

Department of the Interior Departmental Manual

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Chapter 11: Passenger Airline Travel by Law Enforcement Officers

Originating Office: Office of Law Enforcement and Security

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11.1 Purpose. This chapter establishes policy for travel and the transportation of specific categories of law enforcement equipment and prisoners on passenger airlines by law enforcement officers (LEOs).

11.2 Scope. This policy applies to all LEOs of the Department of the Interior (Department/DOI).

11.3 Definitions. For the purpose of this chapter, the terms below are defined as follows:

- A. Law Enforcement Officer (LEO): A DOI law enforcement officer sworn and commissioned to enforce criminal statutes and authorized to carry firearms, execute and serve warrants, search, seize, make arrests, and perform such duties as authorized by law.
- B. Federal Air Marshal (FAM): An individual employed by the Transportation Security Administration (TSA) and specifically trained to take preventive action during a hijacking or other security incident aboard aircraft.
- C. Ground Security Coordinator (GSC): An employee of an airline who is designated to interface with aircrew, LEOs, and others in matters of security.
- D. Federal Security Director (FSD): An employee of the TSA responsible for coordination of TSA security activities at an airport.

11.4 Authorities.

- A. 49 CFR § 1544 Aircraft Operators Security: Air Carriers and Commercial Operators.
- B. 49 CFR § 175 Carriage by Aircraft.

11.5 Policy. It is the policy of the Department that LEOs traveling aboard passenger airlines are:

A. authorized to carry an accessible weapon(s) per 49 CFR § 1544.219(a)(2)(iv). As an employing agency, the bureau or office may limit this authorization in whole or in part through bureau-wide or office-wide policy. All carriage of accessible weapons policies will comply with the requirements and procedures specified herein.

B. responsible for transporting specific categories of law enforcement equipment (e.g., long guns, excess ammunition, and chemical agents) in checked baggage as specified herein.

C. responsible for transporting prisoners in accordance with 49 CFR § 1544.221 and the requirements specified herein.

11.6 Responsibilities.

A. Deputy Assistant Secretary – Law Enforcement, Security, and Emergency Management is responsible for policy development and provides guidance and oversight of the Department's law enforcement, security, and emergency management programs.

B. Heads of Bureaus and Offices are responsible for promulgating any counterpart policy or procedure required to implement the policy established in this chapter.

C. Bureau/Office LEOs are responsible for complying with established policy and procedure governing LEO travel on passenger airlines.

11.7 Requirements and Procedures. The following policy requirements and procedures are intended to address passenger airline travel within the United States. Bureaus and offices may adopt these requirements and procedures for similar travel outside the United States provided they comply with all applicable requirements and/or restrictions governing the possession of weapons in a foreign country.

A. Carriage of Accessible Weapons. LEOs carrying accessible weapons aboard a passenger airline must do so in accordance with 49 CFR § 1544.219, and will:

(1) only carry their agency authorized handgun;

(a) Agency authorized less-than-lethal weapons (e.g., baton, electronic control device, etc.) may be carried in addition to the agency authorized handgun.

(b) Self-defense spray may not be carried in the passenger compartment (see 11.7B(3), below).

(2) have met all applicable weapons training and proficiency requirements and be authorized by the employing bureau or office to have control of those weapons in connection with assigned duties;

(3) have successfully completed the “Law Enforcement Officers Flying Armed” training program;

(4) notify the airline of their intent to carry an accessible weapon at least 1 hour prior to aircraft departure, or in an emergency, as soon as practicable;

(5) identify themselves to the airline by presenting their official DOI law enforcement credentials. A badge, shield, or similar device may not be used, or accepted, as the sole means of identification;

(6) comply with airline documentation, notification, and boarding procedures (provided they do not conflict with the requirements set forth in this chapter);

(7) consume no alcoholic beverage while aboard an aircraft or within the eight hour period prior to boarding an aircraft;

(8) when in plain clothes, ensure their weapon remains concealed, either on their person or within immediate reach. At no time will a weapon be placed in an overhead storage compartment;

(9) when in uniform, ensure their weapon is worn on their person;

(10) have at least one approved method of restraint (e.g., handcuffs with key, flexcuffs, etc.) readily accessible;

(11) maintain absolute control of their weapon at all times. At no time will an LEO surrender a weapon to airline personnel; and

(12) ensure they inquire as to the location of any other armed law enforcement officers, including FAMs.

B. Checked Equipment Procedures. When an LEO does not meet the requirements in paragraph 11.7A, or has the need to travel with law enforcement equipment unsuitable for transport within the passenger compartment (e.g., long guns, excess ammunition, chemical agents), the LEO will comply with the following procedures:

(1) Firearms. When transporting firearms in checked baggage, LEOs will:

(a) declare to the airline that the baggage being checked contains an unloaded firearm(s);

(b) ensure any firearm placed in checked baggage is unloaded and secured within a hard-sided container. The container must be locked and the LEO must control the key or combination;

(c) ensure any “Firearms” baggage labeling required by the airline is placed inside the baggage and is not affixed to the exterior where it is readily visible; and

(d) inquire if further screening will require the baggage to be opened. If such screening will occur, the LEO may contact the FSD and request the baggage be screened, inspected, sealed, and re-locked in the LEO’s presence under “special consideration screening” procedures.

