



Department of Defense **INSTRUCTION**

NUMBER 5525.12

February 13, 2014

Incorporating Change 1, August 1, 2016

USD(P&R)/IG DoD

SUBJECT: Implementation of the Amended Law Enforcement Officers Safety Act of 2004 (LEOSA)

References: See Enclosure 1

1. PURPOSE. This instruction:

a. In accordance with the authority in DoD Directives 5106.01 and 5124.02 (References (a) and (b)), reissues DoD Instruction 5525.12 (Reference (c)) to update established policy and assigned responsibilities implementing the amended LEOSA.

b. Implements sections 926B and 926C of Title 18, United States Code (U.S.C.) (Reference (d)) and incorporates and implements section 1089 of Public Law 112-239 (Reference (e)) for military and civilian law enforcement personnel within the DoD.

2. APPLICABILITY. This instruction applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within DoD (referred to collectively in this instruction as the "DoD Components").

3. POLICY. It is DoD policy that:

a. In accordance with section 926B of Reference (d), notwithstanding any other provision of the law of any State or any political subdivision thereof, a qualified law enforcement officer may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, if the law enforcement officer:

(1) Meets the definitional requirements of a "qualified law enforcement officer" as outlined in Enclosure 3 of this instruction.

(2) Is carrying photographic identification issued by the DoD Component for which the individual is employed that identifies the employee as a law enforcement officer of the DoD Component.

b. In accordance with section 926C of Reference (d), notwithstanding any other provision of the law of any State or any political subdivision thereof, a qualified retired law enforcement officer may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, if the retired law enforcement officer complies with paragraphs 3b(1) and (2), or 3b(1) and (3) of this section:

(1) Meets the requirements of a “qualified retired law enforcement officer” as outlined in Enclosure 3 of this instruction.

(2) Carries photographic identification issued by the DoD Component from which the individual separated from service as a law enforcement officer that identifies the person as having been employed as a law enforcement officer and indicates that the individual has within the past 12 months been found to have met the Component’s active duty standards for qualification in firearms to carry a firearm of the same type as the concealed firearm.

(3) Carries:

(a) Photographic identification issued by the DoD Component from which the individual separated from service as a law enforcement officer that identifies the person as having been employed as a law enforcement officer, and

(b) Certification issued by the State in which the individual resides or by a certified firearms instructor qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has, during the most recent 12-month period, met the State’s active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm or if the State has not established standards, standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm.

c. The DoD will not reimburse any cost(s) associated with the qualification requirements contained in Enclosure 3 of this instruction or provide firearms, ammunition, or firearms qualification testing for separated law enforcement officers.

d. This instruction does **not**:

(1) Create any rights, privileges, or benefits, substantive or procedural, enforceable by any party against the United States, its departments, agencies, other entities, its officers, or any other persons.

(2) Limit the authority of a military commander, as outlined in section 930 of Reference (d), section 797 of Title 50, U.S.C., and DoD Instruction 5200.08 (References (f) and (g)), to deny entry to individuals or items based on current security or force protection conditions.

(3) Limit the laws of any State that:

(a) Permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

(b) Prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

(4) Confer upon any separated law enforcement officer any rights or privileges accorded to an active duty law enforcement officer. It only delineates the qualifications a separated law enforcement officer must meet to carry concealed firearms.

(5) Affect the requirement of any DoD law enforcement agency for its law enforcement officers to carry a firearm at all times and does not change any DoD Component's regulations or procedures with respect to on-duty law enforcement officers.

e. As long as they are consistent with this instruction, the DoD Components may issue:

(1) Regulations or policies limiting, restricting, conditioning, or otherwise affecting the carrying of concealed firearms.

(2) Regulations governing their statutory responsibility to manage active duty military members to maintain good order and discipline.

4. RESPONSIBILITIES. See Enclosure 2.

5. PROCEDURES. See Enclosure 3.

~~6. INFORMATION REQUIREMENTS. The identification system that maintains data on officers who have been issued photographic identification and the dates of their qualification certification is exempt from licensing in accordance with paragraph C4.4.2. of DoD 8910.1 M (Reference (h)).~~

~~76. RELEASEABILITY. **Unlimited. Cleared for public release.** This instruction is **approved for public release and is** available on **the Internet from** the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.~~

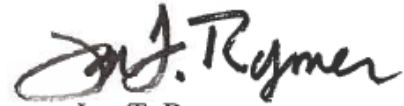
87. EFFECTIVE DATE. This instruction *is effective February 13, 2014*.

