



DoD DIRECTIVE 5525.21

PROTECTION OF BUILDINGS, GROUNDS, PROPERTY, AND PERSONS AND IMPLEMENTATION OF SECTION 2672 OF TITLE 10, UNITED STATES CODE

Originating Component: Office of the Under Secretary of Defense for Intelligence and Security

Effective: July 9, 2018

Change 1 Effective: July 27, 2020

Releasability: Cleared for public release. Available on the Directives Division Website at <https://www.esd.whs.mil/DD/>.

Approved by: Patrick M. Shanahan, Deputy Secretary of Defense

Change 1 (Administrative)

Approved by: Christopher R. Choate, Chief, Washington Headquarters
Services Directives Division for the Chief Management Officer

Purpose: This issuance:

- Establishes policy, assigns responsibilities, delegates authorities, and provides standards for the designation of officers and agents, and engaging in other activities, including carrying firearms, making arrests, and serving warrants, authorized by Section 2672 of Title 10, United States Code (U.S.C.) (referred to in this issuance as “Section 2672”).
- Implements Section 2672.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY.

a. This issuance applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

b. This issuance does not:

- (1) Preclude or limit the authority of any non-DoD federal law enforcement agency.
- (2) Restrict the authority of the Secretary of Homeland Security under Chapter 1 of Title 6, U.S.C., also known as the Homeland Security Act of 2002.
- (3) Restrict the authority of the Administrator of General Services, including the authority to develop and distribute regulations affecting property under the custody and control of the Secretary of Homeland Security or the Administrator, respectively.
- (4) Expand or limit Section 797 of Title 50, U.S.C., also known as “Section 21 of the Internal Security Act of 1950.”
- (5) Affect Chapter 47 of Title 10, U.S.C., also known and referred to in this issuance as the “Uniform Code of Military Justice.”
- (6) Restrict any other authority of the Secretary of Defense (SecDef) or the Secretary of a Military Department.
- (7) Restrict the authority of the Director of the National Security Agency in accordance with Section 3609 of Title 50, U.S.C.
- (8) Preclude, limit, or impair the authority of any DoD Component’s statutory Inspector General to carry out the Inspector General’s responsibilities pursuant to Public Law 95-452, also known as the Inspector General Act of 1978.
- (9) Preclude, limit, or impair the authority of any DoD Component’s statutory Inspector General to request from the Attorney General and execute criminal law enforcement authorities pursuant to the Inspector General Act of 1978.
- (10) Apply outside the United States.
- (11) Preclude, limit, alter, or impair the investigative responsibilities of any Defense Criminal Investigative Organization, Military Criminal Investigative Organization, or Military Department Counterintelligence Organization.

(12) Authorize holding a person arrested pursuant to authority exercised in accordance with Section 2672 in a military confinement facility, other than in the case of a person who is subject to the Uniform Code of Military Justice.

(13) Authorize DoD support to federal, State, tribal, or local civilian law enforcement agencies.

(14) Indicate DoD consent to a reduction in the obligations of a federal, State, tribal, or local civilian law enforcement agency in enforcing the law within its jurisdiction.

1.2. POLICY.

a. DoD Components, through the appropriate exercise of authorities provided by the SecDef pursuant to Section 2672, will protect the buildings, grounds, and property that are under DoD jurisdiction, custody, or control and protect persons on that property.

b. Only the SecDef may prescribe regulations, pursuant to Section 2672, including traffic regulations, necessary for the protection and administration of property under DoD jurisdiction, custody, or control, and of persons on that property.

(1) The regulations may include reasonable penalties for violations of the regulations. The penalties may include a fine under Title 18, U.S.C., imprisonment for not more than 30 days, or both.

(2) The regulations shall be posted and remain posted in a conspicuous place on the property to which they apply.

c. Authorized activities, functions, and responsibilities under Section 2672 will be centrally managed within DoD to ensure both proper alignment and de-confliction with the dispersed functional areas of intelligence, security, force protection, and antiterrorism.

d. The SecDef will grant law enforcement powers specified in Section 2672(c) to officers and agents only upon the request of, and justification by, the responsible DoD Component head and approval by SecDef.

e. Exercise of law enforcement powers specified in Section 2672(c) will be limited to those categories of personnel where the authorized activities are necessary to perform assigned duties directly related to the protection of buildings, grounds, property, and persons.

