



UNDER SECRETARY OF DEFENSE

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PERSONNEL AND
READINESS

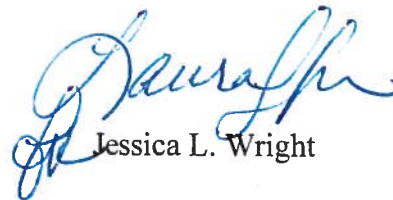
MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
CHIEF OF THE NATIONAL GUARD BUREAU

SUBJECT: Guidance for Commanders and Health Professionals in the Department of Defense on Reducing Access to Lethal Means Through the Voluntary Storage of Privately-Owned Firearms

According to the annual Department of Defense Suicide Event Report, privately-owned firearms are the most common method of death by suicide in the military. In both 2011 and 2012, 49 percent of Service members who died by suicide used such firearms. Voluntary measures to reduce access to privately-owned firearms for Service members reasonably believed to be at risk for suicide or causing harm to others may help prevent suicide in the military.

The attached document provides guidance for commanders and health professionals to encourage the voluntary storage of privately-owned firearms by such Service members for temporary safekeeping by the command. The Defense Suicide Prevention Office has worked with the Services and other stakeholders to develop this guidance.

My point of contact for this guidance is Ms. Jacqueline Garrick, Director, Defense Suicide Prevention Office, who may be reached at jacqueline.n.garrick.civ@mail.mil or (703) 614-8840.


Jessica L. Wright

Attachment:
As stated

Guidance for Commanders and Health Professionals in the Department of Defense on Reducing Access to Lethal Means through the Voluntary Storage of Privately-Owned Firearms

1. PURPOSE. This document provides guidance to commanding officers (COs) and health care professionals in the Department of Defense (DoD) who have reasonable grounds to believe a Service member (SM) is at risk for suicide or causing harm to others and who is known to possess, or may potentially possess, privately-owned firearms and ammunition. This guidance is consistent with section 1062 of Public Law 111-383, as amended by section 1057 of Public Law 112-239 (Reference (a)). The purpose of this guidance is to enable COs to better assist at-risk SMs who seek assistance.

2. APPLICABILITY. This guidance applies to:

a. The Office of the Secretary of Defense, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Inspector General of the DoD, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD.

b. Active Duty members, including National Guard and other Reserve Component members on title 10 Active Duty orders. This guidance does not apply to Reserve and National Guard members in a drilling status (e.g., National Guard members in a title 32 status) or Reserve or National Guard members in their civilian capacity.

3. GUIDANCE.

a. The DoD Components, as a general rule, will not prohibit, issue any requirement relating to, or collect or record any information relating to the lawful acquisition, possession, ownership, carrying, or other use of a privately-owned firearm, ammunition, or other weapon by a SM on property that is not a military installation or other property owned or operated by DoD. (This prohibition does not apply if the SM is engaged in official duties on behalf of DoD or wearing the uniform of an armed force.)

b. However, COs and health professionals may inquire about and collect and record information about a SM's privately-owned firearm, ammunition, or other weapon if the commanding officer or health professional has reasonable grounds to believe the member is at risk for suicide or causing harm to others.

c. If health professionals and commanding officers (in consultation with health professionals) reasonably believe Active Duty members to be at risk of suicide or causing harm to others, they will, consistent with the law and this memorandum, ask Active Duty members to voluntarily store their privately-owned firearm(s) and ammunition for temporary safekeeping. This action must be entirely voluntary for the SM; the request by the CO may not be accompanied by any command incentives or disincentives.

d. In implementing procedures under this guidance, the responsibilities of commanding officers and health professionals under Department of Defense Instruction (DoDI) 6490.04 (Reference (b)) and DoDI 6490.08 (Reference (c)) remain in effect.

