate a DSS special agent as the firearms officer and a DSS special agent as the alternate firearms officer. The firearms officer and the alternate firearms officer shall complete a DS-approved instructor's course and shall be responsible for ensuring that adequate firearms instruction is provided to all DSS special agents assigned to his or her field office, division, or post.

#### **2.10B Responsibilities**

The firearms officer or, when unavailable, the alternate firearms officer, shall:

- (1) Maintain custody and provide proper storage of firearms and ammunition that are not assigned to specific DSS special agents;
- (2) Store firearms and ammunition that are not assigned to specific DSS special agents in vaults, safes, or metal file cabinets secured with a bar lock;
- (3) Maintain a Firearms Inventory Control Sheet and an Ammunition Inventory Control Sheet to record issuances and returns of firearms and ammunition and retain these logs by fiscal year and forward completed copies of these logs to the Diplomatic Security Training Center at the end of each requalification;
- (4) Distribute firearms cleaning kits to the DSS special agents so they may maintain their Department-issued or approved firearms in a clean and serviceable condition at all times;
- (5) Make periodic unannounced inspections of firearms and holsters and report the failure of any DSS special agent to comply with the standards of care, storage and maintenance published in these regulations to the SAC, division chief or RSO for appropriate action;
- (6) Maintain Individual Firearms Qualification Records and forward copies of completed forms to the Diplomatic Security Training Center;
- (7) Inspect firearms used for qualification prior to qualification and note the condition of the firearms in the Firearms Qualification Record.

## **Continuation – 12 FAM 023 Exhibit 023**

### **2.11 Carrying Firearms on Aircraft**

DSS special agents shall comply with all applicable FAA regulations and orders of the captain of the aircraft on which they are travelling or proposing to travel. The Chairman of the Department's Firearms Policy Review Board (FPRB) shall issue internal guidelines consistent with FAA regulations.

### **2.12 Other Transportation of Firearms**

In all other circumstances of transporting a firearm, regardless of the mode of transportation or shipment (e.g., with household effects or in checked baggage), DSS special agents shall, consistent with relevant U.S. and local laws, regulations, and procedures, including declarations that may be required by the U.S. Government, local law enforcement authorities or the carrier, ensure that their firearms are unloaded and carried in locked containers suitable for the mode of transportation.

### **2.13 Drawing Firearms when Making an Arrest**

A DSS special agent will not draw his or her firearm when making an arrest unless confronted with the threat of deadly force or serious physical injury. This is a question of judgment. In making this judgment, the DSS special agent shall take into account the subject's previous arrest record, his or her evaluation of the subject, and the circumstances under which the arrest is being made.

### **2.14 Discharges**

#### **2.14A All Discharges by DSS Special Agents**

The following procedures shall be followed in all cases involving the discharge of a firearm issued or approved by the FPRB by a DSS special agent, except discharges during training or qualification practice.

##### **2.14A-1 Representation**

Pursuant to 3 FAM 4139.12, entitled "Employee Representative," a DSS special agent shall be advised of the right to have his or her own representative present at any meeting when the DSS special agent is asked by authorized officials to provide information regarding his or her discharge of a firearm.

## **Continuation – 12 FAM 023 Exhibit 023**

### **2.14A-2 Reporting**

a. A DSS special agent who has discharged a firearm shall orally report such discharge immediately to his or her direct supervisor and shall prepare a written report delineating the circumstances of the discharge within 24 hours.

b. In the United States:

(1) If the DSS special agent was working on a protective detail, he or she shall orally report the discharge and submit the written report to the SAC of the detail. If the DSS special agent was assigned to a field office, he or she shall orally report the discharge and submit the written report to his or her supervisor and the SAC of the field office. Other DSS special agents who are within the continental United States shall orally report the discharge and submit the written report to his or her direct supervisor;

(2) The supervisor shall immediately take possession of the firearm and secure it as possible evidence. The special agent shall be immediately relieved from any duty that involves carrying a firearm pending authorization of rearming by the DSS Director. The supervisor shall immediately advise the DSS Director by telephone. The supervisor shall forward the written report immediately upon receipt to the DSS Director with appropriate additional comments and recommendations.

c. Abroad: The RSO or ARSO, or other DSS special agent assigned abroad, shall orally report the discharge to the DSS Director and the appropriate principal officer at post. The RSO or ARSO shall cable the written report to the DSS Director within 24 hours. The RSO or ARSO shall also provide a copy of the written report to the appropriate principal officer.