1.3. SUMMARY OF CHANGE 1.

This administrative change updates the title of the Under Secretary of Defense for Intelligence to the Under Secretary of Defense for Intelligence and Security in accordance with Public Law 116-92, also known as the “National Defense Authorization Act for Fiscal Year 2020.”

SECTION 2: RESPONSIBILITIES

2.1. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE AND SECURITY (USD(I&S)). The USD(I&S):

a. Serves as the Principal Staff Assistant and advisor to the SecDef and the Deputy Secretary of Defense (DepSecDef) regarding Section 2672, less subsections (b), (c), and (d), which contain authorities retained by the SecDef. In this capacity, the USD(I&S) oversees the activities of the DoD Components with regard to Section 2672, other than subsections (b), (c), and (d). For subsections (b), (c), and (d) of Section 2672, the USD(I&S) serves as an advisor to the SecDef and DepSecDef.

b. Monitors compliance with this issuance.

c. Provides the SecDef with recommendations on DoD Component head requests for designation of officers and agents. Such recommendations will identify which authorized activities should be authorized for each category of officers or agents.

d. Develops and coordinates the recommended guidelines with the U.S. Attorney General, in accordance with Section 2672(i), for the exercise of powers specified in Section 2672(c) by officers and agents.

e. Consults with the Department of Justice, the Department of Homeland Security, and the General Services Administration on authorized activities and the issuance of regulations for the protection and administration of property under Section 2672.

2.2. INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE. The Inspector General of the Department of Defense monitors compliance with this issuance as it relates to the Defense Criminal Investigative Organizations.

2.3. DOD COMPONENT HEADS. The DoD Component heads with organizations or activities engaged in, or proposed to be engaged in, activities under Section 2672:

a. May submit requests for designation of officers and agents in accordance with Section 2672(b) to the SecDef, through the USD(I&S).

b. Manage officers and agents to ensure their compliance with Section 2672, this issuance, the SecDef designation, the guidelines approved by the Attorney General, and any additional applicable guidance.

c. If determined to be economical and in the public interest, and with the consent of such agencies, may use the facilities and services of federal, State, Indian tribal, and local law enforcement agencies, and reimburse the agencies for use of those facilities or services in accordance with Section 2672(g). Such services of State, Indian tribal, and local law

enforcement agencies include application of their powers of law enforcement, on DoD property, notwithstanding that the property is subject to the legislative jurisdiction of the United States.

d. For the protection of property under DoD jurisdiction, custody, or control, and of persons on that property, may, establish agreements with State, Indian tribal, or local governments to obtain authority for officers and agents designated in accordance with Section 2672(h) to enforce federal laws and State, Indian tribal, and local laws concurrently with such other agencies and governments.

e. Shall, in accordance with Section 2672(k), consult with local law enforcement agencies for the purpose of avoiding conflicts of jurisdiction, promoting notification of planned law enforcement actions, and otherwise facilitating productive working relationships for operations conducted off DoD property.

f. Require subordinate law enforcement agencies and activities to comply with this issuance when engaging in authorized activities and implementing Sections 2672(g), (h), and (k).

SECTION 3: DESIGNATIONS, AUTHORIZATIONS, LIMITATIONS, AND REQUESTS

3.1. DESIGNATIONS OF OFFICERS AND AGENTS. In accordance with Section 2672(b):

a. Categories of Designations. A designation may only be made by individual, by position, by installation, or by such other category of personnel as appropriate for the circumstances, and only pursuant to this issuance and any future guidance on implementation of Section 2672.

b. Specific Authorities. Requests for the SecDef to designate an officer or agent in any category of personnel will specify:

- (1) The personnel or positions to be included in the category.
- (2) The authorized activities that personnel in that category may exercise.
- (3) In the case of civilian personnel in that category:

(a) The authorized activities, if any, that may be exercised outside property under DoD jurisdiction, custody, or control.