4. RESPONSIBILITIES.

a. DIRECTOR OF THE DEFENSE SUICIDE PREVENTION OFFICE (DIRECTOR, DSPO). Under the authority, direction, and control of the Director, DoD Human Resources Activity, the Director of DSPO has primary responsibility for the Defense Suicide Prevention Program, which provides and enables a Department-wide comprehensive strategic approach for suicide prevention and intervention (Reference (e)).

b. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments implement this guidance.

5. PROCEDURES.

a. For situations involving immediately dangerous SMs, DoD personnel will take rapid action to ensure care for said SM and reduction of risk per DoDI 6055.17 (Reference (h)), and other local policy and laws, to include making necessary notifications to authorities.

b. In general, the procedures for COs are as follows:

(1) In accordance with Reference (b), the CO has primary responsibility for the welfare of SMs under his or her authority.

(2) The CO will follow Service specific policies and plans to temporarily store and maintain accountability of privately-owned firearms and ammunition as voluntarily relinquished by SMs, in coordination with installation law enforcement, and in accordance with local installation procedures.

(3) When a CO has reasonable grounds to believe a SM is at risk for suicide or causing harm to others, the CO will consult with a health care professional and will make an inquiry of the SM regarding access, possession, ownership, or plans to acquire a privately-owned firearm and ammunition. If the SM indicates that he or she has possession of privately-owned firearm(s), the CO will ensure the following actions are taken:

(a) Ask the member to voluntarily store the firearm(s) and ammunition temporarily at a location designated by local policy for a specified period of time.

(b) If the SM agrees to voluntarily store his or her firearm(s) and/or ammunition for temporary safekeeping, ensure the weapon(s) and ammunition are safeguarded and returned in accordance with Service and installation policies when the specified period ends or the SM requests return.

(c) Ensure that protected healthcare information or personally identifiable information contained in any documentation is safeguarded, per DoD 5400.11-R (Reference (f)) and DoD 6025.18-R (Reference (g)).

(d) Nothing in this guidance limits the authority of commanding officers to issue lawful orders relating to other matters not addressed by this guidance when the commanding officer determines such orders to be necessary to foster the safety of the SM, families, and others. These actions may include, but are not limited to regulating the possession of firearms on military installations and restricting the SM to an installation/on-post controlled or watchful environment for further observation to better facilitate treatment. COs should consult the staff judge advocate before taking any steps which may restrict the liberty of a SM.

ENCLOSURE 1

REFERENCES

- (a) Section 1062 of Public Law 111-383, "National Defense Authorization Act of Fiscal Year 2011," January 7, 2011, as amended by section 1057 of Public Law 112-239, "National Defense Authorization Act of Fiscal Year 2013," January 2, 2013
- (b) DoD Instruction 6490.04, "Mental Health Evaluations of Members of the Armed Forces," March 4, 2013
- (c) DoD Instruction 6490.08 "Command Notification Requirements to Dispel Stigma in Providing Mental Health Care to Service Members," August 17, 2011
- (d) Title 27, Code of Federal Regulations, Section 53.11
- (e) DoD Directive 6490.14, "Defense Suicide Prevention Program," June 18, 2013
- (f) DoD Directive 5400.11-R, "Department of Defense Privacy Program," May 14, 2007
- (g) DoD 6025.18-R, "DoD Health Information Privacy Regulation," January 2003
- (h) DoD Instruction 6055.17, "DoD Installation Emergency Management (IEM) Program," January 13, 2009

ENCLOSURE 1

ENCLOSURE 2

DEFINITIONS

Commanding Officer (CO). Any commissioned officer who exercises command authority over a Service member. The term includes a military member designated in accordance with Reference (b) to carry out any activity of a commander under this guidance.

Firearms. As defined in reference (d), any portable weapons, such as rifles, carbine, machine guns, shotguns, or fowling pieces, from which a shot, bullet, or other projectile may be discharged by an explosive.

Immediately Dangerous Service Members. A person who is clearly dangerous because of a specific, detailed, lethal plan, with availability of lethal means, low probability of and proximity to rescue, and clear impression of intent to kill themselves, or harm others.

ENCLOSURE 2