

SECURITY AND LAW ENFORCEMENT

1. **REASON FOR ISSUE:** This directive establishes mandatory procedures for protecting lives and property within VA's jurisdiction. This issue provides updated responsibilities for reporting suspected criminal activity within VA's jurisdiction, and corrects the responsible official for this Directive. In addition, existing policy requirements found in VA Directive 0730/1 (August 20, 2004) are included in this update, and the organizational location of OS&LE has been updated.

2. SUMMARY OF CONTENTS AND MAJOR CHANGES:

a. **Summary.** This replaces VA Directive 0730, August 11, 2000 and VA Directive 0730/1 (August 20, 2004). This directive sets forth the policies and responsibilities for the maintenance of law and order and the protection of persons and property within VA's jurisdiction. .

b. Major Changes

(1) Inserted Paragraphs 2.n "Facility Identification Cards" and 2.o "USA Patriot Act of 2001" from VA Directive 0730/1 (August 20, 2004).

(2) Updated Paragraph 3.b to reflect the current organizational location and responsible official for implementing Department security and law enforcement policies.

(3) Added a policy requirement for reporting suspected criminal activity at Paragraph 3.k

(4) Added additional references to Title 38 Code of Federal Regulations at Paragraph 4.

3. **RELATED DIRECTIVES:** None

4. **RESPONSIBLE OFFICE:** Office of Operations, Security, and Preparedness, Office of Security and Law Enforcement, Police Service (07B), is responsible for the material contained in this handbook.

5. **RESCISSION:** VA Directive 0730 (August 11, 2000) and VA Directive 0730/1 (August 20, 2004) are rescinded.

CERTIFIED BY:

**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

/s/
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SECURITY AND LAW ENFORCEMENT

1. PURPOSE

a. This directive implements the provisions of Title 38 U.S.C. Chapter 9 pertaining to the Department of Veterans Affairs (VA) nationwide Security and Law Enforcement program. It encompasses the maintenance of law and order and the protection of persons and property on Department property. It provides policies applicable to the management and administration of this program from VA Central Office and within VA facilities nationwide located on Department property. Detailed physical security and law enforcement program requirements and procedures are contained in VA Handbook 0730, Security and Law Enforcement and successor documents.

b. This directive is set forth solely for the purpose of internal departmental guidance. It is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter, civil or criminal, and does not place any limitations on otherwise lawful activities of the Department.

2. POLICY

a. Police and Security Unit Organization and Staffing

(1) Within a VA field facility, police resources are organizationally placed and structured in such a manner as to ensure appropriate monitoring of law enforcement activities. The organizational title of each unit will include the words "Police and Security." A Police and Security unit is supervised from the office of the VA field facility head and will not be a subordinate part of any other organizational unit.

(2) Each Police and Security unit must be supervised by a qualified law enforcement professional or a supervisory police officer. This supervision encompasses full technical responsibility for conducting law enforcement and physical security operations as described in this directive and VA Handbook 0730.

(3) Each VA field facility or division will have a sufficient number of VA police officers on duty, at all times, necessary to maintain law and order and to concurrently provide protection of persons and property throughout the facility. At no time will a VA field facility or division be left without VA police officer coverage, to include provisions for appropriate and timely backup. Factors for determining the level of police staffing are contained in VA Handbook 0730.

(4) All police personnel will be assigned duties and responsibilities consistent with the organizational responsibilities for the maintenance of law and order and protection of persons and property on Department property. Police personnel will not be assigned duties and responsibilities that would in any manner detract from

the above stated purpose or that are outside their scope of employment.

(5) All VA Police officers will be afforded equal opportunities for exposures for workload intensities and experiences. Additionally, performance standards, evaluation and training will be uniformly applied. These requirements are best accomplished by rotating the officers through each duty shift on a fair and equitable basis; however, the facility director and Chief of Police will jointly determine what duty shift configuration will be implemented at their station. Consideration in shift assignments should be given to officers with special concerns, including formal job related educational or training programs.

(6) All routine VA police duty shift schedules will have 30 minutes of overlapping patrol coverage built-in, which includes 30 minutes non-paid time for a meal period.

(7) VA police officers will be rotated among duty assignments within each duty shift.

b. Police Code of Conduct

(1) In order to fully serve the VA mission while accomplishing their specific law enforcement and protective duties, Police and Security personnel will:

(a) Render courteous assistance to patients, visitors, and employees at all times;

(b) Project a favorable image of law enforcement and protective authority through alertness, appearance, and competent performance of duty;

(c) Retain full control of temper when abused or in a confrontation with a belligerent person; and

(d) Refrain from verbally or physically abusing patients, visitors, or employees displaying an arrogant or bullying demeanor, and misusing authority or weapons.