~~a. *Is effective February 13, 2014.*~~

~~b. Must be reissued, cancelled, or certified current within 5 years of its publication to be considered current in accordance with DoD Instruction 5025.01 (Reference (i)).~~

~~c. Will expire effective February 13, 2024 and be removed from the DoD Issuances Website if it hasn't been reissued or cancelled in accordance with Reference (i).~~


Jessica L. Wright
Acting Under Secretary of Defense for
Personnel and Readiness


Jon T. Rymer
Inspector General of
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Enclosures

1. References
2. Responsibilities
3. Procedures

Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5106.01, "Inspector General of the Department of Defense (IG DoD)," April 20, 2012, *as amended*
- (b) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
- (c) DoD Instruction 5525.12, "Implementation of the Law Enforcement Officers Safety Act of 2004," June 28, 2007, as amended (hereby cancelled)
- (d) Title 18, United States Code
- (e) Section 1089 of Public Law 112-239, "National Defense Authorization Act for Fiscal Year 2013," January 2, 2013
- (f) Section 797 of Title 50, United States Code
- (g) DoD Instruction 5200.08, "Security of DoD Installations and Resources and the DoD Physical Security Review Board (PSRB)," December 10, 2005, as amended
- ~~(h) DoD 8910.1 M, "Department of Defense Procedures for Management of Information Requirements," June 30, 1998~~
- ~~(i) DoD Instruction 5025.01, "DoD Directives Program," September 26, 2012, as amended~~
- (*jh*) DoD Instruction 5505.03, "Initiation of Investigations by Defense Criminal Investigative Organizations," March 24, 2011, *as amended*
- (*ki*) Section 807(b) of Title 10, United States Code
- (*lj*) ~~Title 26, United States Code~~ DoD Instruction 5505.17, "Collection, Maintenance, Use, and Dissemination of Personally Identifiable Information and Law Enforcement Information by DoD Law Enforcement Activities," December 19, 2012
- (*mk*) ~~DoD Instruction 5505.17, "Collection, Maintenance, Use, and Dissemination of Personally Identifiable Information and Law Enforcement Information by DoD Law Enforcement Activities," December 19, 2012~~ Title 26, United States Code

ENCLOSURE 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (USD(P&R)). In coordination with the Inspector General of the Department of Defense (IG DoD), the USD(P&R):

a. Establishes policy in accordance with Reference (b) as it applies to implementing sections 921, 926B, 926C, and 930 of Reference (d) and associated revisions of law.

b. Oversees the implementation of the issued policy for DoD law enforcement agencies, except defense criminal investigative organizations (DCIOs) of DoD Instruction 5505.03 (Reference (j/h)).

2. IG DoD. The IG DoD:

a. Establishes policy in accordance with Reference (a) as it applies to implementing sections 921, 926B, 926C, and 930 of Reference (d) and associated revisions of law.

b. Oversees the implementation of the issued policy as it pertains to DCIOs.

3. DOD COMPONENT HEADS. The DoD Component heads ensure compliance with the guidance in this instruction when executing provisions of Reference (e) with respect to current and separated law enforcement officers, as defined in Enclosure 3 of this instruction.

ENCLOSURE 3

PROCEDURES FOR QUALIFYING LAW ENFORCEMENT OFFICERS AND ISSUING IDENTIFICATION CARDS

1. QUALIFIED LAW ENFORCEMENT OFFICER

a. To qualify for the identification card, an individual must be an employee of a DoD Component who:

~~a.~~(1) Is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law.

~~b.~~(2) Has statutory powers of arrest or authority to apprehend pursuant to section 807(b) of Title 10, United States Code (also known as article 7(b) of the Uniform Code of Military Justice) (Reference (~~k~~*i*)).

~~c.~~(3) Is authorized by the organization to carry a firearm.

~~d.~~(4) Is not the subject of any disciplinary action by the organization that could result in suspension or loss of police powers.

~~e.~~(5) Meets the organization's standards, if any, which require the employee to regularly qualify in the use of a firearm of the same type (e.g., revolver or semiautomatic pistol) as the concealed firearm.

~~f.~~(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

~~g.~~(7) Is not prohibited by federal law from receiving a firearm.

b. Upon transfer from one DoD Component to another as a qualified officer, a background check is not necessary as long as the individual:

(1) Provides a letter from the gaining Component to the command issuing the LEOSA credentials reflecting that the individual is in good standing.

(2) Possesses a current DD Form 2760, "Qualification to Possess Firearms or Ammunition."

(3) Maintains the compliance requirements that initially authorized his or her LEOSA identification card.

2. QUALIFIED LAW ENFORCEMENT OFFICER IDENTIFICATION CARDS. The cognizant DoD Component ensures that its organizations:

- a. Issue photographic identification for qualified law enforcement officers indicating the individual meets all the requirements for a qualified law enforcement officer in accordance with section 926B of Reference (d). No new identification card needs to be created if the employing organization's current credential or identification card addresses these requirements.
- b. Maintain data identifying the officers who have been issued the photographic identification and the dates of their qualification certification.

