



# Department of Defense INSTRUCTION

NUMBER 5525.12

February 13, 2014

Incorporating Change 3, September 23, 2022

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USD(I&S)/IG DoD

SUBJECT: Implementation of the Law Enforcement Officers Safety Act of 2004, as amended (LEOSA)

References: See Enclosure 1

1. PURPOSE. This instruction:

a. In accordance with the authority in DoD Directives 5106.01 and 5143.01 (References (a) and (b)), reissues DoD Instruction 5525.12 (Reference (c)) to establish policy and assign responsibilities implementing the amended LEOSA.

b. Implements sections 926B and 926C of Title 18, United States Code (U.S.C.) (Reference (d)), as amended by 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 Inspector General of the Department of Defense (IG DoD), 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, within the past 12 months, 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, or 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.

(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.

4. RESPONSIBILITIES. See Enclosure 2.

5. PROCEDURES. See Enclosure 3.

6. RELEASABILITY. **Cleared for public release.** This instruction is available on the Directives Division Website at <https://www.esd.whs.mil/DD>.

7. INFORMATION COLLECTIONS. The data maintained pursuant to paragraphs 2.b. and 4.f of Enclosure 3 and the required documentation that is referred to in paragraphs 4.a. and 4.b. of Enclosure 3 do not require licensing with a report control symbol in accordance with paragraph 9 of enclosure 3 of volume 1 of DoD Manual 8910.01 (Reference (h)).

8. SUMMARY OF CHANGE 3. This change:


a. Clarifies conditions under which DoD Components may supplement this issuance consistent with LEOSA.

b. Correctly documents the 2018 transfer of co-proponency for this issuance from the Under Secretary of Defense for Personnel and Readiness to the Under Secretary of Defense for Intelligence and Security (USD(I&S)) in accordance with the June 29, 2018 Deputy Secretary of Defense approval of the May 21, 2018 Under Secretary of Defense for Personnel and Readiness and USD(I&S) Memorandum (Reference (i)) and updates the references accordingly.

c. Updates references and corrects inaccuracies.

9. EFFECTIVE DATE. This instruction is effective February 13, 2014.

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

  
Jon T. Rymer  
Inspector General of  
the Department of Defense

Change 3 Approved by:



Ronald S. Moultrie  
Under Secretary of Defense  
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Change 3 Approved by:



Sean W. O'Donnell  
Acting Inspector General of the  
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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 5143.01, “Under Secretary of Defense for Intelligence and Security (USD(I&S)),” October 24, 2014, as amended
- (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 Manual 8910.01, Volume 1, “DoD Information Collections Manual: Procedures for DoD Internal Information Collections,” June 30, 2014, as amended
- (i) Under Secretary of Defense for Personnel and Readiness and Under Secretary of Defense for Intelligence Action Memorandum for the Deputy Secretary of Defense, “DoD Directive 5525.IC, Protection of Buildings, Grounds, Property, and Persons, and Implementation of Section 2672 of Title 10, United States Code,” May 21, 2018<sup>1</sup>
- (j) DoD Instruction 5505.03, “Initiation of Investigations by Defense Criminal Investigative Organizations,” March 24, 2011, as amended
- (k) Section 807(b) of Title 10, United States Code
- (l) 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, as amended
- (m) Title 26, United States Code

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<sup>1</sup> The Deputy Secretary of Defense approved the transfer of proponency for this issuance on June 29, 2018. Documentation of that decision is available from the Chief, Law Enforcement Office of the USD(I&S).

ENCLOSURE 2

RESPONSIBILITIES

1. USD(I&S). In coordination with the IG DoD, the USD(I&S):

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

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

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).

b. Oversees the implementation of the issued policy as it pertains to defense criminal investigative organizations.

3. DOD COMPONENT HEADS. The DoD Component heads:

a. 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.

b. May supplement this issuance with implementing guidance so long as such guidance does not impose additional criteria for “qualified law enforcement officer” or “qualified retired law enforcement officer” status under LEOSA.

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:

(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.

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

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

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

(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.

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

(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 identification card or 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 their 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. 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 of, 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 (k).

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) 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. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance while armed.

i. Is not 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 statements:

(a) "The individual pictured above separated in good standing from service with a public agency as a law enforcement officer."