(2) Infractions of any one of the listed codes of conduct may be cause for disciplinary or adverse action.

c. Human Resources Issues

(1) **Qualification.** Persons employed as VA police officers must meet the current qualification standards for the GS-4 level of the GS-083 Police Series. The employment of persons at lower than the GS-4 level within the police series or the employment of persons in the GS-085 Guard Series is not authorized.

(2) **Suitability.** A prospective police officer's general background and work history must reflect personal characteristics of trustworthiness and overall fitness to carry out the duties and public trust inherent to the position. No person will be employed as a VA police officer whose history reflects a disregard for laws and regulations.

(3) **Pre-Employment Screening Process.** Pre-employment screening procedures for police officer applicants under final consideration for selection will be accomplished as outlined in VA Handbook 0730. Applicants will not be appointed prior to the completion of the full employment screening process.

(4) **Sensitivity Level Designation.** All police officer positions will be designated as Noncritical-Sensitive. The Human Resources Management Service will initiate post-appointment minimum background investigations on all police hired.

(5) **Medical Standards.** All police officer applicants and those currently employed must be capable of performing the designated physical and mental functional requirements essential to the duties of the police officer position. These requirements are contained in VA Handbook 0730.

(6) **Notification of Weapon Policy and Arrest Reporting.** A VA Form 9044, Weapon Policy, Law Enforcement Jurisdiction, and Arrest Reporting, will be provided to each newly employed VA police officer for reading of part I, the notification, and signing of part II, the acknowledgment of notification. The responsibility for this function will be determined at the local level.

(a) Unless otherwise authorized by VA policy, a VA police officer will not possess or introduce a firearm on VA property while scheduled for VA duty even though the officer may be authorized or required to possess that firearm by virtue of non-VA employment or any other reason. For more detailed information on firearms and VA police, see VA Directive 0720, Program to Arm Department of Veterans Affairs Police and VA Handbook 0720, Procedures to Arm Department of Veterans Affairs Police.

(b) VA police officers will promptly inform the supervisor if arrested for any criminal offense except for traffic and parking citations that do not result in criminal charges.

1. A VA police officer who is arrested is required to inform the appropriate supervisor on the first working day that the officer reports to work after the incident.

2. This report will include the alleged offense(s), to include whether a felony or misdemeanor, date of alleged offense(s), and the name of the arresting jurisdiction.

d. Basic and Specialized Training

(1) The VA basic training and orientation course is designed to fulfill the guidelines and standards of the Attorney General for preventing the unauthorized use of Federal law enforcement power. With emphasis on specialized aspects of security and law enforcement in the health care environment, it also provides VA police officers with the knowledge and skills to successfully manage situations involving patients. All VA police officers are required to attend and successfully complete the prescribed course

during the first 90 days of employment. This includes full-time, intermittent, and part-time employees. Training is conducted by VA instructors at the VA Law Enforcement Training Center, VA Medical Center, North Little Rock, Arkansas.

(2) As specified in Title 38 CFR 1.218 (c)(2), a police officer's failure to successfully complete the prescribed training course requires that the employing VA field facility withdraw statutory law enforcement and arrest authority vested in that police officer.

(3) VA police officers who have left the Police and Security unit employment and return after 3 years of separation will be required to attend and successfully complete the basic police officer training course. Any exceptions to this must be approved by the Director, Police and Security Service.

(4) All VA police officers will be trained in the use of the designated and approved VA weapon(s). Recertification in the use of the baton will be made on an annual basis. Initial training and recertification are accomplished at the local level by qualified VA staff. Training and recertification in the use of firearms will be in accordance with the policies and procedures outlined in VA Directive and VA Handbook 0720, Program to Arm Department of Veterans Affairs Police.

(5) All VA police officers will undergo initial entry and continuing in-service training.

(6) VA police officers may be required to periodically attend refresher training courses at the VA Law Enforcement Training Center. Failure to attend such courses when scheduled may result in the withdrawal of an officer's law enforcement and arrest authority.

e. Police and Security Unit Operations. Police and Security unit operations are based on the physical security and law enforcement functions necessary to carry out the program's mission.

(1) Standard Operating Procedure. Each VA field facility will establish a Standard Operating Procedure (SOP) that provides general and specific methods and guidance to VA police officers to ensure the efficient and effective operation of the Police and Security unit.

