



Department of Defense INSTRUCTION

NUMBER 5525.12

June 28, 2007

Incorporating Change 2, September 14, 2011

USD(P&R)/IG DoD

SUBJECT: Implementation of the Law Enforcement Officers Safety Act of 2004

- References:
- (a) Sections 921, 926B, 926C, and 930 of title 18, United States Code
 - (b) DoD Directive 5106.01, "Inspector General of the Department of Defense," April 13, 2006
 - (c) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” ~~October 17, 2006~~ *June 23, 2008*
 - (d) Sections 4027, 7480, 9027, 1585a, and 2674 of title 10, United States Code
 - (e) through (i), See Enclosure 1

1. PURPOSE

~~This Instruction implements sections 926B and 926C of Reference (a) within the Department of Defense by establishing policy and assigning responsibilities under the authorities of References (b) and (c). This Instruction:~~

1.1. Implements the latest revision to Reference (a).

1.2. Establishes policy and assigns responsibilities under the authorities of References (b) and (c).

2. APPLICABILITY

This Instruction:

2.1. Applies to 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 Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (herein after referred to collectively as the "DoD Components").

2.2. Applies to the following organizations whose current, ~~and~~ retired, *or separated* employees may qualify as law enforcement officers for the purposes of Reference (a) on or after the date the organizations received statutory arrest authority: the United States Army Criminal Investigation Command, the Naval Criminal Investigative Service, the Air Force Office of Special Investigations, the Defense Criminal Investigative Service, the Pentagon Force Protection Agency (Reference (d)); and the National Security Agency (Reference (e)).

3. DEFINITIONS

Terms used in this Instruction are defined in Enclosure 2.

4. POLICY

It is DoD policy that:

4.1. In accordance with *section 926B of* Reference (a), 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:

4.1.1. Meets the definitional requirements of a “qualified law enforcement officer” as outlined in Enclosure 2; and

4.1.2. Is carrying photographic identification, issued by one of the **Components organizations** designated in paragraph 2.2., for which the individual is employed as a law enforcement officer, with language indicating that the individual meets the definitional qualifications of an active law enforcement officer.

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

4.2.1. Meets the definitional requirements of a “qualified retired law enforcement officer” as outlined in Enclosure 2;

4.2.2. Is carrying photographic identification, issued from ~~a Component~~ *an organization* designated in paragraph 2.2., from which the individual retired *or separated* from service as a qualified law enforcement officer, indicating that at the time of retirement *or separation* the individual met the definitional qualifications of a qualified retired law enforcement officer; and

4.2.3. Is carrying certification, issued by the State in which the individual resides, indicating that the individual, during the most recent 12-month period ~~from when the individual is carrying the concealed firearm~~, has been tested or otherwise found by the State to meet the

standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

4.3. The Department of Defense or any of its Components shall not reimburse any cost(s) associated with the qualification requirements contained in paragraph 4.2.3. or provide firearms or firearms qualification testing for retiring, ~~or~~ retired, *or separated* law enforcement officers.

4.4. This Instruction is not intended to and does not create any rights, privileges, or benefits, substantive or procedural, enforceable by any party against the United States, its departments, agencies, or other entities, its officers, or any other persons.

4.5. This Instruction shall not be construed to supersede or limit the authority of a military Commander, as outlined in section 930 of Reference (a), section 797 of 50 United States Code, (U.S.C.) and DoD Instruction 5200.08 (References (f) and (g), respectively), to deny entry to individuals or items based on current security or force protection conditions.

4.6. This Instruction shall not be construed to supersede or limit the laws of any State that:

4.6.1. Permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or

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

4.7. This Instruction does not confer upon any qualified retired law enforcement officer any rights or privileges accorded to an active duty law enforcement officer. The Instruction only delineates the qualifications that must be met to certify that, upon retirement *or separation*, a qualified retired law enforcement officer meets the definitional requirements outlined in Enclosure 2.

4.8. This Instruction does not affect the requirement of any DoD law enforcement organization for its agents or officers to carry a firearm at all times and does not change any Component's regulations or procedures with respect to on-duty agents or officers.

4.9. This Instruction does not supersede existing organization regulations or policies limiting, restricting, conditioning, or otherwise affecting the carrying of concealed firearms.

5. RESPONSIBILITIES

5.1. The Under Secretary of Defense for Personnel and Readiness (USD(P&R)) and the Inspector General of the Department of Defense (IG DoD) shall create and issue policy as it applies to implementing Reference (a), and associated revisions of law in this area. *The USD(P&R) will oversee the implementation of the issued policy for DoD law enforcement agencies other than those in paragraph 2.2.*

5.2. The IG DoD shall oversee the implementation of the issued policy *as it pertains to the organizations in paragraph 2.2.*

5.3. The Secretaries of the Military Departments, the Under Secretary of Defense for Intelligence, the IG DoD, and the Director of Administration and Management shall ensure that the organizations ~~indicated~~ *identified* in paragraph 2.2. comply with the guidance outlined herein when executing provisions of this policy with respect to qualified, current, and retired law enforcement officers, as defined in Enclosure 2.

