



To enhance mission performance, TSA is committed to promoting a culture founded on its values of Integrity, Innovation and Team Spirit.

REVISION: This directive supersedes TSA MD 3500.2, *Use of Force and Firearms*, dated December 23, 2015.

SUMMARY OF CHANGES: Section 4.D, Definitions, added definition for National Capital Region (NCR); Section 6, Policy, revised language related to the off-duty carriage of TSA-authorized firearms and prohibited activities with firearms.

1. **PURPOSE:** This directive provides TSA policy and procedures for the use of force and firearms for all authorized TSA law enforcement officers pursuant to the [Department of Homeland Security \(DHS\), Use of Deadly Force Policy](#), dated July 1, 2004.
2. **SCOPE:** This directive applies to all TSA organizational elements containing law enforcement officers.
3. **AUTHORITIES:**
 - A. 18 U.S.C. §§ 921, 922, 926, 926A, 926B, and 926C
 - B. 49 U.S.C. § 114(p)
 - C. 49 C.F.R. § 1544.219
 - D. 49 U.S.C. § 44903
 - E. 49 U.S.C. § 44917
 - F. [DHS Instruction 257-01-001, Instruction Guide on the Law Enforcement Officers Safety Act](#)

4. DEFINITIONS:

- A. **Deadly Force:** Any force that is likely to cause death or serious physical injury. Deadly force does not include force that is not likely to cause death or serious physical injury, but unexpectedly results in death or injury.
- B. **Intermediate Weapon:** The expandable baton specific law enforcement officers within an organizational component are authorized to carry on or off-duty.
- C. **Law Enforcement Officer (LEO):** For the purpose of this directive, a LEO is a TSA employee who is authorized by the TSA Assistant Secretary, or designee, to execute the authorities contained in 49 U.S.C. § 114(p). LEOs include Criminal Investigators, Federal Air Marshals, including Assistant Federal Security Directors for Law Enforcement, and Transportation Security Specialists – Law Enforcement.

NOTE: For further information on LEOs and LEO position standards see [TSA MD 1100.88-1, Law Enforcement Position Standards and Hiring Requirements](#).

- D. National Capital Region (NCR): For the purpose of this directive, includes TSA locations and facilities located within 50 miles of Washington, DC.
- E. Necessary Force: The level of force, given the circumstances known to the officer at the time, which is required to meet the threat posed.
- F. Reasonable Force: The level of force an objective, trained LEO would consider to be sufficient to accomplish an arrest or otherwise accomplish the law enforcement purpose. (The “reasonable officer” standard.)
- G. TSA-authorized Firearms: Firearms issued to a LEO by TSA or the off-duty firearms that TSA has specifically authorized a LEO to purchase.
- H. Unintentional Discharge: The discharge of a firearm that is not deliberate.

5. RESPONSIBILITIES:

- A. The Assistant Administrator for OLE/FAMS is responsible for:
 - (1) Providing general oversight of Federal Air Marshals, Assistant Federal Security Directors for Law Enforcement, and Transportation Security Specialists – Law Enforcement.
 - (2) Managing use of force and firearms-related issues regarding all TSA employees authorized by TSA to carry firearms, except for personnel assigned to Office of Inspections (OOI).
 - (3) Developing an OLE/FAMS use of force and weapons procedures consistent with Federal law and this directive.
 - (4) Ensuring that all OLE/FAMS personnel authorized to carry firearms receive appropriate training to carry out this directive.
- B. The Assistant Administrator for OOI is responsible for:
 - (1) Providing general oversight of OOI Criminal Investigators.
 - (2) Developing an OOI use of force and weapons procedures for OOI personnel consistent with Federal law and this directive.
 - (3) Ensuring that OOI personnel receive appropriate training to carry out this directive.
- C. The Office of Chief Counsel is responsible for:
 - (1) Reviewing the OLE/FAMS and OOI use of force and weapons procedures to help ensure compliance with legal requirements.
 - (2) Providing legal guidance on issues related to use of force and weapons.

