



Texas Military Department

INSTRUCTION

Number 3025.01
14 February 2018

NGTX-GP

SUBJECT: Authority and Jurisdiction of Texas Military Department (TMD) Security Officers for the Use of Force

References: See enclosure.

1. PURPOSE. Consistent with current Army regulations, the authority and jurisdiction of law enforcement and security personnel is hereby outlined, with particular emphasis on both Texas state employee security officers and contract security officers (CSG). The authority of security officers and CSG, referred to hereafter as "security officers", depends on the policies as set forth by the Adjutant General (TAG). As such, this issuance standardizes the scope of security officers' authority and jurisdiction, consistent with Texas state laws and Department of Defense (DoD) guidance to include rules for the use of force, security officer training, and certification requirements.

2. APPLICABILITY AND SCOPE. This issuance is applicable to TMD security officers and contract security officers at TMD facilities and training centers to include, but not limited to, Fort Wolters, Camp Maxey, Camp Bowie, Camp Swift, Camp Mabry and all TMD armories, airfields and activities.

3. POLICY.

a. Jurisdiction and Limits of Authority. Reference D. Sub Chapter H, Texas Occupations Code, Chapter 1702, Private Security (Private Security Act), requires TMD security force to maintain a Government Letter of Authority for employment of commissioned security officers. As such, the authorities and jurisdiction for commissioned security officers, whether state employee or contract, are limited to the property or grounds owned or operated by the TMD.

b. Guidelines for the Use of Force. In accordance with Reference a, Paragraph 3-1A and Reference e, Texas Occupations Code, Chapter 1702 (Private Security Act), and Reference f, Texas Penal Code Chapter 9, Section 20.01, Section 42.01, and Reference g, Texas Code of Criminal Procedure, Article 18.16, commissioned security officers engaged in security duties shall employ objectively reasonable force necessary

when encountering resistance and/or perceived threats. In such cases where the use of force is warranted, security officers will use the objectively reasonable force necessary to reach their objective. In reaching that objective, the following force options are available:

- Presence/Verbal persuasion
- Empty hand restraint techniques
- Chemical aerosol irritant projectors (pepper spray)
- Police Baton/Other strikes, kicks, and stuns
- Deadly force

c. This issuance in no way implies the requirement to use the tactics listed above in any particular sequence. Deployment of the tactics above is contingent upon the individual security officer's evaluation of the totality of the circumstances (i.e. predicate offense, level of resistance encountered, size/strength differential, potential for third party injury, etc.). Based upon this evaluation, the security officer shall initiate a response that is objectively reasonable based on their evaluation of the totality of the circumstances known to them at the time.

d. Render medical aid. Security officers shall, as soon as reasonably possible, request medical attention upon request of any person involved in an escalation of force incident; when a person appears to be injured; and in situations where persons are unable to request medical assistance.

e. Detention/arrest. The pertinent principles which guide the authorized use of force by TMD security force to effect an arrest or detention are outlined as follows:

(1) Felony occurring in view. When force reasonably appears to be immediately necessary to prevent a felony crime from being committed in the security officer's presence or view.

(2). Breach of the peace occurring in view. When force reasonably appears to be immediately necessary to prevent a breach of the peace (i.e. simple assaults, lewd behavior, etc.) from being committed in the security officer's presence or view.

(3) Preventing the consequences of theft. When force reasonably appears to be immediately necessary to prevent a theft from being consummated in the security officer's presence or view.

f. Deadly force. The pertinent principles which guide the authorized use of deadly force for TMD security force are outlined as follows:

(1) Self defense and defense of others. When deadly force reasonably appears to be immediately necessary to protect any person from the danger of imminent death or serious bodily injury.

(2) Assets involving national security. When deadly force reasonably appears to be immediately necessary to prevent the actual theft or sabotage of assets to national security. DoD assets will be specifically designated as “vital to national security” only when their loss, damage, or compromise would seriously jeopardize the fulfillment of a national defense mission. Example includes designated restricted areas containing strategic operational assets, sensitive codes or special access programs.

(3) Assets not-involving national security but inherently dangerous to others. When deadly force reasonably appears to be immediately necessary to prevent the actual theft or sabotage of resources, such as operable weapons or ammunition that are inherently dangerous to others; such as assets that, in the hands of an unauthorized individual, present a substantial potential danger of death or serious bodily harm to others. Examples include high risk portable and lethal missiles, rockets, arms, ammunition, explosives, chemical agents and special nuclear material.

(4) Arrest or apprehension. When deadly force reasonably appears to be immediately necessary to detain, or prevent the escape of a person who, there is probable cause to believe, has committed an offense of the nature specified in (2) and (3) above.

g. Training and certification. Texas Occupations Code Chapter 1702.163 requires armed security officers to obtain a Level III commissioned security officer certification and present a pocket card issued by Texas Department of Public Safety/Private Security Bureau (TX DPS-PSB) prior to performing security duties requiring the use of weapons. In accordance with Chapter 1702.163, Security Personnel will not be assigned duties requiring the carrying of weapons until required use of force training and weapons qualification have been successfully completed. In accordance with NGB Master Cooperative Agreement Funding Guidance for Appendix 3 fund, weapons qualification is required twice annually. Security officers performing services to TMD must maintain TX DPS-PSB licensure bi-annually and proficiency with their assigned duty weapon semi-annually; all security officers shall receive initial and annual in-service training to identify and address local security issues based on state and local laws and statutes.

4. DEFINITIONS. NA

5. RESPONSIBILITIES. The Provost Marshal, base operations commanders, and facility managers will ensure security officers have read and understand their authority and jurisdiction regarding the use of force.

6. INFORMATION REQUIREMENTS. NA

7. RELEASABILITY. Unlimited.

8. EFFECTIVE DATE. This issuance is effective immediately and will expire two years from the date of publication unless sooner rescinded or superseded.

9. POINT OF CONTACT. The Provost Marshal at 512-782-5042.

Encl



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Adjutant General

DISTRIBUTION:

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SIG-Issuance



Enclosure

References.

- a. Army Regulation (AR) 190-14, Carrying of Firearms and Use of Force for Law Enforcement and Security Duties, 13 March 1993
- b. Army Regulation (AR) 190-56, The Army Civilian Police and Security Guard Program, 15 April 2013
- c. DoD Directive 5210.56 (Arming and the Use of Force), 18 November 2016
- d. Texas Occupations Code, Chapter 1702, Private Security Laws and Selected Statutes, as amended by the 84th Legislature, Regular Session, November 2015
- e. Texas Penal Code, Chapter 9, Justification Excluding Criminal Responsibility, 84th Legislature, Regular Session, November 2015
- f. Texas Code of Criminal Procedure, Article 18.16, Preventing the Consequences of Theft, 84th Legislature, Regular Session, November 2015