



SECRETARY OF THE ARMY  
WASHINGTON

08 JAN 2015

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2015-03 (Procedures for the Issuance of Law Enforcement Officers Safety Act Credentials to Army Law Enforcement Officers)

1. References. A complete list of references is at enclosure 1.

2. Purpose. This directive implements 18 U.S. Code (U.S.C.) sections 926B and 926C and Department of Defense (DoD) Instruction 5525.12 (Implementation of the Amended Law Enforcement Officers Safety Act of 2004 (LEOSA)). It also incorporates and implements section 1089 of the National Defense Authorization Act for Fiscal Year 2013 for qualified active, retired and separated uniformed Army and Department of the Army (DA) Civilian law enforcement personnel in accordance with the procedures at enclosure 2.

3. Policy

a. In accordance with 18 U.S.C. section 926B, notwithstanding any other provision or law of any State or 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 paragraph 4 of this directive, and

(2) is carrying photographic identification issued by the Army that identifies the employee as an Army law enforcement officer.

b. In accordance with 18 U.S.C. section 926C, notwithstanding any other provision of the law of any State or any political subdivision thereof, a qualified retired, separated or medically retired law enforcement officer may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce if the retired, separated or medically retired law enforcement officer:

(1) meets the requirements of a "qualified retired law enforcement officer" as outlined in paragraph 5 of this directive; and

(2) carries:

- photographic identification issued by the Army identifying that the person was employed as a law enforcement officer; and

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- certification issued by the State where the individual resides, or by a certified firearms instructor qualified to conduct a firearms qualification test for currently serving officers within that State, that indicates 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.

**4. Qualified Law Enforcement Officer.** To qualify for the identification card, an individual must be an employee of the Army who:

a. is authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or incarceration of any person for any violation of law;

b. has statutory powers of arrest or authority to apprehend pursuant to 10 U.S.C. section 807(b) (also known as Article 7(b) of the Uniform Code of Military Justice);

c. is authorized by the organization to carry a firearm;

d. is not the subject of any disciplinary action by the organization that could result in suspension or loss of police powers;

e. meets the organization's standards, if any, which require the employee to regularly qualify in the use of a firearm of the same type (for example, a revolver or semiautomatic pistol) as the concealed firearm;

f. is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance while invoking law enforcement authority or carrying a firearm;

g. is not prohibited by Federal law from receiving a firearm; and

h. must show 6 years of cumulative police experience, which may include credit for civilian police service (required for active and reserve component personnel).

**5. Qualified Retired Law Enforcement Officer.** To qualify for the identification card, an individual must meet all of the following criteria:

a. was separated in good standing from service with the Army as a law enforcement officer;

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b. was authorized before separation to engage in or supervise the prevention, detection, investigation, prosecution or incarceration of any person for any violation of law;

c. had statutory powers of arrest or authority to apprehend pursuant to DoD Instruction 5525.12 before separation;

d. had served before separation as a law enforcement officer for an aggregate of 10 years or more, or separated from service with the Army after completing any applicable probationary period of service because of a Service-connected disability, as determined by the Army;

e. met, during the most recent 12-month period and at personal expense, the standards for qualification in firearms training for active law enforcement officers, as determined by the Army, the State where the individual resides or, if that State does not have established standards, either a law enforcement agency within the State where the individual resides or the standards used by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty officers within that State;

f. has not been officially found by a qualified medical professional to be unqualified for reasons of mental health and as a result of this finding will not be issued the identification card;

g. has not entered into an agreement with the Army in which the individual acknowledges that he or she is not qualified under 18 U.S.C. section 926C and this directive for reasons relating to mental health and for those reasons will not receive or accept the identification card. Nothing in this instruction requires a mental health examination for separating or separated law enforcement officers seeking a LEOSA identification card;

h. will agree that while armed, he or she will not be under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

i. is not prohibited by Federal law from receiving a firearm.

**6. Restrictions. This directive does not:**

a. 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.

