

Office of the Inspector General, DoD

Report No. CIPO2001S005
(Project No. 9850023M)

June 12, 2001

EVALUATION OF DEPUTATION OF DoD UNIFORMED LAW ENFORCEMENT PERSONNEL BY STATE AND LOCAL GOVERNMENTS

Executive Summary

Introduction. We announced this evaluation on June 15, 1999, and conducted our fieldwork from June 1999 through February 2000.

Objectives. Our primary objective was to determine whether DoD should issue policy governing the deputation of DoD law enforcement personnel by State and local governments. Our evaluation focused on the following sub-objectives:

- to determine the propriety of using deputized authority in view of statutory and regulatory constraints, if any;
- to determine whether the ability of DoD law enforcement organizations to perform essential law enforcement functions within their Federal jurisdiction is significantly hampered by a lack of authority to enforce State and local laws;
- to determine if the DoD law enforcement mission can be met fully and effectively with DoD assets and the assistance of State and local law enforcement agencies as necessary;
- where deputation exists, to determine if internal safeguards and management controls ensure the proper exercise of the deputized authority; and,
- to determine if the benefits that flow from DoD law enforcement agencies utilizing State or local law enforcement authority exceed the liabilities that attach to exercising such authority.

Results. We determined that neither the Office of the Secretary of Defense nor the Military Departments have issued policy to govern DoD law enforcement acquisition and use of State and local deputized police powers while on duty at DoD installations. Nevertheless, approximately 6.5 percent of military law enforcement organizations use State or local deputation to enhance their on-duty police powers.

Certain installation police officers have acquired and employed these enhanced powers without justification or sufficient oversight. Specifically, deputation has been acquired without any demonstration by the installation that the DoD law enforcement mission would be hampered without deputation. These installations have not assessed whether their DoD law enforcement mission can be met fully and effectively by employing the assistance of available State and local law enforcement resources. Local law enforcement organizations advised us that they could and would assist the DoD

installations if needed. Furthermore, once obtained, many deputized powers are not used. Those deputized powers that are used are not subjected to command oversight.

Summary of Recommendations. We recommend that the Under Secretary of Defense (Personnel and Readiness) revise DoD Directive 5525.5, “DoD Cooperation with Civilian Law Enforcement Officials,” January 15, 1986, to require prior approval by the Service Secretary for Service law enforcement organizations and by the Under Secretary of Defense (Personnel and Readiness) for other DoD law enforcement organizations before a DoD law enforcement organization or person may be deputized and use State or local law enforcement powers while on-duty at a DoD facility. We also recommend that the approvals conform to the guidelines set forth in Appendix C of this report. Additionally, we recommend the Military Departments establish procedures to periodically review the initial or recurrent training on the authority, scope, and extent of law enforcement authority at each installation.

Management Comments. The Air Force and Navy concurred with the report. The Army did not respond to the draft report. USD(P&R) deferred to the Office of the General Counsel, DoD. The General Counsel’s office concurred with the report, suggested the additional recommendation concerning the review of recurrent training, and provided clarifying language.

Evaluation Response. We consider management comments to be fully responsive and have largely incorporated the changes suggested by the Office of the General Counsel.