

Department of the Interior Departmental Manual

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Series: Law Enforcement and Security

Part 446: Law Enforcement

Chapter 11: Carrying of Firearms on Airlines

Originating Office: Office of Managing Risk and Public Safety

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11.1 Purpose. This chapter establishes uniform policy concerning the carrying of firearms on scheduled passenger or chartered passenger airlines by all employees of the Department of the Interior (Department) who are engaged in law enforcement duties.

11.2 Policy. It shall be Departmental policy to carry and/or transport firearms in accordance with Federal Aviation Regulations (FAR) Part 108, Airplane Operator Security, and Federal Aviation Administration (FAA) Advisory Circular 108-2, "Security Rules - Carriage of Weapons and Escorted Persons."

11.3 Definitions. The following definitions are provided to facilitate the understanding of the Federal Aviation Regulations Part 108:

A. Ground Security Coordinator (GSC) - a ground employee of the airline, generally, who interfaces with crews, law enforcement officers, and others in the area of security. The GSC receives threat information from management and disseminates it to the flight crew and those ground personnel with a need to know. The GSC is often the best "point person" for the armed law enforcement officer to communicate/interact to resolve questions.

B. Pilot-In-Command (Captain) - the person with overall responsibility for the flight. He/she is directly responsible and is the final authority for the operation of the aircraft (Federal Aviation Regulations, Part 108, Section 91.3). He/she also serves as the In-flight Security Coordinator.

C. Federal Air Marshal - a person who has been specifically trained and currently employed by FAA as an aviation security specialist (special agent). They are assigned to selected flights. Their purpose is to, if possible and with minimal loss of life, take active preventive action during a hijacking or other security incident.

11.4 Procedures. Pursuant to Federal Aviation Regulations, Part 108, a law enforcement officer may carry a firearm aboard a commercial aircraft when:

A. The law enforcement officer meets all the prerequisites that qualify a person to carry

a firearm on an aircraft under FAA regulations, to include:

- (1) Authorization from the employing agency to carry the firearm,
- (2) A sworn law enforcement officer employed by Federal, State or local government,
- (3) Completed training required by employing agency and the FAA, and
- (4) Valid need to fly armed.

B. There is a need to have the firearm on board, based on one of the following:

- (1) Providing protective escort for:
 - (a) dignitary protection assigned to principal;
 - (b) dignitary protection advance team; and
 - (c) witness protection.
- (2) Surveillance operations which are considered hazardous.
- (3) Prisoner escort.
- (4) FBI special agent - due to jurisdiction over crimes committed while aircraft is in flight.
- (5) FAA Federal Air Marshal - for travel while in a mission status.
- (6) Law Enforcement Officer - provided that he/she is on official travel and he/she is required to report to another location armed and immediately prepared for duty.

C. The law enforcement officer has physically checked in with airline officials at the airport at least 1 hour prior to boarding or, in an emergency, as soon as practical.

D. The law enforcement officer is identified by credentials which include a clear, full-face picture, employee signature, official seal of agency or issuing official's signature.

E. The law enforcement officer completes the air carrier's specific form for "Carry-on Firearms Authorization" and presents it to and/or advises the gate agent or flight attendant that he/she is armed before boarding the aircraft.

11.5 Handling Disputes Concerning the Carrying of a Firearm Aboard Aircraft. If a disagreement arises with regard to the law enforcement officer's authority to carry a firearm aboard the aircraft which cannot be resolved with the airline crew, the law enforcement officer

should deplane and thereafter:

- A. Request to speak with a supervisory airline official other than a crew member. In most cases, the GSC is the appropriate person.
- B. Inform his/her law enforcement supervisor as soon as practical.
- C. If the situation was not resolved satisfactorily, submit a memorandum detailing the incident to the bureau/office head. The bureau/office head should forward a copy of the memorandum to the Office of Managing Risk and Public Safety (MRPS). MRPS will file a report of the incident to the FAA.

