

ALARACT 063/2013

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UNCLASSIFIED

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OF//OPMG-PS//

SUBJECT: CONTROL AND REPORTING OF PRIVATELY OWNED WEAPONS

PASS TO SENIOR COMMANDERS, INSTALLATION COMMANDERS, COMMANDERS
OF REGIONAL MEDICAL CENTERS AND MILITARY TREATMENT FACILITIES,
UNIT COMMANDERS, PROVOST MARSHALS, DIRECTORS OF EMERGENCY
SERVICES, AND BEHAVIORAL HEALTHCARE PROVIDERS.

1. REFERENCES:

- A. SECTION 1062, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL
YEAR 2011(PUBLIC LAW 111-383) AS AMENDED BY SECTION 1057,
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.
- B. ARMY REGULATION 190-11, PHYSICAL SECURITY OF ARMS,
AMMUNITION, AND EXPLOSIVES, 28 JUN 11.
- C. ALARACT 333/2011, 311939Z AUG 11, SUBJECT: CONTROL AND
REPORTING OF PRIVATELY OWNED WEAPONS.
- D. OTSG/MEDCOM POLICY MEMORANDUM 12-015, 28 FEB 12, SUBJECT:
COMMAND NOTIFICATION REQUIREMENTS TO DISPEL STIGMA IN PROVIDING
BEHAVIORAL HEALTHCARE TO SOLDIERS.

2. THE PURPOSE OF THIS MESSAGE IS TO RE-ISSUE REFERENCE C TO
REINFORCE GUIDANCE AND TO INCLUDE OFFICE OF THE SURGEON GENERAL
(OTSG) RECOMMENDATIONS TO COMMANDERS CONSIDERING REMOVAL OR
RESTRICTION OF SOLDIERS' PRIVATELY OWNED WEAPONS. THE INTENT OF
REFERENCE C WAS TO PROVIDE CLARIFICATION REGARDING THE
REQUIREMENTS AND LIMITATIONS ON THE REGISTRATION, STORAGE, AND
AUTHORIZED USE OF PRIVATELY OWNED WEAPONS BY SOLDIERS. THE MAJOR
POLICY CHANGES CONCERNING PRIVATELY OWNED WEAPONS IN REFERENCE B
ARE IN CONCERT WITH PUBLIC LAW IN REFERENCE A. SENIOR COMMANDERS
HAVE SPECIFIC AUTHORITY TO REGULATE PRIVATELY OWNED WEAPONS,
AMMUNITION, AND EXPLOSIVES ON ARMY INSTALLATIONS.

3. ON-POST REGULATION: PURSUANT TO REFERENCE B, THE SENIOR
COMMANDER AT EACH INSTALLATION HAS THE AUTHORITY TO REGULATE
PRIVATELY OWNED WEAPONS WITHIN THE CONFINES OF THE INSTALLATION.
THIS AUTHORITY INCLUDES:

- A. PROHIBITING THE CARRYING OF PRIVATELY OWNED WEAPONS UNLESS
AUTHORIZED;
- B. REQUIRING REGISTRATION OF WEAPONS FOR PERSONNEL RESIDING ON
THE INSTALLATION;
- C. REQUIRING REGISTRATION OF WEAPONS BROUGHT ONTO THE

INSTALLATION FOR THE PURPOSE OF ENGAGING IN AN AUTHORIZED ACTIVITY (E.G., HUNTING OR MARKSMANSHIP EVENTS);

D. REQUIRING THAT THE PRIVATELY OWNED WEAPONS OF SOLDIERS RESIDING ON-POST BE SECURED IN THE INSTALLATION ARMORY/UNIT ARMS ROOM UNLESS AUTHORIZED TO BE STORED IN QUARTERS; AND

E. REQUIRING THAT PRIVATELY OWNED WEAPONS ARE PROPERLY TRANSPORTED ON THE INSTALLATION.

4. A COMMANDER MAY ORDER ON-POST WEAPONS BE STORED IN A UNIT ARMS ROOM UPON THE COMMANDER'S DETERMINATION THAT A SOLDIER IS A POTENTIAL THREAT TO SELF OR OTHERS.

A. PRIVATELY OWNED WEAPONS MAY BE MAINTAINED IN THE UNIT ARMS ROOM UNTIL THE COMMANDER DETERMINES THAT THE RISK HAS BEEN EFFECTIVELY MITIGATED.

B. IT IS RECOMMENDED THAT COMMANDERS CONSULT WITH THEIR SERVICING JUDGE ADVOCATE.

C. IT IS RECOMMENDED THAT COMMANDERS CONSULT WITH SUPPORTING HEALTHCARE ASSETS TO HELP IDENTIFY POTENTIAL RISKS AND COORDINATE CARE REQUIREMENTS AND ASSIST IN DETERMINING IF/WHEN THE IDENTIFIED RISK HAS BEEN SUCCESSFULLY MITIGATED.

D. COMMANDERS SHOULD CONSIDER USE OF THE US ARMY SOLDIER LEADER RISK REDUCTION TOOL (USA SLRRT) IN DEVELOPING A SOLDIER'S RISK ACTION PLAN.