- 6. POLICY:** The TSA Administrator (Assistant Secretary) is authorized to designate an employee of TSA as a law enforcement officer by 49 U.S.C. § 114(p).
- A. Pursuant to 49 U.S.C. § 114(p), a TSA employee designated as a law enforcement officer, while engaged in official duties of the TSA as required to fulfill his or her responsibilities, has authority to:
- (1) Carry a firearm;
 - (2) Make an arrest without a warrant for any offense against the United States committed in the presence of the LEO, or for any felony cognizable under the laws of the United States if the LEO has probable cause to believe that the person to be arrested has committed or is committing the felony; and
 - (3) Seek and execute warrants for arrest or seizure of evidence issued under the authority of the United States upon probable cause that a violation has been committed.
- B. Based upon the authority in Section 6A, herein above, TSA's use of force and weapons policies shall be consistent with the *DHS Use of Deadly Force Policy*, this directive, and all Federal laws. TSA LEOs shall adhere to the requirements of all Federal law and this directive.
- C. OLE/FAMS and OOI have developed their own use of force and weapons procedures to provide supplemental guidance to this directive in support of their own unique mission and operational/administrative requirements.
- D. This directive is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees or any other person.
- E. LEOs are the only employees authorized by TSA to carry firearms.
- F. Use of Force Policy:
- (1) LEOs shall adhere to the *DHS Use of Deadly Force Policy*.
 - (2) LEOs may only use "necessary and reasonable force" in a given situation (*ref.* Sections 4E and 4F).
 - (3) Force must be in direct proportion to the threat posed by the situation.
 - (4) In an emergency situation, whether on or off-duty, LEOs are authorized to use all means of force that are available to protect themselves and others consistent with the threat faced.
 - (5) Deadly Force:
 - (a) LEOs "may use deadly force only when necessary, that is, when the [LEO] has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the [LEO] or to another person." (*DHS Use of Deadly Force Policy*)

- (b) If force other than deadly force reasonably appears to be sufficient to accomplish the law enforcement purpose, then deadly force is not necessary.
 - (c) The discharge of firearms against persons constitutes the use of deadly force.
 - (d) If feasible, and if to do so would not increase the danger to the LEO or others, a verbal warning to submit to the authority of the LEO shall be given prior to the use of deadly force.
- (6) Restrictions on the Use of Force:
- (a) Deadly force may not be used solely to prevent the escape of a fleeing suspect.
 - (b) Warning shots are prohibited.
 - (c) Firearms may not be fired solely to disable moving vehicles, vessels, aircraft or other conveyances.
- (7) Use of Force Certification: TSA LEOs shall annually certify that they have reviewed this directive and the DHS *Use of Deadly Force Policy*, and shall complete [TSA Form 3500, LEO Use of Force Acknowledgement](#).
- (8) Any use of deadly force or accidental discharge of a firearm by a LEO must be reported in accordance with procedures set forth by the LEO's organization.
- (9) TSA LEOs involved in a deadly force or accidental discharge incident may be entitled to legal representation at Federal expense. These specific requirements are outlined in the *OLE/FAMS Use of Force and Weapons Manual* and the *OOI Firearms Policy and Procedures*, both of which are incorporated in this directive by reference.
- (10) The only TSA LEOs authorized to use intermediate weapons are Federal Air Marshals, or OOI Criminal Investigators who have been authorized by the Assistant Administrator for OOI.

G. Firearms Policy:

- (1) TSA LEOs, fulfilling the requirements of their organizational component are authorized to carry TSA-authorized firearms in the performance of their official duties. Consult the *OLE/FAMS Use of Force and Weapons Manual* and the *OOI Use of Force Policy* for further details.
- (2) Carriage of Firearms:
 - (a) To carry firearms in the performance of their official duties, LEOs shall:
 - (i) Be issued a badge and credentials authorizing them to carry firearms signed by the DHS Secretary or TSA Assistant Secretary or their designees;
 - (ii) Have successfully completed all required TSA training programs;