6. PROCEDURES

6.1. *The cognizant DoD Component shall ensure that* the organizations designated in paragraph 2.2. ~~shall~~, in the case of qualified law enforcement officers:

6.1.1. Issue photographic identification for such officers indicating that the individuals meet all the requirements outlined in E2.2. for a qualified law enforcement officer in accordance with section 926B of Reference (a). No new identification needs to be created if the employing organization's current credential or identification card addresses these requirements.

6.1.2. Maintain data identifying the officers who have been issued the above photographic identification and the dates of their qualification certification.

6.2. Upon a written request from a retiring, ~~or~~ retired, *or separated* qualified law enforcement officer, *the cognizant DoD Component shall ensure that* the organizations designated in paragraph 2.2. ~~shall~~:

6.2.1. Require any previously retired *or separated* law enforcement officer, when requesting a photographic identification card in accordance with this Instruction, to submit a notarized statement attesting that he or she met the requirements contained in paragraph E2.3., *Enclosure 2*, at the time of his or her retirement *or separation* and that he or she ~~are not now is~~ *not currently* prohibited from carrying a firearm. Require the individual to submit a current photograph for use on the photographic identification card. The issuing organization shall perform a National Crime Information Center or similar criminal records check to establish that the individual is not prohibited from carrying a firearm before issuing a photographic identification card in accordance with this Instruction.

6.2.2. Issue a photographic identification card, similar to that displayed at Enclosure 3. At a minimum, the card shall:

6.2.2.1. Include the ~~qualified~~ retired *or separated* law enforcement officer's name and an identification number assigned by the issuing organization.

6.2.2.2. Contain a current photograph of the ~~qualified~~ retired *or separated* law enforcement officer.

6.2.2.3. Contain the following statements:

~~6.2.2.3.1. "Retired in good standing as a Law Enforcement Officer on (date) from (name of organization)."~~

~~6.2.2.3.21. "This card identifies the individual as a Qualified Retired Law Enforcement Officer in accordance with the criteria established in 18 U.S.C. 926C." "The individual pictured above retired or separated in good standing from service with a public agency as a law enforcement officer and has met the requirements of Section 926C of title 18, United States Code as outlined in paragraph E2.3, Enclosure 2 of DoDI 5525.12." In order for the individual to carry a concealed weapon, this identification must be accompanied by a current (within the most recent 12 months) firearms qualification certification from the individual's State of residence."~~

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

6.2.2.4. Prominently display the words "~~Qualified Retired DoD~~ Law Enforcement Officer (*Retired or Separated*)."

6.2.2.5. Be dated and signed by the ~~qualified~~ retired *or separated* law enforcement officer and the head of the issuing organization.

6.2.3. When issuing the card, brief the ~~qualified~~ retired *or separated* law enforcement officer on the criteria for receiving the card and emphasize that the card does not grant any authority to act on the agency's behalf or to exercise any law enforcement authority. Also brief the ~~qualified~~ retired *or separated* law enforcement officer that for the card to be valid he or she shall not carry a firearm while under the influence of alcohol or any other intoxicating or hallucinatory drug or substance.

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

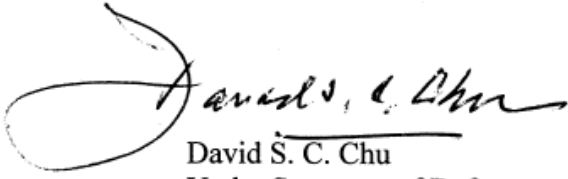
7. INFORMATION REQUIREMENTS

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)).


8. RELEASABILITY. UNLIMITED. 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>.

89. EFFECTIVE DATE

This Instruction is effective immediately.



David S. C. Chu
Under Secretary of Defense
for Personnel and Readiness



Claude M. Kicklighter
Inspector General

Enclosures – 3

- E1. References, continued
- E2. Definitions
- E3. Sample Qualified **Retired** Law Enforcement Officer Identification *Card (Retired or Separated)*

Glossary

E1. ENCLOSURE 1

REFERENCES, continued

- (e) Section 11 of the National Security Act
- (f) Section 797 of title 50, United States Code, "Control of Subversive Activities"
- (g) DoD Instruction 5200.08, "Security of DoD Installations and Resources,"
December 10, 2005
- (h) DoD 8910.1-M, "DoD Procedures for Management of Information Requirements,"
June 30, 1998
- (i) Section 5845 of title 26, United States Code, "Machine Guns, Destructive Devices, and
Certain Other Firearms"

E2. ENCLOSURE 2

DEFINITIONS

E2.1. Firearm:

E2.1.1. Firearm does not include any machinegun, as defined in section 5845 of 26 U.S.C. (Reference (i)).