5. OFF-POST REGULATION: THE ABILITY OF A COMMANDER TO REGULATE THE PRIVATELY OWNED WEAPONS OF SOLDIERS WHO RESIDE OFF-POST IS LIMITED BY REFERENCE A:

A. THIS STATUTE PROHIBITS THE DEPARTMENT OF DEFENSE FROM ISSUING ANY REQUIREMENT, OR COLLECTING OR RECORDING ANY INFORMATION RELATING TO THE OTHERWISE LAWFUL ACQUISITION, POSSESSION, OWNERSHIP, CARRYING, OR OTHER USE OF A PRIVATELY OWNED FIREARM, AMMUNITION OR ANOTHER WEAPON BY A MEMBER OF THE ARMED FORCES NOT KEPT ON A MILITARY INSTALLATION. THERE ARE FOUR STATED EXCEPTIONS TO THIS PROHIBITION.

1. THE FIRST TWO EXCEPTIONS APPLY WHEN SOLDIERS ARE ENGAGED IN OFFICIAL DUTIES OR ARE IN UNIFORM; THESE EXCEPTIONS ARE SELF-EXPLANATORY.

2. THE THIRD EXCEPTION ALLOWS COMMANDERS TO REGULATE PRIVATELY OWNED WEAPONS WHEN A SOLDIER IS UNDER INVESTIGATION, PROSECUTION, OR ADJUDICATION OF AN ALLEGED VIOLATION OF LAW, INCLUDING MATTERS RELATED TO WHETHER A MEMBER OF THE ARMED FORCES CONSTITUTES A THREAT TO THE MEMBER OR OTHERS. WITHIN THIS EXCEPTION, COMMANDERS WHO COME TO A REASONED CONCLUSION (BASED ON DIRECT OBSERVATION AND/OR REPORTS FROM FRIENDS, FAMILY OR HEALTH CARE PROVIDERS) THAT A SOLDIER IS A THREAT TO SELF OR OTHERS MAY INITIATE AN INVESTIGATION INTO THE POTENTIAL THREAT OF VIOLENCE. UPON INITIATION OF AN INVESTIGATION, THE COMMANDER IS AUTHORIZED TO ASK THE SOLDIER WHETHER OR NOT HE/SHE POSSESSES ANY PRIVATELY OWNED WEAPONS THAT ARE KEPT OFF-POST.

3. THE FOURTH EXCEPTION ALLOWS COMMANDERS AND HEALTH PROFESSIONALS WHO ARE MEMBERS OF THE ARMED FORCES OR A CIVILIAN EMPLOYEE OF THE DOD OR A COMMANDING OFFICER TO INQUIRE AS TO WHETHER OR NOT A SOLDIER OWNS OR HAS PLANS TO ACQUIRE PRIVATELY OWNED WEAPONS IF THE COMMANDER OR HEALTH CARE PROFESSIONAL HAS REASONABLE GROUNDS TO BELIEVE THE SOLDIER IS AT RISK FOR SUICIDE OR CAUSING HARM TO OTHERS.

B. IF THE SOLDIER HAS PRIVATELY OWNED WEAPONS OFF-POST, THE COMMANDER MAY REQUEST THAT THE SOLDIER BRING THE WEAPONS TO THE UNIT AND TO BE STORED IN THE UNIT ARMS ROOM.

C. IF THE SOLDIER IS UNWILLING TO VOLUNTARILY SURRENDER HIS/HER OFF-POST PRIVATELY OWNED WEAPONS, THE SOLDIER CANNOT BE ORDERED TO COMPLY WITH THE REQUEST.

D. A SOLDIER WHO IS UNWILLING TO VOLUNTARILY SURRENDER HIS/HER OFF-POST PRIVATELY OWNED WEAPONS MAY BE ORDERED TO TEMPORARILY RESIDE ON, AND BE RESTRICTED TO, POST.

E. IF A COMMANDER BELIEVES A SOLDIER IS A RISK TO SELF OR OTHERS AND IS CONSIDERING AN ORDER TO RESTRICT THE SOLDIER TO POST, THE COMMANDER SHOULD INITIATE A COMMAND DIRECTED BEHAVIORAL HEALTH EVALUATION THROUGH BEHAVIORAL HEALTH SPECIALTY CARE OR EMERGENCY SERVICES. THIS PROCESS WOULD ASSESS THE SOLDIER'S CURRENT RISK LEVEL TO FURTHER INFORM THE COMMANDER'S DECISION. COMMAND CONSULTATION FINDINGS WILL BE DOCUMENTED ON THE DEPARTMENT OF THE ARMY (DA) 3822, REPORT OF MENTAL STATUS EXAM.

F. COMMANDERS SHOULD DEVELOP A UNIT COORDINATED CARE PLAN IN COORDINATION WITH UNIT MEDICAL ASSETS AND SUPPORTING BEHAVIORAL HEALTH PROVIDERS TO ADDRESS ROOT CAUSES OF THE RISK BEHAVIORS AND ESTABLISH ENDURING SUPPORT FOR ANY SOLDIER DIRECTED TO SECURE PRIVATELY OWNED WEAPONS.

6. COMMANDERS SHOULD SEEK THE ADVICE OF THEIR SERVICING JUDGE ADVOCATE PRIOR TO TAKING ANY ACTION OR COLLECTING ANY INFORMATION CONCERNING PRIVATELY OWNED WEAPONS MAINTAINED OFF-POST.

7. IAW REFERENCE D, BEHAVIORAL HEALTHCARE PROVIDERS WILL NOTIFY A SOLDIER'S COMMANDER OR DESIGNEE IN PERSON (FACE-TO-FACE OR TELEPHONICALLY) AND IN WRITING WHEN THE BEHAVIORAL HEALTHCARE PROVIDER BELIEVES THE SOLDIER IS A HARM TO SELF OR TO OTHERS.

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9. EXPIRATION DATE CANNOT BE DETERMINED.