(b) The circumstances under which coordination with non-DoD law enforcement officials should be sought in advance when engaging in any authorized activities outside property under DoD jurisdiction, custody, or control.

c. Determinations. Designations will include a determination that:

- (1) Engaging in authorized activities is necessary for the performance of the assigned duties, and such duties cannot be performed as effectively without such authorities.
- (2) The necessary and proper training for engaging in the authorized activities is available to the personnel in the designated category.

3.2. AUTHORIZED ACTIVITIES. To the extent specifically authorized in the designation made by the SecDef in accordance with Section 2672(b), and pursuant to any limitations or stipulations related to such authorized activities, while engaged in the performance of official duties pursuant to Section 2672, an officer or agent may exercise one or more of the following powers:

- a. Enforce federal laws and regulations for the protection of persons and property.
- b. Carry firearms, pursuant to DoD Directive 5210.56.
- c. Make arrests:

(1) Without a warrant for any offense against the United States committed in the presence of the officer or agent; or

(2) For any felony cognizable under the laws of the United States if the officer or agent has reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

d. Serve warrants and subpoenas issued under the authority of the United States.

e. Conduct investigations, on and off the property in question, of offenses that may have been committed against property under DoD jurisdiction, custody, or control, or persons on such property.

3.3. REGULATORY PENALTIES. A person violating a regulation under Section 2672(d) may be fined pursuant to Title 18, U.S.C., imprisoned for not more than 30 days, or both.

3.4. LIMITATIONS.

a. Limitation on Delegation. The authority of the SecDef in Subsections (b), (c), and (d) of Section 2672 may be exercised only by the SecDef or DepSecDef.

b. Confinement. No person arrested pursuant to authority exercised under Section 2672 may be held in a military confinement facility, other than in the case of a person who is subject to the Uniform Code of Military Justice.

3.5. REQUESTS. Requests for designation of an officer or agent will be made by a DoD Component head to the SecDef, through the USD(I&S), and contain:

a. Description. A full description of:

(1) The proposed designations and authorized activities sought.

(2) When and where, and under what general circumstances, the authorized activities are proposed to be exercised.

(3) The necessary and proper training that is available for the officers and agents as designated.

b. Justification. A complete justification for those designations and authorized activities, including:

(1) Identification of missions or functional gaps to be filled by the designations and exercise of the authorized activities, if granted; and

(2) Available information demonstrating that the duties and responsibilities of the personnel in question cannot be performed as effectively, including by other DoD law

enforcement agencies or activities with the requisite authority, without the exercise of such authorized activities.

GLOSSARY

G.1. ACRONYMS.

DepSecDef	Deputy Secretary of Defense
SecDef	Secretary of Defense
U.S.C.	United States Code
USD(I&S)	Under Secretary of Defense for Intelligence and Security

G.2. DEFINITIONS. Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

arrest. To hold a person in lawful custody.

authorized activities. The exercise of those powers listed in Section 2672(c).

consult with local law enforcement agencies. A request by an installation commander to a non-federal law enforcement agency with geographic jurisdiction abutting the installation, other than an agency with State-wide jurisdiction, to consult in accordance with Section 2672(k).

officers and agents. Those personnel consisting of uniformed members and civilian officers or employees of the Department of Defense who have been designated, individually or by membership in a category, by the SecDef or DepSecDef as an officer or agent under Section 2672(b). Contractor personnel are not included.

powers. The powers listed in Section 2672(c)(1) through (5).

subpoena. A written order made pursuant to proper authority to compel an individual to give testimony on a particular subject or provide material as evidence.

United States. The several States, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, American Samoa, Guam, Midway and Wake Islands, the U.S. Virgin Islands, any other territory or possession of the United States, and associated navigable waters, contiguous zones, and territorial seas, and the airspace of those areas.

warrant. An order made pursuant to proper authority permitting law enforcement personnel to take some action, such as make an arrest, search a location, or seize some piece of property.

REFERENCES

DoD Directive 5210.56, “Arming and the Use of Force,” November 18, 2016
Public Law 95-452, “Inspector General Act of 1978,” October 12, 1978
Public Law 116-92, “National Defense Authorization Act for Fiscal Year 2020,” December 20, 2019
United States Code, Title 6, Chapter 1 (also known as the “Homeland Security Act of 2002”)
United States Code, Title 10
United States Code, Title 18
United States Code, Title 50