

§ 1203a.104

longer required, threatens the security of the property therein, or is disruptive of Government operations.

§ 1203a.104 Violation of security areas.

(a) *Removal of unauthorized persons.* The directors of NASA field and component installations (or their designees) and the Director of Headquarters Administration for NASA Headquarters (including component installations) or his designee may order the removal or eviction of any person whose presence in a designated security area is in violation of the provisions of this part or any regulation or order established pursuant to the provisions of this part.

(b) *Criminal penalties for violation.* Whoever willfully violates, attempts to violate, or conspires to violate any regulation or order establishing requirements or procedures for authorized entry into an area designated restricted, limited, or closed pursuant to the provisions of this part may be subject to prosecution under 18 U.S.C. 799 which provides penalties for a fine of not more than \$5,000 or imprisonment for not more than 1 year, or both.

§ 1203a.105 Implementation by field and component installations.

If a Director of a NASA field or component installation finds it necessary to issue supplemental instructions to any provision of this part, the instructions must first be published in the FEDERAL REGISTER. Therefore, the proposed supplemental instructions will be sent to the Security Division (Code DHZ), NASA Headquarters, in accordance with NASA Management Instruction 1410.10 for processing.

PART 1203b—SECURITY PROGRAMS; ARREST AUTHORITY AND USE OF FORCE BY NASA SECURITY FORCE PERSONNEL

- Sec.
- 1203b.100 Purpose.
- 1203b.101 Scope.
- 1203b.102 Definitions.
- 1203b.103 Arrest authority.
- 1203b.104 Exercise of arrest authority—general guidelines.
- 1203b.105 Use of non-deadly physical force when making an arrest.
- 1203b.106 Use of deadly force.

14 CFR Ch. V (1–1–08 Edition)

- 1203b.107 Use of firearms.
- 1203b.108 Management oversight.
- 1203b.109 Disclaimer.

AUTHORITY: Sec. 304(f) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2456a).

SOURCE: 57 FR 4926, Feb. 11, 1992, unless otherwise noted.

§ 1203b.100 Purpose.

This regulation implements section 304(f) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2456a), by establishing guidelines for the exercise of arrest authority and for the exercise of physical force, including deadly force, in conjunction with such arrest authority.

§ 1203b.101 Scope.

This part applies to only those NASA and NASA contractor security force personnel who are authorized to exercise arrest authority in accordance with 42 U.S.C. 2456a and this regulation.

§ 1203b.102 Definitions.

Accredited Course of Training. A course of instruction offered by the Federal Law Enforcement Training Center, or an equivalent course of instruction offered by another Federal agency. See § 1203b.103(a)(1).

Arrest. An act, resulting in the restriction of a person's movement, other than a brief detention for purposes of questioning about a person's identity and requesting identification, accomplished by means of force or show of authority under circumstances that would lead a reasonable person to believe that he/she was not free to leave the presence of the officer.

Contractor. NASA contractors and subcontractors at all tiers.

§ 1203b.103 Arrest authority.

(a) NASA security force personnel may exercise arrest authority, provided that:

- (1) They graduate from an accredited training course (see § 1203b.102(a)); and
- (2) They have been certified in writing by the Associate Administrator for Management Systems and Facilities, or designee, as specifically authorized to exercise arrest authority.

(b) The authority of NASA security force personnel to make a warrantless arrest is subject to the following conditions:

(1) The arresting officer must be guarding and protecting property owned or leased by, or under the control of, the United States under the administration and control of NASA or one of its contractors or subcontractors, at facilities owned by or contracted to NASA; and

(2) The person to be arrested has committed in the arresting officer's presence any offense against the United States; or

(3) The arresting officer has reasonable grounds to believe that the person to be arrested has committed or is committing any felony cognizable under the laws of the United States.

(c) The Office of the General Counsel, NASA Headquarters, or the Installation Chief Counsel's Office, as appropriate, shall provide guidance as to the applicability of these regulations.

§ 1203b.104 Exercise of arrest authority—general guidelines.

(a) In making an arrest, the security force officer should announce his/her authority and that the person is under arrest prior to taking the person into custody. If the circumstances are such that making such announcements would be useless or dangerous to the security force officer or others, the security force officer may dispense with these announcements.

(b) The security force officer at the time and place of arrest may search the arrested person and the area immediately surrounding the arrested person for weapons and criminal evidence. This is to protect the arresting officer and to prevent the destruction of evidence.

(c) After the arrest is effected, the arrested person shall be advised of his/her constitutional right against self-incrimination. If the circumstances are such that making such advisement is dangerous to the officer or others, this requirement may be postponed until the immediate danger has passed. However, no interrogation of the individual may occur until he/she has been properly advised of his/her right against self-incrimination.

(d) Custody of the person arrested should be transferred to other Federal law enforcement personnel (e.g., United States Marshals or FBI agents) or to local law enforcement agency personnel, as appropriate, as soon as possible, in order to ensure that the person is brought before a magistrate without unnecessary delay.

§ 1203b.105 Use of non-deadly physical force when making an arrest.

When a security force officer has the right to make an arrest, as discussed in § 1203b.103, the officer may use only that non-deadly physical force which is reasonable and necessary to apprehend and arrest the offender; to prevent the escape of the offender; or to defend himself/herself or a third person from what the security force officer reasonably believes to be the use or threat of imminent use of non-deadly physical force by the offender. Verbal abuse alone by the offender cannot be the basis under any circumstances for use of non-deadly physical force by a security force officer.

§ 1203b.106 Use of deadly force.

Deadly force shall be used only in those circumstances where the security force officer reasonably believes that either he/she or another person is in imminent danger of death or serious bodily harm.

§ 1203b.107 Use of firearms.

(a) If it becomes necessary to use a firearm in any of the circumstances described in § 1203b.106, NASA security force personnel shall comply with the following precautions whenever possible:

(1) Give an order to halt before firing.
 (2) Do not fire if shots are likely to harm innocent bystanders.

(3) Shoot to stop.

(b) Warning shots are not authorized.

(c) In the event that a security force officer discharges a weapon while in a duty status:

(1) The incident shall be reported to the Installation Chief of Security who, in turn, will report it to the NASA Security Office as expeditiously as possible, with as many details supplied as are available.