### **2.14A-3 Investigation**

a. Internal investigations of all discharges of firearms shall be under the direction of the Office Director for Investigations (DSS/ICI). Discharges that occur abroad may be investigated by the RSO in consultation with DSS/OP and DSS/ICI. DSS/ICI shall submit a report of the investigation to the DSS Director within seven calendar days.

b. Pending the results of the investigation, the DSS special agent who has discharged his or her firearm may be placed on administrative leave or may be assigned duties that do not require the carrying of a firearm.

## **Continuation – 12 FAM 023 Exhibit 023**

c. After reviewing the report of investigation, the DSS Director shall determine whether to recommend disciplinary or other action and whether to restore the DSS special agent who discharged the firearm to full duty status.

### **2.14A-4 Media Inquiries**

DSS personnel shall make no comment to the media regarding a discharge. DSS personnel shall refer inquiries from the press regarding a discharge to the DS Bureau's Public Affairs Officer, Security Awareness Staff (DS/EX/PPB/SA).

### **2.14B Discharge Involving Injury or Death**

In addition to the provisions in section 2.14A, above, the following provisions apply to discharges involving injury or death.

#### **2.14B-1 First Steps**

After meeting the exigencies of a shooting situation and securing the area as required, the first concern of DS personnel shall be the physical and mental well being of all DSS personnel.

#### **2.14B-2 Notification of Appropriate Law Enforcement Authorities**

The responsible DSS supervisor shall notify appropriate law enforcement authorities immediately of the discharge.

#### **2.14B-3 Notification of Family**

The DSS special agent whose discharge of a firearm resulted in the injury or death of another person shall be encouraged to contact a member of the agent's immediate family. If the DSS special agent has been injured, or otherwise desires it, a colleague who is personally acquainted with the DSS special agent's family shall make contact. As soon as possible after the discharge, but within 24 hours, the responsible supervisor shall personally contact the DSS special agent and his or her family to offer support and assistance, if needed. It is particularly important that notification of the family occur before media accounts appear.

#### **2.14B-4 Investigation**

DSS special agents on the scene at the time of the discharge shall not investigate the discharge. The firearm that was discharged shall be secured, preserved as evidence, and relinquished to the appropriate law enforcement authority.

## **Continuation – 12 FAM 023 Exhibit 023**

### **2.14C Discharge by Representative of Another U.S. Agency**

If a representative of another U.S. Agency discharges a firearm in the presence of a DSS special agent, the DSS special agent shall immediately notify the DSS Director of the circumstances surrounding the discharge. The DSS special agent shall submit a written report on the discharge to the DSS Director within 24 hours. If the discharge occurred abroad, the RSO or his or her deputy shall also immediately notify, and submit a copy of the written report to, the principal officer.

### **2.15 Disciplinary and Other Action**

a. The DSS Director may refer matters that merit disciplinary action to the Director General of the Foreign Service for handling in accordance with 3 FAM 4300. Disciplinary action includes official reprimand, suspension and termination.

b. The DSS Director shall be kept fully informed of any discharge of a firearm by a DSS special agent, or of any incident covered under section 2-6.B. (above), which results in an allegation of misconduct with a firearm by a special agent.

c. The DSS Director may reassign a DSS special agent to duties that do not require the carrying of a firearm or order the DSS special agent to undergo remedial training.

d. The DSS Director may refer matters to relevant law enforcement authorities, when appropriate.

## **3. APPLICABILITY OF POLICY AND REGULATION**

Disclaimer: These regulations are set forth solely for the purpose of internal Departmental guidance. They are not intended to, do 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 they do not place any limitations on otherwise lawful activities of the Department.

## **4. U.S. LAW ENFORCEMENT AND INTELLIGENCE ACTIVITIES**

Rule of construction: Nothing contained in these regulations shall be construed to limit or impair the authority or responsibility of any other Federal law enforcement agency of the United States with respect to investigative, protective, or intelligence activities.