(2) Police Operations Room. Each VA field facility will establish an Operations Room from which police operations can be most effectively controlled. H-08-9, Chapter 279, Planning Criteria for VA Facilities, Police and Security Service, will be used as minimum standards for space allocation.

f. Physical Security

(1) The minimum requirements for physical security at a VA field facility are outlined in appendix B of VA Handbook 0730. These include specifications for physical barrier security, lock set hardware, alarms, and storage containers for high value items and dangerous drugs.

(2) Other mandatory physical security aspects and techniques are contained in VA Handbook 0730.

g. Law Enforcement

(1) Legally and technically correct procedures must be established for handling the occurrences of crimes in violation of Federal and state laws on VA field facility grounds.

(2) The VA Regional Counsel or designated local VA attorney is the primary legal advisor to the Director. Advice will be sought from Regional Counsel whenever Federal, state, or local law enforcement agencies, district attorneys, or court officials are involved in local policy matters related to law enforcement.

(3) Title 38 U.S.C. 901 and 902(a)(1) authorizes VA police officers to enforce Federal laws and the rules prescribed by the Secretary in Title 38 CFR 1.218(a) and (b). The exercise of all enforcement actions and uses of arrest authority shall be in accordance with the policies and procedures contained in this directive and VA Handbook 0730.

(4) The delegation of VA police officer law enforcement, investigative, and arrest authority is found in Title 38 CFR 2.6(a) (8).

(5) Directors of Veterans Health Administration (VHA) facilities are responsible for ensuring that VA police officers are fully qualified under the appropriate Office of Personnel Management VA Qualification Standard (GS-083 Police Officer Series and the GS-080 Security Officer Series) prior to vesting law enforcement and arrest authority.

(6) The vesting of this authority requires the VA field facility director to issue VA Form 1479, Police Officer Appointment Card, to each appointee.

(a) Upon the transfer, resignation, or retirement of a VA police officer, the Police Officer Appointment Card will be withdrawn by the facility director from the employee and destroyed.

(b) When the suspension of the law enforcement and arrest authority of an officer is required, the Police Officer Appointment Card will be withdrawn by the facility director.

(7) Directors of all VA field facilities will request the VA Regional Counsel to ensure that a Rule of Court exists with the respective U.S. District Courts. This will enable the issuance of VA Form 9019, U.S. District Court Violation Notice, in the enforcement of the petty offenses enumerated in Title 38 CFR 1.2 18(b).

(8) Timely investigations of reported crimes and acts of misconduct will be performed by VA police officers.

h. **Safeguarding Evidence and Property in the Custody of Police.** A record and chain of custody must be established for Government and personal property, contraband, or evidence. Evidence and property will be handled and secured and the chain of custody maintained in accordance with accepted Federal court procedures. VA-specific procedures are contained in paragraph 8, Safeguarding Evidence and Property in the Custody of Police, of VA Handbook 0730.

i. **Records and Reports.** All records, guides, and reports will be prepared, used, filed, and disposed of in accordance with VHA Records Control Schedule (RCS) 10-I.

j. **Weapons.** Only those weapons specifically authorized by the Department of Veterans Affairs will be issued, used, or stored for designated security and law enforcement purposes. Policy and procedure relating to the arming of VA police are contained in VA Directive and Handbook 0720, Program to Arm Department of Veterans Affairs Police.

k. **Parking and Traffic Control**

(1) Each VA field facility will develop parking and traffic control systems to meet local needs.

(2) Once a system for the control of parking is designed, rules and procedures will be prominently posted prior to enforcement.

(3) All parking areas will be posted with signs clearly designating time limits, reserved spaces, and enforcement methods in effect.

l. **Police Uniform and Appearance**

(1) VA police officers will wear uniforms and equipment as prescribed in VA Handbook 0730. Locally procured badges, shoulder patches, and variations in uniform color and style are not authorized and are prohibited.

(2) Each VA police officer is expected to maintain a high standard of personal hygiene and appearance. Specific standards of appearance are found in VA Handbook 0730.

m. **National Crime Information Center (NCIC) and National Law Enforcement Telecommunications System, Inc. (NLETS)**

(1) The National Crime Information Center (NCIC)

(a) Each VA field facility must have an FBI-assigned Originating Agency Identifier (ORI) before access to NCIC files is authorized. The FBI places complete responsibility for proper and responsible use of this system on each agency,

whether Federal, state, or local.

(b) Each VA field facility should have an established user agreement with the state Control Terminal Agency (CTA) that specifically defines the duties and responsibilities of both parties.