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

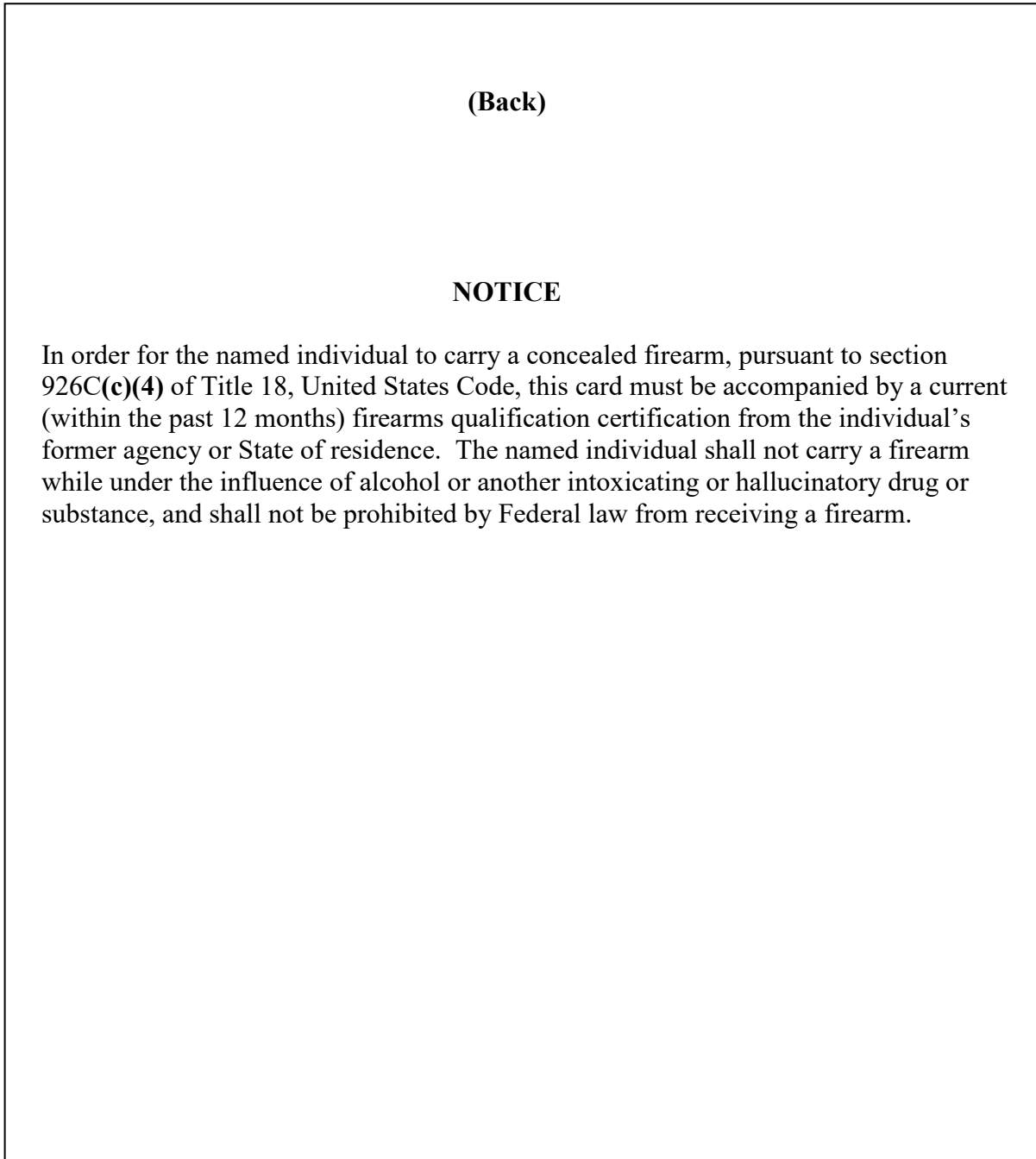
(c) "This card does not grant the bearer any authority to act on the agency's behalf or to exercise any law enforcement authority."

(d) "DoD Law Enforcement Officer (Separated)."

Figure. Sample Law Enforcement Officer Identification Card (Separated)

<b>Current Photo</b>	<b>NAME</b>  <b>Identification Number</b>  <b>Date and name of organization</b>
 <b>DoD LAW ENFORCEMENT OFFICER (Separated)</b>  The individual pictured above separated in good standing from service with a public agency as a law enforcement officer.  This card is not valid unless accompanied with firearms qualification as defined in section 926C (c)(4) of Title 18, United States Code.  This card does not grant the bearer any authority to act on the agency's behalf or to exercise any law enforcement authority.  <hr/> <div style="display: flex; justify-content: space-between;"><div style="text-align: center;">Authorized Law Enforcement Official</div><div style="text-align: center;">DoD Law Enforcement Officer (Separated)</div></div> <div style="text-align: center; margin-top: 10px;">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, they 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

IG DoD	Inspector General of the Department of Defense
LEOSA	Law Enforcement Officers Safety Act of 2004, as amended
U.S.C.	United States Code
USD(I&S)	Under Secretary of Defense for Intelligence and Security

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 or administration, or are in the custody of the DoD in accordance with DoD Instruction 5505.17 (Reference (l)). 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 (m)) and does not include any machine gun, as defined in section 5845 of Reference (m); 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).

qualified retired law enforcement officer. As defined in section 926C of Reference (d).