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b. permit the carry of concealed privately owned weapons on Federal installations or where prohibited by Federal, State or local statutes.

c. limit the authority of military commanders, as outlined in 18 U.S.C. section 930 (reference b), 50 U.S.C. section 797 (reference d) and DoD Instruction 5200.08 (reference g), to deny entry to individuals or items based on current security or force protection conditions.

d. limit the laws of any State that:

(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property (that is, bars, private clubs, amusement parks, etc.); or

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

e. circumvent the provisions of the Gun Free School Zone Act of 1995 (18 U.S.C. section 922(q)), which prohibits the possession of a firearm at a place the individual knows, or has reason to believe, is a school zone unless the individuals is officially on law enforcement duties.

f. confer upon any separated law enforcement officer any rights or privileges accorded to a currently serving law enforcement officer. This directive only delineates qualifications a separated law enforcement officer must meet to carry concealed firearms.

g. affect the requirement of any Army law enforcement agency for its law enforcement officers to carry a firearm at all times and does not change any Army regulations or procedures with respect to on-duty Army law enforcement officers.

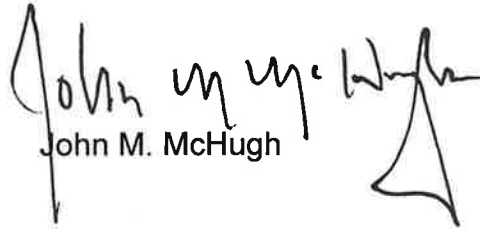
7. **Costs.** The Army will not reimburse any cost(s) associated with issuance of cards and initial or annual weapons qualification, provide firearms or ammunition, or provide firearms qualification services for separated Army law enforcement officers or currently serving Army law enforcement officers who are not otherwise qualified by their unit. Use of appropriated funds for the qualification of retired law enforcement officers is prohibited.

8. **Applicability.** This directive applies to currently serving, retired or separated uniformed Army, Army National Guard, U.S. Army Reserve and DA Civilian law enforcement personnel (military police and U.S. Army Criminal Investigation Command

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special agents) located within the U.S. and its territories who meet all the necessary qualifications for issuance of the LEOSA credential.

9. Proponent. The Provost Marshal General is the proponent for this policy and will incorporate the provisions of this directive into Army Regulation 190-14 (Carrying of Firearms and Use of Force for Law Enforcement and Security Duties) as soon as practicable. This directive is rescinded upon publication of the revised regulation.



John M. McHugh

Encls

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**DISTRIBUTION: (CONT)**

**CF:**

**Director, Army National Guard**

**Director of Business Transformation**

**Commander, Eighth Army**

**Commander, U.S. Army Cyber Command**

## REFERENCES

- a. 10 U.S. Code (U.S.C.) section 807(b).
- b. 18 U.S.C.
- c. 26 U.S.C.
- d. 50 U.S.C. section 797.
- e. National Defense Authorization Act for Fiscal Year 2013, Pub. L. No. 112-239, section 1089 126 Stat. 1970.
- f. Department of Defense (DoD) Directive 5106.01 (Inspector General of the Department of Defense (IG DoD)), April 20, 2012, Incorporating Change 1, Effective August 19, 2014.
- g. DoD Directive 5124.02 (Under Secretary of Defense for Personnel and Readiness (USD(P&R))), June 23, 2008.
- h. DoD Instruction 5200.08 (Security of DoD Installations and Resources and the DoD Physical Security Review Board (PSRB)), December 10, 2005, Incorporating Change 2, Effective April 8, 2014.
- i. DoD Instruction 5505.03 (Initiation of Investigations by Defense Criminal Investigative Organizations), March 24, 2011
- j. 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
- k. DoD Instruction 5525.12 (Implementation of the Amended Law Enforcement Officers Safety Act of 2004 (LEOSA)), February 13, 2014.
- l. DoD Instruction 7730.47 (Defense Incident-Based Reporting System (DIBRS)), January 23, 2014.
- m. DoD 8910.01-M, Volume 1 (DoD Information Collections Manual: Procedures for DoD Internal Information Collections), June 30, 2014.
- n. Army Regulation 190-56 (The Army Civilian Police and Security Guard Program), 15 March 2003.