3. QUALIFIED RETIRED LAW ENFORCEMENT OFFICER. ~~To qualify for the identification card, an individual must meet all the following criteria:~~ *In order to be considered a qualified retired law enforcement officer pursuant to section 926C of Reference (d), the individual will:*

- a. Be separated in good standing from service with a DoD Component as a law enforcement officer.
- b. Before separation, have been authorized to engage in or supervise the prevention, detection, investigation, or prosecution, or the incarceration of any person for any violation of law.
- c. Before separation, *have* had statutory powers of arrest or authority to apprehend pursuant to Reference (*ki*).
- d. Before separation, have served as a law enforcement officer for an aggregate of 10 years or more, or separated from service with a DoD Component, after completing any applicable probationary period of service, due to a service-connected disability, as determined by that Component.
- e. During the most recent 12-month period, have met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the individual's former DoD Component, the State in which the individual resides or, if the State has not established standards, either a law enforcement agency within the State in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State.
- f. Have not been officially found by a qualified medical professional employed by the DoD Component to be unqualified for reasons of mental health and as a result of this finding will not be issued the identification card described in section 4 of this enclosure. *A new mental health examination need not be required for an identification card to be issued.*
- g. Have not entered into an agreement with the DoD Component from which the individual is separating from service in which that individual acknowledges he or she is not qualified under section 926C of Reference (d) and this instruction for reasons relating to mental health and for

those reasons will not receive or accept the identification card described in section 4 of this enclosure. Nothing in this instruction requires a mental health examination for separating or separated law enforcement officers seeking a LEOSA identification card.

h. Agree that while armed, will not be under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

i. Not be prohibited by federal law from receiving a firearm.

4. QUALIFIED RETIRED LAW ENFORCEMENT OFFICER IDENTIFICATION CARDS.

The cognizant DoD Component will:

a. Require any previously separated law enforcement officer requesting an identification card to submit documentation to their former law enforcement organization or agency that demonstrates that they meet the criteria in section 3 of this enclosure.

b. Determine specific required documentation.

c. Before issuing a photographic identification card, perform a National Crime Information Center or similar criminal records check to establish that the individual is not prohibited from carrying a firearm.

d. If appropriate, issue a photographic identification card similar to that in the Figure. At a minimum, the card will:

(1) Include the separated law enforcement officer's name and an identification number assigned by the issuing organization.

(2) Contain a current photograph of the separated law enforcement officer.

(3) Contain ~~these~~ *the following* statements:

(a) "The individual pictured above, separated in good standing from service with a public agency as a law enforcement officer." ~~and on the date issued, has met the requirements of section 926C of Title 18, United States Code."~~

(b) "This card is not valid unless accompanied with firearms qualification as defined in section 926C (c)(4) of Title 18, United States Code."

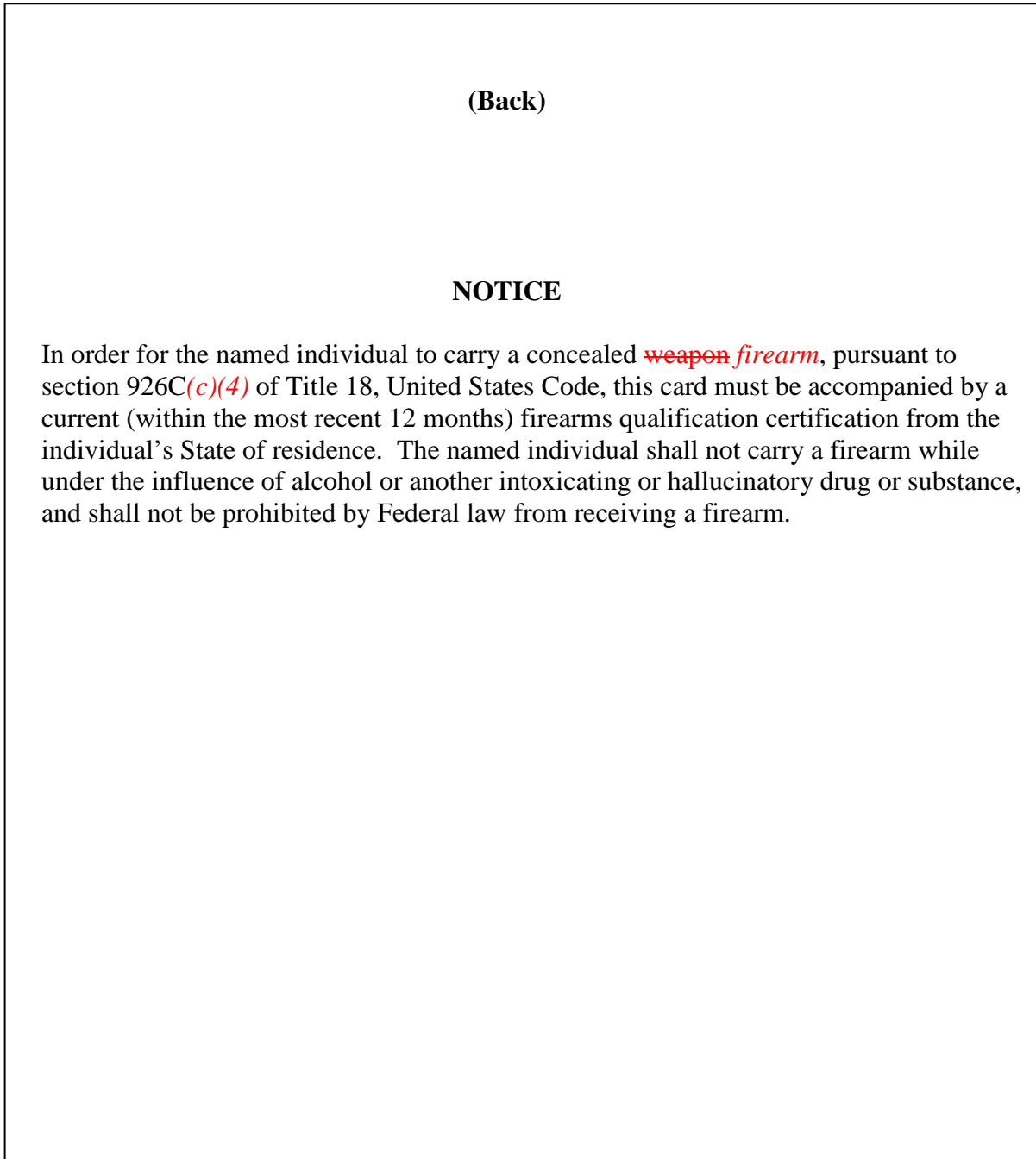
~~(bc)~~ "This card does not grant the bearer any authority to act on the agency's behalf or to exercise any law enforcement authority."