(2) Ammunition. Ammunition must be securely packed in boxes or other packaging specifically designed to carry small amounts of ammunition. Ammunition clips and magazines must also be securely boxed. This restriction does not apply to ammunition being carried in the passenger compartment when an LEO is traveling with an accessible weapon under the provisions of 49 CFR § 1544.219.

(3) Chemical Agents. Self-defense spray may be transported in checked baggage only. Quantity is limited to one canister not to exceed 118 ml (4 fluid ounces) by volume and must incorporate a positive means to prevent accidental discharge.

C. Prisoner Escort. LEOs escorting a prisoner aboard a passenger airline must do so in accordance with 49 CFR § 1544.221:

(1) LEO Responsibilities. When transporting a prisoner LEOs will:

(a) carry their firearm on their person and comply with all provisions of paragraph 11.6A., unless otherwise modified by this section;

(b) notify the airline at least 24 hours prior to departure, or as soon as possible, of the flight information, the identity of the prisoner, and whether the prisoner is considered high or low risk (see 49 CFR § 1544.221 for additional risk related requirements);

(c) arrive at the check-in counter at least 1 hour prior to the scheduled departure;

(d) ensure the prisoner has been searched and has no weapons;

(e) be seated between the prisoner and any aisle;

(f) accompany and keep the prisoner under control at all times;

(g) ensure the prisoner is restrained by a device that allows for minimum hand movement. Leg irons must not be used.

(h) expect that when transporting prisoners airlines will do the following as required by 49 CFR § 1544.221(f):

(i) when practicable, have the LEO board the prisoner prior to other passengers and deplaned after all other deplaning passengers;

(ii) assign the prisoner a seat that is neither located in any passenger lounge area nor located next to or directly across from any exit and, when practicable, seat the prisoner in the rearmost seat of the passenger cabin;

(iii) refrain from providing a prisoner with food, beverage, or metal eating utensils unless authorized to do so by the LEO.

D. Resolving Pre-flight Screening and Boarding Issues. Specific procedures related to LEO flight activities may vary among airports, passenger screening operations, and airlines. If an LEO encounters difficulty, they should immediately contact the appropriate airport personnel (as specified below) to seek a resolution. If the matter cannot be resolved satisfactorily, the LEO will later submit a memorandum to their Bureau Director of Law Enforcement (BDLE). The BDLE will forward a copy to the TSA and the Director, OLES. Appropriate resolution procedures include the following:

(1) Request to speak with the TSA Federal Security Director (FSD) if difficulties are encountered at the screening area.

(2) Request to speak with the operator's Ground Security Coordinator (GSC) if difficulties are encountered at an airline's ticket counters, gates, aircraft, etc.

(3) If the authenticity of the LEO's law enforcement credentials is questioned by airline or screening personnel, the LEO will provide the Interior Operations Center (IOC) contact number and request that the IOC be contacted immediately. The IOC will maintain a record of all DOI LEOs, (to include name, title, badge number, and delegating bureau or office) for the purpose of providing credential verification. The bureaus and offices are responsible for providing the IOC with up to date LEO data to ensure the accuracy of credential verification requests.

E. LEO Response to Incidents Aboard Aircraft. Actions taken by an LEO in response to incidents aboard an aircraft will be governed by the following parameters:

(1) Hijacking. In the event of a hijacking, if a FAM is aboard the aircraft, the LEO should take no action unless requested to do so by the FAM. If a FAM is not aboard, the LEO will take action to prevent imminent loss of life or serious bodily harm to the passengers or crew.

(2) Other In-flight Disturbances. In the event of an in-flight disturbance (e.g., unruly passenger), the LEO must not attempt to physically intervene unless specifically requested to do so by a uniformed crewmember or unless human life is clearly and immediately at risk.

(3) LEO's Law Enforcement Authority Aboard Aircraft.

(a) The authority to make arrests varies among bureaus and offices. For some LEOs, authority and jurisdiction are limited to geographic areas. For others, authority is limited to specific violations. The arrest authority granted by an LEO's bureau or office is not expanded when flying armed.

(b) An absence of arrest authority while aboard an aircraft does not preclude an LEO from detaining an individual until such time as they can be turned over to authorities with jurisdiction over the incident. An LEO may detain an individual when the LEO has a reasonable, articulable suspicion to believe that a crime is about to be committed, a crime is being committed, or a crime has been committed by the individual in question.

(c) An LEO may also take reasonable action, including the use of force, to protect an individual from a crime of violence, provide immediate assistance to an individual who has suffered or who is threatened with bodily harm, or to prevent escape of an individual whom the LEO reasonably believes to have committed a crime of violence in the LEO's presence.