- o. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Publication 5300.4 (Federal Firearms Regulations Reference Guide), Revised September 2005.
- p. Training Circular 25-8 (Training Ranges), 20 May 2010.
- q. ALARACT 025/2010, DAMO-AOC, 221620Z Jan 10, subject: HQDA EXORD 087-10 ISO Annual Military Police Law Enforcement Training and Certification.



## **IMPLEMENTATION PROCEDURES FOR THE AMENDED LAW ENFORCEMENT OFFICERS SAFETY ACT (LEOSA) OF 2004**

The provisions of this directive apply to all U.S. Army Soldiers and Department of the Army Civilians (DACs) in all components, and military and civilian law enforcement personnel from other U.S. military branches assigned or attached to U.S. Army units. The directive also applies to former Soldiers and DACs, both retired and separated. Compliance is mandatory.

This directive requires the collection and maintenance of information protected by the Privacy Act of 1974, in accordance with System of Records Notice # OPM/GOVT-1 (General Personnel Records). The authorities to collect and/or maintain the records prescribed in this directive are 10 U.S.C. section 8013; DoD Instruction 5505.17 (Collection, Maintenance, Use and Dissemination of Personally Identifiable Information and Law Enforcement Information by DoD Law Enforcement Activities); and DoD Instruction 7730.47 (Defense Incident-Based Reporting System (DIBRS)).

1. Purpose. The National Defense Authorization Act for Fiscal Year 2013 amended 18 U.S.C. sections 926B and 926C to expand the applicability of LEOSA to those individuals who are, or were, granted the authority to apprehend personnel under Article 7b of the Uniform Code of Military Justice (10 U.S.C. section 807(b)). This directive implements a requirement external to the Army. In accordance with DoD Instruction 5525.12, currently serving active and reserve component military police (MP), DAC police (DACP), active and reserve component military and DAC U.S. Army Criminal Investigation Command (CID) special agents, and separated and retired law enforcement officers who meet all the necessary qualifications may carry privately owned weapons concealed while off duty and off military installations. This enclosure addresses implementation of LEOSA for all individuals granted apprehension authority under the Secretary of the Army.

2. Applicability. The procedures in this enclosure apply only to LEOSA-qualified law enforcement officers (active, retired and separated) located within the U.S. and its territories.

3. 18 U.S.C Section 926B. This section of the U.S. Code permits an individual who meets the criteria to be a qualified law enforcement officer and who is granted the LEOSA identification credential to carry a concealed firearm while off duty and off the installation. Once an individual has been vetted as a qualified law enforcement officer and issued a 926B LEOSA credential, LEOSA exempts the individual from State laws prohibiting the carrying of concealed firearms except as described in paragraph 6d of this directive.

a. To be issued a 926B LEOSA credential, individuals must meet the criteria of a qualified law enforcement officer outlined in paragraph 4 of this directive and enclosure 2 of DoD Instruction 5525.12.

(1) Under 18 U.S.C. section 926B, currently serving CID special agents (military and DAC) who meet all of the requirements in DoD Instruction 5525.12 are not required to obtain a separate Army 926B LEOSA credential as long as the special agent is carrying a valid CID-issued badge and credentials.