- (iii) Maintain proficiency in the use of firearms he/she is permitted to carry;
 - (iv) Adhere to the provisions in this directive governing the use of force;
 - (v) Be involved in daily, routine or recurring law enforcement activities and operations in support of the TSA mission; and
 - (vi) Meet all other requirements and standards set forth in this directive and any related policy set forth by the LEO's organization.
- (b) LEOs carrying a TSA-authorized firearm are required to carry their TSA badge and credentials authorizing them to carry firearms. Badge and credentials may be denied, suspended, restricted, revoked or reinstated by TSA as management deems appropriate.
- (c) LEOs are authorized by TSA to carry only the specific firearms, ammunition and holsters authorized by their individual entities. Further guidelines regarding carriage of specific firearms, ammunition, and holsters is set forth in the OLE/FAMS *Use of Force and Weapons Manual* and the OOI *Firearms Policy and Procedures*.
- (d) LEOs traveling as Federal law enforcement officers shall adhere to 49 C.F.R. § 1544.219, *Carriage of Accessible Weapons*.
- (e) Off-duty Carriage of Firearms:
- (i) LEOs are approved and encouraged to carry a TSA-authorized firearm off-duty.
 - (ii) LEOs are subject to being called to duty at any time and therefore should always be prepared to report with their proper equipment including TSA-authorized firearms.
 - (iii) Transportation Security Specialists – Law Enforcement assigned to OLE/FAMS are prohibited from carrying their TSA-authorized firearm while off-duty except during travel between their residence and TSA facilities within the NCR, unless otherwise authorized in writing by the Assistant Administrator for OLE/FAMS, or designee.
 - (iv) A LEO whose authority to carry a firearm has been revoked is no longer approved to carry a TSA-authorized firearm off-duty during the period of revocation.
- (3) Firearms Restrictions and Revocation:
- (a) Alcohol and Medication - On Duty:
- (i) While on or off-duty, employees are expected to conduct themselves in a manner that does not adversely reflect on TSA, or negatively impact its ability to discharge its mission, cause embarrassment to the agency, or cause the public and/or TSA to question the employee's reliability, judgment or trustworthiness.
 - (ii) LEOs are prohibited from carrying a firearm while consuming alcoholic beverages, or being under the influence of alcohol, pursuant to

[TSA MD 1100.73-5, *Employees Responsibilities and Conduct*](#).

- (iii) LEOs are prohibited from carrying a firearm while consuming any medication, prescribed or over-the-counter, when their judgment or ability to safely use and control a firearm may be impaired.
- (b) Alcohol and Medication - Off Duty:
- (i) LEOs are prohibited from carrying a firearm while consuming alcoholic beverages.
 - (ii) LEOs are also prohibited from carrying a firearm after the consumption of alcoholic beverages when their judgment or ability to safely use and control a firearm may be impaired. For specific instructions, see the *OLE/FAMS Use of Force and Weapons Manual* or the *OOI Firearms Policy and Procedures*.
 - (iii) Employees are responsible for ensuring that they are fit for duty and free of any alcohol impairment upon reporting for, and carrying out, their law enforcement functions, pursuant to [TSA MD 1100.73-5, *Employees Responsibilities and Conduct*](#) and [TSA MD 1100.75-4, *Addressing DUI and DWI Offenses*](#). Additionally, Federal Air Marshals are prohibited from consuming alcohol for a minimum of ten hours preceding performance of law enforcement functions.
 - (iv) LEOs are prohibited from carrying a firearm after the consumption of any medication, prescribed or over-the-counter, when their judgment or ability to safely use and control a firearm may be impaired. For specific instructions, see the *OLE/FAMS Use of Force and Weapons Manual* or the *OOI Firearms Policy and Procedures*.
- (c) Further prohibited activities involving firearms include, but are not limited to, the following activities:
- (i) Careless handling or misuse of firearms (“horseplay”);
 - (ii) Careless or unauthorized display of a firearm in public; and
 - (iii) Prohibited use of alcohol or medication (see Section 6G(3)(a) and (b)).
- (d) Additional prohibited activities with TSA-authorized firearms include, but are not limited to:
- (i) Dry firing outside of the direct supervision of a TSA Firearms Instructor;
 - (ii) Practicing “quick draw” other than under formal training conditions; and
 - (iii) Carrying a firearm that has been modified in any way to eliminate safety devices.