~~(ed)~~ "DoD Law Enforcement Officer (Separated)."

Figure. Sample Law Enforcement Officer Identification Card (Separated)

Current Photo	NAME Identification Number Date and name of organization
DoD LAW ENFORCEMENT OFFICER (Separated)	
<p>The individual pictured above separated in good standing from service with a public agency as a law enforcement officer. and on the date issued met the requirements of section 926C of Title 18, United States Code.</p> <p><i>This card is not valid unless accompanied with firearms qualification as defined in section 926C (c)(4) of Title 18, United States Code.</i></p> <p>This card does not grant the bearer any authority to act on the agency's behalf or to exercise any law enforcement authority.</p>	
_____ Authorized Law Enforcement Official	_____ DoD Law Enforcement Officer (Separated)
<div style="border: 1px solid black; padding: 5px; display: inline-block;">Date Issued: _____</div>	

Figure. Sample Law Enforcement Officer Identification Card (Separated), Continued



(4) Be dated and signed by the separated law enforcement officer and the head of the issuing organization.

(5) Contain an issue date.

e. Brief the separated law enforcement officer on issuance of the identification card:

(1) On the criteria for receiving the card, emphasizing that the card does not grant any authority to act on the agency's behalf or to exercise any law enforcement authority.

(2) That for the card to be valid, he or she must not carry a firearm while under the influence of alcohol or any other intoxicating or hallucinatory drug or substance.

f. Maintain data identifying the separated law enforcement officers who have been issued the photographic identification cards and the dates of their issuance.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

DCIO	defense criminal investigative organization
IG DoD	Inspector General of the Department of Defense
LEOSA	Law Enforcement Officers Safety Act of 2004
U.S.C.	United States Code
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

PART II. DEFINITIONS

These terms and their definitions are for the purpose of this instruction.

DoD law enforcement agencies. Those entities designated for the security or protection of DoD property, personnel, or places that are subject to the jurisdiction, administration, or in the custody of the DoD in accordance with DoD Instruction 5505.17 (Reference (mj)). These entities, as designated, may take reasonably necessary and lawful measures to maintain law and order and to protect installation personnel and property.

firearm. As defined in section 921 of Reference (d), including ammunition not expressly prohibited by federal law or subject to the provisions of the National Firearms Act (sections 5801 et seq. of Title 26, U.S.C.) (Reference (k)) and does not include any machine gun, as defined in section 5845 of Reference (k); any firearm silencer, as defined in section 921 of Reference (d); or any destructive device, as defined in section 921 of Reference (d).

qualified law enforcement officer. As defined in section 926B of Reference (d) and for purposes of this instruction, law enforcement officer includes “police officer.”

qualified retired law enforcement officer. As defined in section 926C of Reference (d) and for the purposes of this instruction, retired law enforcement officer includes “retired police officer.”