(2) Currently serving MP and DACP must meet all Army requirements for law enforcement certification in accordance with Army Regulation 190-56 (The Army Civilian Police and Security Guard Program), Army Execution Order 087-10 and Soldier's Manuals for military occupational specialty 31B (Military Police) (STP 19-31B series) as applicable and must show 6 years of cumulative police experience. In addition, currently serving MP and DACP must have:

- (a) a validated record of weapons qualification (current within 12 months),
- (b) a commander endorsement of request, and
- (c) a National Crime Information Center (NCIC) check or similar background check for derogatory information and validated police experience.

b. The type of weapon authorized to carry is defined as a handgun,<sup>1</sup> semiautomatic pistol or revolver, shotgun, rifle, etc. The term is not to be confused with "model," which defines the various weapons within the particular type of weapon. All MP, DACP and CID special agents qualify with either the M9 or M11 pistol. Therefore the type of weapon allowed for personal "off-duty" carry under 926B credentials will be any caliber of semiautomatic pistol or revolver only, acquired at the individual's expense. In accordance with LEOSA, the term "firearm" does not include any machine gun as defined in section 5845 of the National Firearms Act, or any firearm silencer or destructive device as defined in 18 U.S.C. section 921.

(1) Currently serving CID special agents (military and DAC) must qualify quarterly with their assigned M11 pistol. In addition:

- at the CID group level and below, CID special agents authorized to carry a firearm are defined as currently qualified on the M11 pistol and identified on the unit arming roster.
- individuals placed on an organizational "Do Not Arm" roster, but who still remain qualified, are not "authorized" to carry their primary duty weapon.

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<sup>1</sup> As defined in reference o, the term "handgun" means (a) a firearm that has a short stock and is designed to be held and fired by the use of a single hand, and (b) any combination of parts from which a firearm described in subparagraph (A) can be assembled.

These individuals will have their CID-issued badge and credentials suspended until their authorization to bear a firearm for duty is returned. The individual will be notified of the suspension in accordance with CID policies and procedures.

(2) Currently serving MP and DACP must qualify to Military Police Firearms Qualification Course standards at least annually with a firearm of the same type (revolver or semiautomatic) as the concealed weapon they will carry. In addition:

- at the Army brigade level and below, qualified law enforcement officers authorized to carry a firearm are defined as currently qualified on the M9 pistol and identified on the unit arming roster.
- individuals placed on an organizational “Do Not Arm” roster, but who still remain qualified, are not “authorized” to carry their primary duty weapon. These individuals will have their 926B LEOSA credential suspended until their authorization to bear a firearm for duty is returned. The individual will be notified of the suspension, in writing, when their authorization to carry a firearm has been suspended (for health-related reasons, investigation, failure to qualify, etc).

(3) Individuals who meet all other definitions of a qualified law enforcement officer retain apprehension authority under Article 7b of the Uniform Code of Military Justice, but are not currently qualified on the M9 pistol or are not required to regularly qualify because of their duty position. Military and DAC law enforcement staff personnel may complete the MP Firearms Qualification Course conducted by a State-certified civilian firearms instructor using the member’s privately owned revolver or semiautomatic pistol and personally acquired ammunition. The personnel must accomplish the testing during nonduty time at a non-Army firing range and at no cost to the Army. The MP Firearms Qualification Course requirements are in Training Circular 25-8 ([https://armypubs.us.army.mil/doctrine/DR\\_pubs/dr\\_d/pdf/tc25\\_8.pdf](https://armypubs.us.army.mil/doctrine/DR_pubs/dr_d/pdf/tc25_8.pdf)). Once they successfully complete this qualification course, these individuals will be considered “authorized by the agency” to carry a firearm.

c. For the 926B LEOSA credential to be considered valid, the individual must be currently authorized to carry a firearm and must not be the subject of judicial or nonjudicial punishment, must not be under the influence of alcohol or any other intoxicating or hallucinatory drug or substance and must not be prohibited by Federal law from receiving a firearm as indicated in the Lautenberg Amendment to the Gun Control Act of 1968. 926B LEOSA credential holders will be required to surrender the LEOSA credential if the individual is subjected to judicial or nonjudicial punishment, at the unit commander’s discretion, and their LEOSA qualification and authorization to possess a weapon will be suspended or revoked.

d. Unit commanders will maintain a roster of all assigned unit members who have been issued a LEOSA credential. The commanders will coordinate with the local Office of the Provost Marshal to verify eligibility at least annually.