11.6 **Prisoner Escort.** When escorting a prisoner, the following additional procedures apply:

- A. The escorting law enforcement officer shall notify the airline that he/she will be escorting a prisoner and ask if there are any special restrictions or situations that should be discussed prior to travel.
- B. The prisoner must remain under direct control of the law enforcement officer at all times.
- C. Neither the prisoner nor the escorting law enforcement officer shall be served or drink any alcoholic beverages.
- D. The escorting law enforcement officer shall notify the flight attendant if the prisoner is not to be served a meal. Previous arrangements should be made to request plastic eating utensils.
- E. Upon arriving at the destination, the escorting law enforcement officer and prisoner must remain seated until all other deplaning passengers have left the aircraft.
- F. The escorting law enforcement officer is solely responsible for the security of his/her prisoner.
- G. A maximum risk prisoner (person arrested for or convicted of a violent crime or, otherwise, known to be an escape risk) must be escorted by two law enforcement officers.
- H. The level of restraint required/allowed by the air carrier is established as corporate policy and varies from carrier to carrier.

11.7 **Restrictions.** All law enforcement officers must adhere to the following additional restrictions:

- A. No alcoholic beverages may be consumed within 8 hours prior to flying or during the flight. Do not request or accept any alcoholic beverage service. An aircraft carrier representative has the right to deny boarding to ANY passenger who appears to be under the

influence of intoxicants and, especially, to one who is armed. If long trips are required, advance planning should include the proper rest periods to eliminate the use of or need for stimulants.

B. Conform to airline regulations with regard to prior notification, execution of required forms, and advising ticket agent, gate agent and flight crew that he/she is flying armed. A crew member should advise of any other armed law enforcement officers on board the aircraft.

C. Be discreet and do not unnecessarily display firearm whether worn or in carry on luggage (baggage). Absolute control over firearm must be maintained; if in a carry on bag, do not leave the bag unattended or placed in the overhead storage for any reason.

D. DO NOT turn over your firearm to a crew member as they are not authorized to personally take possession of a law enforcement officer's firearm.

E. DO NOT take any action while aboard aircraft unless requested to do so by a uniformed member of the flight crew. Be aware of the fact that in any situation involving interference with the flight or any problems which may occur during the flight, the crew is trained to deal with the problem and, in many cases, delay tactics are part of the plan. If requested to take action in any situation, safety is the prime consideration. The discharging of a firearm should be viewed as a last resort.

F. Law enforcement officers may carry one self-defense spray, not exceeding 118 ml (4 fluid ounces) by volume, that incorporates a positive means to prevent accidental discharge may be carried in checked baggage only. Self-defense spray is defined as an aerosol or non-pressurized device that 1) Is intended to have an irritating or incapacitating effect on a person or animal; and 2) Meets no hazard criteria other than for Class 9 (for example, a pepper spray).

G. All firearms must be unloaded when being transported in checked luggage.

H. Unloaded firearms may be transported in checked luggage any time the law enforcement officer chooses to carry a firearm on a trip and does not meet the requirements detailed in paragraph 11.4(B). The following procedures apply:

(1) The law enforcement officer must declare to the airline primary ticket counter, at time luggage is checked, that luggage contains an unloaded firearm.

(2) The unloaded firearm(s) must be placed in a hard-side container (suitcase, briefcase, pistol case, tool box, etc.) that is locked and the law enforcement officer must maintain the key or combination. This hard-side container may be placed inside other luggage; however, this container must also be locked and the law enforcement officer must maintain the key or combination.

(3) Ensure that the "Firearms" tag is placed INSIDE the shipping container and NOT affixed to the outside, unless the container is obviously a long gun (rifle/shotgun) container.

11.8 Compliance with FAA Regulations. Any violation of the Federal Aviation Regulations with regard to carrying a firearm on an airplane may subject the individual to a civil penalty and, in most cases, will result in a letter from the airline's representative to the Department of the Interior and/or the bureau/office head.

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