- (e) Revocation of Authorization to Carry Firearms/Retrieval of a Firearm: Situations or unacceptable conduct that may warrant the denial, suspension or revocation of credentials and retrieval of a firearm include, but are not limited to, the following:
- (i) The failure to demonstrate proficiency with TSA-authorized firearms within an organizational element or other mandatory training requirements;
 - (ii) Medical conditions that would impede the safe and effective use of a firearm;
 - (iii) Evidence of substance abuse;
 - (iv) Evidence of impaired judgment and/or inability to safely control a firearm due to the consumption of alcoholic beverages;
 - (v) Evidence of impaired judgment and/or ability to safely control a firearm due to the consumption of medication;
 - (vi) Evidence of the commission of a felony;
 - (vii) Evidence of the commission of an act of domestic violence (See Section 6G(4), *Lautenberg Amendment*);
 - (viii) Evidence of inappropriate violent behavior;
 - (ix) Evidence of the misuse of a firearm;
 - (x) Evidence of serious breaches of integrity or security; and
 - (xi) Any conduct that would be in violation of applicable Federal laws, DHS or TSA directives, or procedures set forth by the LEO's organization.
- (f) Note that a LEO who is not the subject of an ongoing investigation or who is not under a proposal for disciplinary action may be allowed to retain his or her credentials even when it may be necessary to retrieve the LEO's TSA-authorized firearm.

(4) Lautenberg Amendment:

- (a) Pursuant to 18 U.S.C. §§ 922(g)(1) and (9), any person who has been convicted of a felony or a misdemeanor crime of domestic violence may not possess any firearm or ammunition. In addition, pursuant to 18 U.S.C. § 922(g)(8), an individual who is subject to certain court orders restraining such individual from harassing, stalking, or threatening certain intimate partners or children may also not possess any firearm or ammunition.
- (b) It is the responsibility of any LEO arrested for a felony or misdemeanor crime of domestic violence or who is subject to the type of court orders outlined in 18 U.S.C. § 922(g)(8) to promptly report this information to his/her immediate supervisor. While the matter is pending the LEO is not permitted to possess or carry firearms or ammunition and may be subject to suspension from his or her duties.

(c) The LEO's Special Agent in Charge, Supervisory Air Marshal in Charge, or equivalent is responsible for ensuring that all firearm(s), weapon(s), ammunition and other related items are immediately turned over to a TSA Firearms Instructor for storage pending final disposition of the incident, to include any internal inquiry or investigation.

(d) In addition, LEOs are required to complete annually [TSA Form 1116, *Firearm Position Certification*](#), certifying that they have not been convicted of a misdemeanor crime of domestic violence. For further information regarding *Lautenberg Amendment* related compliance see TSA MD 1100.88-1, and if applicable, the LEO's organizational *Lautenberg Amendment* compliance guidance.

(5) Retired LEO Credentialing and Carry Authority: Refer to [TSA MD 3500.1, *LEOSA Applicability and Eligibility*](#) for TSA policy and procedures related to applicability and eligibility criteria of the Law Enforcement Officers Safety Act (LEOSA).

(6) For further specific procedures regarding firearms training, qualifications, accountability, standards, revocation of authority, retrieval of a firearm, purchase, sale or transfer of a firearm or other firearms related issues see the *OLE/FAMS Use of Force and Weapons Manual* or the *OOI Firearms Policy and Procedures*.

(7) Nothing in this directive shall be construed as interfering with the right of LEOs as private citizens to own other firearms. LEOs are expected to comply with all applicable Federal, State and local laws when exercising this right.

7. PROCEDURES: For specific procedures related to the use of force and firearms see the *OLE/FAMS Use of Force and Weapons Manual*, or the *OOI Use of Force Policy* and *OOI Firearms Policy and Procedures*.

8. **EFFECTIVE DATE AND IMPLEMENTATION:** This policy is approved and effective the date of signature unless otherwise specified.

APPROVAL

Signed

April 11, 2017

Huban A. Gowadia, Ph.D.
Acting Administrator

Date

EFFECTIVE

Date

Distribution: Assistant Secretary/Administrator, Deputy Administrator, Assistant Administrators, Chief Counsel, Area Directors, Federal Security Directors, Special Agents in Charge, and Supervisory Air Marshals in Charge

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