4. 18 U.S.C. Section 926C. This section of the U.S. Code permits an individual who meets the criteria for a qualified retired law enforcement officer and is granted the LEOSA identification credential to carry a concealed firearm. Once an individual has been vetted as a qualified retired law enforcement officer and issued a 926C LEOSA credential, LEOSA exempts the individual from State laws prohibiting the carrying of concealed firearms except as described in paragraph 6d of this directive.

a. To be issued a credential under LEOSA, an individual must fall into one of the following three categories and meet the criteria of a qualified retired law enforcement officer outlined in paragraph 5 of this directive and enclosure 3 of DoD Instruction 5525.12.

(1) Military or civilian retirement as a law enforcement officer (Service/Agency Civilian Police Officer (GS-083), Military Special Agent, Civilian Criminal Investigator (GS-1811), Conservation Law Enforcement Officer (GS-1810 (old 1812)), and Corrections Officer (GS-007)); or

(2) Separation after having completed an aggregate of 10 years of qualifying service (military or civilian) as a law enforcement officer. (Note: The burden of covering the individual for LEOSA identification falls on the last agency of employment.); or

(3) Separation due to a service-connected disability, as determined by the DoD component, after completing any applicable probationary period of service as a law enforcement officer.

b. In accordance with section 926C, qualified retired officers must carry an Army-issued LEOSA credential and a State weapons qualification. The weapons qualification certifies that the individual meets "active" law enforcement officer qualification standards (revolver or semiautomatic pistol). This documentation must have been signed within the past 12 months by a certified firearms instructor eligible to conduct a firearms qualification test for currently serving law enforcement officers in the State where the qualified retired officer resides.

c. In accordance with section 926C(c)(4), if the State has not established law enforcement qualification standards, the firearms instructor will certify that the officer has met standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm.

d. Firearms certification will be completely at the individual's expense (range fees, ammunition, targets, etc).

e. For the 926C LEOSA credential to be considered valid, the individual must have retired or separated in good standing from service as a qualified law enforcement officer with the Army, must be currently authorized to carry a firearm, must not be under the influence of alcohol or other intoxicating or hallucinatory drug or substance while carrying a firearm, and must not be prohibited by Federal law from possessing a firearm.

f. The Office of the Provost Marshal General will review the eligibility of 926C credential cardholders annually.

g. In accordance with LEOSA and for the purposes of this directive, only Army-issued 926C LEOSA credentials are authorized for qualified retired law enforcement officers.

5. Credentials. Currently serving MP and DACP who meet all the requirements in DoD Instruction 5525.12 and paragraph 3 of this enclosure and who show 6 years of cumulative police experience may, upon request, be issued an Army 926B LEOSA credential. Active CID special agents (military and DAC) maintain a valid CID-issued badge and credentials at all times and are exempt from obtaining an additional 926B credential. Retirees and personnel separated with 10 years of aggregated total active Federal service as an MP or a DACP, who meet all the requirements in DoD Instruction 5525.12 and paragraph 4 of this enclosure may, upon request, be issued an Army 926C LEOSA credential.

a. The Office of the Army Provost Marshal General will be considered “the issuing agency” and authority for reviewing and adjudicating NCIC results to support the issuance of an Army LEOSA credential to personnel who meet all the requirements in this directive and DoD Instruction 5525.12. The office of record for the issuance of all LEOSA credentials will be the U.S. Army Military Police School.

b. Credentials may be issued directly by the Army or a contracted source, at the expense of the requesting individual, using a software module in the Army Law Enforcement Reporting System. This module will contain the centralized database of all LEOSA-issued credentials DoD Instruction 5525.12 requires.

c. Issuance of a LEOSA photographic credential indicates that the individual has met all the requirements as a qualified law enforcement officer in accordance with DoD Instruction 5525.12.

d. Requests for an Army LEOSA credential will be made at no cost to the Government through a secure, electronic, Web-based application available at <http://www.army.mil/opmg>. Applicants must submit the following documentation:

(1) an electronic copy of fingerprints, which may be obtained at the office of the installation provost marshal, a DoD law enforcement agency or office, or a local police station for the purposes of an NCIC or similar background check.