E2.1.2. Firearm does not include any silencer, as defined in section 921 of Reference (a).

E2.1.3. Firearm does not include any destructive device, as defined in section 921 of Reference (a).

E2.2. Qualified Law Enforcement Officer, for the purposes of this Instruction, is an employee of an organization designated in paragraph 2.2. who:

E2.2.1. 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, and has current statutory powers of arrest.

E2.2.2. Is currently authorized by the organization to carry a firearm.

E2.2.3. Is not the subject of any disciplinary action by the organization affecting the employee's law enforcement authority *that could result in suspension or loss of police powers*.

E2.2.4. Meets standards established by the organization which require the employee to regularly qualify in the use of a firearm of the same type ~~of~~ *as* the concealed firearm.

E2.2.5. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

E2.2.6. Is not prohibited by Federal law from receiving a firearm.

E2.3. Qualified Retired Law Enforcement Officer, for the purposes of this Instruction, is:

E.2.3.1. An individual who either:

E.2.3.1.1. Retired *or separated* in good standing, other than for reasons of mental instability, as a law enforcement officer from an organization designated in paragraph 2.2.; upon such retirement *or separation* and for an aggregate of ~~15~~ *10* years or more was 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; and meets the remaining requirements listed below, or

E.2.3.1.2. Retired *or separated* after completing any applicable probationary period from one of the organizations designated in paragraph 2.2. due to service-connected disability, as determined by such organization; during service with that organization was designated 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; and meets the remaining requirements listed below.

E.2.3.2. Upon retirement *or separation* had statutory powers of arrest.

~~E2.3.3. Has non-forfeitable rights to benefits under the retirement plan of the organization.~~

~~E.2.3.4. E2.3.3.~~ During the most recent 12-month period has met, at the expense of the individual, the standards for training and qualification to carry firearms for active law enforcement officers in the State in which the ~~qualified~~ *retired or separated* law enforcement officer resides *or, if the State has not established such standards, the standards used by a certified firearms instructor qualified to conduct a firearms qualification test for active duty officers within that State.*

~~E2.3.5. E2.3.4.~~ Is not prohibited by Federal law from receiving a firearm.

~~E2.3.6. E2.3.5.~~ Agrees not to carry a firearm pursuant to this policy while under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

E3. ENCLOSURE 3

SAMPLE QUALIFIED ~~RETIRED~~ LAW ENFORCEMENT OFFICER
IDENTIFICATION CARD (~~RETIRED OR SEPARATED~~)

| | |
|--|--|
| Current Photo | (Name) |
| | ID# |
| | Retired in good standing as a Law Enforcement Officer on (date) from (name of organization) |
| | Retired Law Enforcement Officer |
| This card identifies the individual as a Qualified Retired Law Enforcement Officer in accordance with the criteria established in section 18 U.S.C. 926C. In order for the individual to carry a concealed weapon, this card must be accompanied by a current (within the most recent 12 months) firearms qualification certification from the individual's State of residence. | |
| This card does not grant the bearer any authority to act on the agency's behalf or to exercise any law enforcement authority. | |
| Agency POC: (phone number) | Email: (POC email) |
| <u>Signature</u> | <u>Signature</u> |
| (Commander/Director) (Organization) | Qualified Retired Law Enforcement Officer |
| Date:— | |

| | |
|---|--|
| <p><i>Current Photo</i></p> | <p><i>NAME</i> <i>Identification Number</i> <i>Date and name of organization</i></p> |
| <p><i>DoD LAW ENFORCEMENT OFFICER (Retired or Separated)</i></p> | |
| <p><i>The individual pictured above retired or separated in good standing from service with a public agency as a law enforcement officer and has met the requirements of Section 926C of title 18, United States Code as outlined in paragraph E2.3, Enclosure 2 of DoDI 5525.12.</i></p> | |
| <p><i>This card does not grant the bearer any authority to act on the agency's behalf or to exercise any law enforcement authority.</i></p> | |
| <hr/> <p><i>Authorized Law Enforcement Official</i></p> | <hr/> <p><i>DoD Law Enforcement Officer (Retired or Separated)</i></p> |

(Back)

NOTICE

In order for the individual to carry a concealed weapon, this card must be accompanied by a current (within the most recent 12 months) firearms qualification certification from the individual's State of residence. The individual shall not carry a firearm while under the influence of alcohol or another intoxicating or hallucinatory drug or substance, and shall not be prohibited by Federal law from receiving a firearm.

GLOSSARY

ABBREVIATIONS AND ACRONYMS

IG DoD *Inspector General of the Department of Defense*

U.S.C. *United States Code*

USD(P&R) *Under Secretary of Defense for Personnel and Readiness*