(c) Each VA field facility must comply with the state CTA rules and regulations, audit, security and training standards. Training standards must comply with the NCIC Advisory Board Training Mandate of 1984.

(d) NCIC records are sensitive criminal justice information. A VA field facility operating an NCIC/NLETS terminal is obligated to implement necessary procedures for terminal access security and to maintain the confidentiality of criminal justice information. Detailed discussions of system use are found in the NCIC Operating Manual, state operating manuals, FBI operational and technical updates, and other appropriate information disseminated by the CTA.

(e) The NCIC Interstate Identification Index (III) criminal history records may only be accessed for the purposes of VA police officer pre-employment screening and investigations conducted by VA police.

(f) All NCIC (III) and state criminal history queries must be logged for a minimum period of one year.

(2) National Law Enforcement Telecommunications System (NLETS)

(a) To access NLETS, a VA field facility must possess an FBI-assigned ORI.

(b) As with the use of the NCIC, each VA field facility should have an established user agreement with the CTA which specifically defines the duties and responsibilities of both parties.

(c) Each VA field facility must comply with the NLETS, state, and CTA rules, regulations, and standards. The NLETS User's Guide is used as the standard reference guide for system policies and procedures.

(d) State records are sensitive criminal justice information. A VA field facility operating a terminal must implement procedures for terminal access security and maintain the confidentiality of criminal justice information. Detailed discussions of system use are found in the state operating manual, operational and technical updates, and other information disseminated by the CTA.

n. **Use of Facility Identification Cards.** All VA employees and affiliates are required to wear an official facility employee identification card or badge at all times while on Department property. The card will be compliant with Homeland Security Presidential Directive -12 (PIV Card), and issued under requirements established by the

Department.

(1) The card will be worn at all times with the identifying information, including the photo, facing out.

(2) PIV card stock, issuing and manufacturing equipment will be carefully controlled, using security requirements established in VA Handbook 0730/2, Appendix B, "Security Requirements and Options."

o. USA Patriot Act of 2001

(1) Directors of VHA field facilities will, in compliance with the USA Patriot Act of 2001, identify positions involved in the shipment, receipt or possession of select agents defined in 42 CFR Section 72.6(j) and in compliance with 42 CFR 73.4 and 73.5; 7 CFR 331.3 and 7 CFR 121.3. Each position must have a designated sensitivity or risk level and appropriate background investigations must be accomplished and adjudicated prior to the placement of appointees or employees in these positions. In addition, a security risk determination of the employee must be completed in accordance with the following laws or policies: 42 CFR 73.8 (d); 7 CFR 331.10 (h); 9 CFR 121/11(h); VA Directive and Handbook 0710; and VHA Directive 2002-075. This may require the establishment of temporary positions that do not require the above duties. See Public Law 107-56, Section 817, October 26, 2001, 115 STAT. 385.

(2) In particular, VHA field facilities must identify those positions whose duties require routine and recurring access to bio-hazardous materials, as defined in VHA Directive 2002-075, and on listings maintained by the Centers for Disease Control and Prevention. This includes positions in bio-safety level 3 research or clinical laboratories, bio-safety level 2 research or clinical laboratories, and other sites that might have the CDC-listed bio-hazardous materials. This includes non-citizens; without compensation; and contract employees. The current position sensitivity level should be reviewed to determine if the appropriate designation exists. Requests for an upgrade in position sensitivity level designation will be forwarded to the VA Security Investigations Center.

(3) A listing of bio-hazardous select agents, biological agents and toxins is maintained by the CDC. An updated listing is located at <http://www.bt.cdc.gov/agent/agentlist.asp>

3. RESPONSIBILITIES

a. **Secretary of Veterans Affairs.** By the provision of Title 38 U.S.C. § 901, the Secretary is responsible for:

(1) The protection of patients, visitors, and employees at VA medical facilities;

(2) The protection of property under the charge and control of VA; and

(3) The maintenance of law and order on property under the charge and control of VA.

b. **Assistant Secretary for Operations, Security and Preparedness:** The Assistant Secretary for Operations, Security and Preparedness will ensure the appropriate implementation and operation of this program through the Office of Security and Law Enforcement.

c. **Deputy Assistant Secretary for Security and Law Enforcement.** The Deputy Assistant Secretary for Security and Law Enforcement is responsible for:

(1) Ensuring the development of policy and procedures related to VA field facility security and law enforcement operations;

(2) Ensuring that investigations are conducted of alleged criminal activity related to VA field facility law enforcement and security;