(2) a medical declaration of physical competency. This documentation must be obtained from the applicant's primary care physician and certify that the individual is not currently or previously under the physician's care for conditions that prohibit the carrying of a firearm under Federal law.

(3) an electronic passport-type photograph as defined by the U.S. Department of State for all U.S. passports.

(4) a copy of State driver's license or State- or Federal Government-issued identification card.

(5) a recommendation from the appropriate commanding officer as specified in paragraph 3a(2)(b) of this enclosure (926B applicants only).

(6) a legible copy of the applicant's DD Form 214 (Certificate of Release or Discharge From Active Duty) (member copy 4) (926C applicants only).

e. The credential will:

(1) include the law enforcement officer's name and an identification number assigned by the issuing agency.

(2) contain a current photograph of the qualified law enforcement officer.

(3) contain the following statements:

(a) For the 926B credential: "The individual pictured is actively serving with the United States Army as a qualified law enforcement officer and on (the date issued) met all requirements of 18 USC 926B. This card must be accompanied by a current (within the last 12 months) firearms qualification certification from the United States Army."

(b) For the 926C credential: "The individual pictured separated in good standing from service with the United States Army as a qualified law enforcement officer and on (the date issued) met the requirements of 18 USC 926C."

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

(d) On the back of the 926C credential: "For the named individual to carry a concealed weapon, pursuant to 18 USC 926C, this card must be accompanied by a



current (within the last 12 months) firearms qualification certification from the individual's State of residence. The named individual will not carry a firearm while under the influence of alcohol or other intoxicating or hallucinatory drug or substance, and is not prohibited by Federal law from receiving a firearm."

f. In addition to the 926B or 926C LEOSA credential, personnel are required to carry proof of current firearm certification (within the last 12 months) while carrying a concealed firearm under LEOSA.

(1) For 926B credentials, MP and DACP will carry their weapons qualification card, indicating the expiration date of their handgun weapons qualification.

(2) For 926C credentials, retired and separated personnel will carry certification or other documentation as approved or issued by the State where they reside, or proof of training as indicated in paragraph 4 of this enclosure.

g. Each issued 926B LEOSA credential will be valid for 5 years from the date of issuance. Members are required to renew their credential, if desired, in accordance with the provisions of this directive. Applications will be accepted within 60 days of the LEOSA expiration. Fingerprint cards are not required for renewal applications.

h. Each LEOSA credential will have an issue date and be signed by the qualified law enforcement officer and the representative of the Office of the Army Provost Marshal General.

## 6. Suspension and Revocation of Army LEOSA Credentials

a. Suspension. Individuals receiving credentials under section 926B will have their credential suspended if the local commander places them on a "Do Not Arm" roster. Individuals will surrender their LEOSA credential to the commander until it is returned or permanently suspended.

b. Revocation. If any individual issued an Army LEOSA credential is found to be prohibited by Federal law from receiving a firearm, they will have their credential immediately revoked in accordance with DoD Instruction 5525.12. 926B credential cardholders will surrender their credential to the local installation provost marshal, who will destroy the credential and document the revocation and destruction in a memorandum for record to the Office of the Army Provost Marshal General. A letter of revocation will be sent to the 926C credential cardholder and their local law enforcement agency instructing the return of the credential to the Office of the Army Provost Marshal General.

c. Currently serving CID special agents (military and DAC) will have their credential suspended or revoked in accordance with CID policies and procedures.

## 7. Special Considerations

a. MP and DACP who cross-train into a non-qualified police or law enforcement officer position may apply for an Army 926C LEOSA credential if they have attained 10 years aggregate total active Federal service as a qualified law enforcement officer.

b. The Army has no liability and will not provide legal defense, absent that required by law, for any individual involved in use of force incidents involving personal weapons. The Army's role under LEOSA is solely to determine that legal requirements to carry a firearm are met. Individuals are responsible for any actions they take.