



Department of Defense

INSTRUCTION

NUMBER 5525.12

June 28, 2007

Incorporating Change 1, December 10, 2007

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
 - (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).

2. APPLICABILITY

This Instruction:

2.1. Applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of 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 (hereafter referred to collectively as the "DoD Components").

2.2. Applies to the following organizations whose current and retired 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)).

Change 1, 12/10/2007

3. DEFINITIONS

Terms used in this Instruction are defined in Enclosure 2.

4. POLICY

It is DoD policy that:

4.1. In accordance with 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 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 Reference (a), 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 qualified retired 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 designated in paragraph 2.2. from which the individual retired from service as a qualified law enforcement officer, indicating that at the time of retirement 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 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, 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 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.

5.2. The IG DoD shall oversee the implementation of the issued policy.

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 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 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 qualified law enforcement officer, the organizations designated in paragraph 2.2. shall:

6.2.1. Require any previously retired 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. at the time of his or her retirement and that he or she are not now 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 Agency Check~~ *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 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 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)."

6.2.2.3.2. "This card identifies the individual as a Qualified Retired Law Enforcement Officer in accordance with the criteria established in 18 U.S.C. 926C. 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."

6.2.2.3.3. "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 Law Enforcement Officer."

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

6.2.3. When issuing the card, brief the qualified retired 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 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.

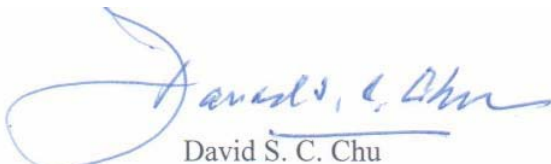
6.2.4. Maintain data identifying the qualified retired law enforcement officers who have been issued the photographic identification cards and the dates of their issuance.

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. 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

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 designed 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 those agencies affecting the employee's law enforcement authority.

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 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:

E2.3.1. An individual who either:

E2.3.1.1. Retired 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 and for an aggregate of 15 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

E2.3.1.2. Retired 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.

E2.3.2. Upon retirement had statutory powers of arrest.

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

E2.3.4. 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 law enforcement officer resides.

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

E2.3.6. 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

Current Photo	(Name)
	ID#
	Retired in good standing as a Law Enforcement Officer on (date) from (name of organization)
Retired Law Enforcement Officer	
<p>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.</p>	
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:	