(3) Ensuring the protection of the Secretary of Veterans Affairs while on VA property and, through special delegations from the Department of Justice, off VA property; and

(4) Ensuring that appropriate training is provided to VA police officers.

d. **Director, Police and Security Service.** The Director, Police and Security Service, is responsible for:

(1) Developing, coordinating, and disseminating policy and procedures related to VA field facility security and law enforcement operations;

(2) Providing technical guidance to VA field facility directors and Chiefs of Police and Security units;

(3) Providing inspective oversight of VA field facility Police and Security units;

(4) Conducting investigations of alleged criminal activity related to VA field facility law enforcement and security; and

(5) Providing for the protection of the Secretary of Veterans Affairs while on VA property and, through special delegations from the Department of Justice, off VA property;

e. **Director, Law Enforcement Training Center.** The Director, Law Enforcement Training Center, is responsible for:

(1) Developing policy regarding training requirements for VA police officers;

(2) Developing and providing basic and specialized training to VA police officers;

(3) Managing the VA Law Enforcement Training Center; and

(4) Establishing procedures to ensure that VA police officers receive appropriate in-service training.

f. Special Agents, Police Service. Special Agents of the Police Service, OS&LE, are responsible for:

(1) Providing direct technical support and guidance to Network or facility Directors, VISN and facility Chiefs of Police.

(2) Providing direct technical support and guidance to directors and other management officials throughout the Department.

(3) Conducting comprehensive on-site inspections of facility security and law enforcement programs.

(4) Either personally conducting or overseeing investigations of reported criminal activity at VA field facilities in accordance with Title 38 U.S.C. § 901 & 902.

(5) Providing personal protection to the Secretary and Deputy Secretary for Veterans Affairs while on VA property and, under special delegated authority from the Department of Justice, while off property.

g. VHA Deputy Undersecretary for Health for Operations and Maintenance and VHA VISN Directors The DUSHOM and VISN Directors will ensure that all requirements of this program are fulfilled.

h. VA Field Facility Directors. Directors of VA field facilities located on Department property are responsible for:

(1) Providing for the protection of persons on Department property in accordance with the standards set forth in this directive and in Handbook 0730;

(2) Providing for the protection of Government property;

(3) Ensuring that law enforcement activities are accomplished in a legally and technically correct manner; and

(4) Maintaining and equipping a sufficient number of VA police officers to ensure the protection of persons and property and the appropriate accomplishment of law enforcement activities.

i. Chief, Police and Security. The Chief is responsible for:

(1) Implementing legally and technically correct law enforcement practices and

physical security operations; and

(2) Providing guidance and in-service training to meet program and VA field facility goals and objectives.

j. **VA Police Officers.** VA police officers are responsible for:

(1) Conducting law enforcement and physical security tasks consistent with crime prevention goals and objectives for VA field facility security;

(2) Performing duties and responsibilities commensurate with law enforcement and physical security needs of the VA field facility;

(3) Rendering courteous assistance to beneficiaries, visitors, and employees; and

(4) Exercising leadership and control during emergency situations.

k. **VA Employees:**

(1). VA employees with knowledge or information about actual or possible violations of criminal law related to VA programs, operations, facilities, contracts, or information technology systems shall immediately report such knowledge or information to their supervisor, any management official or directly to the Office of Inspector General.

l. **VA Management Officials**

(1). Information about actual or possible violations of criminal law that occurs on VA premises will be reported by VA management officials to the VA Police component with responsibility for the station or facility in question. If there is no VA Police component with jurisdiction over the offense, the information will be reported to Federal, state or local law enforcement as appropriate.

(2). Criminal matters involving felonies will also be immediately referred to the Office of Inspector General, Office of Investigations. VA management officials with information about possible criminal matters involving felonies will ensure and be responsible for prompt referrals to the OIG. Examples of felonies include but are not limited to, theft of Government property over \$1000, false claims, false statements, drug offenses, crimes involving information technology systems and serious crimes against the person, i.e., homicides armed robbery, rape, aggravated assault and serious physical abuse of a VA patient.

4. References

- a. Title 38 United States Code 901-905
- b. Title 38, Code of Federal Regulations 2.6
- c. Title 38, Code of Federal Regulations, 1.218 (a) and (b)
- d. 38 Code of Federal Regulations 1.201 “Employee’s Duty To Report”
- e. 38 Code of Federal Regulations 1.203 “Information to be Reported to VA Police”
- f. 38 Code of Federal Regulations 1.204 “Information to be Reported to the Office of Inspector General.