

AFOSI – LEOSA Frequently Asked Questions

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What is LEOSA?

The Law Enforcement Officer Safety Act of 2004. This law was passed to allow Qualified Law Enforcement Officers (QLEO) and Qualified Retired Law Enforcement Officers (QRLEO) to carry concealed firearms in any jurisdiction in the United States, with certain exceptions.

What is a QLEO?

In 18 USC § 926B(c), "qualified law enforcement officer" is defined as an employee of a governmental agency 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, and has statutory powers of arrest, or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice);
- 2) is authorized by the agency to carry a firearm;
- 3) is not the subject of any disciplinary action by the agency which could result in suspension or loss of police powers;
- 4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;
- 5) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- 6) is not prohibited by Federal law from receiving a firearm.

Additionally, 18 USC § 926B requires that the individual must carry photographic identification issued by the governmental agency for which the individual is employed that identifies the employee as a police officer or law enforcement officer of the agency.

On-duty status determines LEOSA-eligibility. Thus, as long as the person meets the definition of "qualified law enforcement officer" in an on-duty capacity, whether an officer is a full-time, part-time, or reserve peace officer is not relevant in determining whether a person is a "qualified law enforcement officer" under LEOSA. LEOSA's definition of "qualified law enforcement officer" does not include a requirement that a person have law enforcement authority off-duty.

What is a QRLEO?

In 18 USC § 926C(c), "qualified retired law enforcement officer" is defined as an individual who:

- 1) separated from service in good standing from service with a public agency as a law enforcement officer;

- 2) before such separation, 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 had statutory powers of arrest or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice);
- 3) before such separation, served as a law enforcement officer for an aggregate of 10 years or more; or separated from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;
- 4) during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the former agency of the individual, the State in which the individual resides or, if the State has not established such 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;
- 5) has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and as a result of this finding will not be issued photographic identification; or has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health and for those reasons will not receive or accept photographic identification;
- 6) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- 7) is not prohibited by Federal law from receiving a firearm.

Additionally, the individual must carry either:

- 1) photographic identification issued by the agency from which the individual separated from service as a law enforcement officer that identifies the person as having been employed as a police officer or law enforcement officer and indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm; or
- 2) photographic identification issued by the agency from which the individual separated from service as a law enforcement officer that identifies the person as having been employed as a police officer or law enforcement officer; and a certification issued by the State in which the individual resides or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has, not less than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met the active duty standards for qualification in firearms training, as established by the State, to carry a firearm of the same type as the concealed firearm; or if the State has not established such

standards, standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm.

What recent amendments made changes to the original law?

2010 Amendment: In 2010, LEOSA was amended by the Law Enforcement Officers Safety Act Improvements Act of 2010, which specifically extended coverage to include law enforcement officers of the Amtrak Police, Federal Reserve Police, and law enforcement officers of the executive branch of the Federal Government. The provisions for disqualification on mental health grounds and the provisions regarding qualifications to carry a firearm were amended, and the number of aggregate years for retired officers was reduced from fifteen to ten. In addition the definition of a firearm was expanded to include any ammunition not prohibited by the National Firearms Act of 1934. This was done to exempt qualified active and retired law enforcement officers from the prohibitions against carrying hollow-point ammunition that is in force in New Jersey (except for their peace officers and active federal law enforcement officers) and a few other locations. The concept of "retirement" was replaced with "separated from service" and the requirement that the retired officer have a nonforfeitable right to retirement benefits was eliminated.

2013 Amendment: In 2013, LEOSA was again amended by the National Defense Authorization Act (NDAA) for Fiscal Year 2013, effective January 2, 2013 after President Obama signed Public Law 112-239 (H.R. 4310). Section 1089 of the NDAA contained language which further clarified that military police officers and civilian police officers employed by the U.S. Government unambiguously met the definitions in the original Act. The definitions of "qualified active" and "qualified retired" law enforcement officer include the term "police officers" and expanded the powers of arrest requirement definition to include those who have or had the authority to "apprehend" suspects under the Uniform Code of Military Justice.

What is the status of the DoD implementing instructions?

On February 13, 2014, DoD published Department of Defense Instruction Number 5525.12, titled Implementation of the Amended Law Enforcement Officers Safety Act of 2004). This policy set forth instructions for DoD agencies to implement the law.

What is the status of AFOSI implementation?

QLEO: HQ AFOSI/XR is working on a policy update that will cover QLEOs currently serving in AFOSI.

QRLEO: The AFOSI policy has been revised to match the guidance outlined in DoDI 5525.12 above. This policy is currently in coordination and is expected to be published in 2014.

When AFOSI will begin accepting applications for LEOSA ID cards?

AFOSI is accepting applications now. All relevant instructions and documents can be found on the AFOSI public website located at:

www.osi.af.mil

If a former member has less than 10 years of LE service with AFOSI, will other qualifying years (such as Security Forces) count towards the minimum required years of service?

Yes. Other service in qualifying agencies prior to AFOSI may be considered but the member may need to provide additional documentation. If the member did not have enough qualifying time with AFOSI but went to another agency as a QLEO, members should obtain the LEOSA ID from the agency they were employed when they reached the qualifying 10 years (combined). If the subsequent agency does not recognize the AFOSI time, exceptions to this will be considered on a case-by-case basis with documentation from the other agency.

What if I contact a state or local police department and they will not qualify me on the range until I have the LEOSA ID but AFOSI will not issue the LEOSA ID until I qualify.

The DoD policy requires that members complete weapons qualification before being issued a LEOSA ID. First, many departments or agencies will work with the member if they show supporting documentation (DD 214, AFOSI instructions for LEOSA ID requests, etc). Second, in many states, law enforcement agencies are not the only avenue for weapons qualification following the LEOSA rules. Many private ranges hire certified LE instructors qualified to certify police officers in that state to conduct LEOSA weapons qualification for a fee.

How do retired IMAs validate AFOSI retired status and at least 10 years of service as an OSI Special Agent?

A: To establish yourself as retired from OSI, provide a copy of your ARPC Retirement Order, which will contain your last assignment before retirement. To establish at least 10 years of duty as an OSI Special Agent, you can provide one of the following:

- A copy of your Duty History SURF. If you do not have one listing your AFSC and your assignments, you can obtain a copy by contacting the ARPC Call Center at (210) 565-0102 or (800) 525-0102.
- Your performance appraisals (OPRs/EPRs) covering at least 10 years. If you do not have them, you can obtain copies from ARPC using the Call Center telephone numbers above.
- DD214s. If you performed at least 10 years on active duty as an OSI agent and this is reflected on your DD214s, these can be submitted.
- DD2586, Verification of Military Experience and Training (VMET). This can be obtained online through the following steps:
 - Go to milConnect at <https://www.dmdc.osd.mil/milconnect>

- Sign in (you may need to create an account)
- Go to "Verification of Military Experience and Training (VMET) (found under Quick Links), which takes you to "Transition GPS"
- Select the VMET option
- Select "Access VMET Documents"
- Select the VMET Document (DD-2586) radial button and select "Submit"
- Save the pdf document

Even if you retired as a reservist many years ago, ARPC advises your records are accessible to them without having to go to the National Personnel Records Center in St Louis. Because all of these documents contain your SSAN, they cannot be sent to you electronically but must be mailed.

What is acceptable for documentation of weapons qualification?

For active agents, the AFOSI weapons qualification record will suffice if it is current (within the last year). Different states, agencies and ranges have different rules and different documents they provide to the member. Some do not include enough information to verify that they qualified. A card by a range with an expiration date will not suffice. We need something that shows the date the member qualified. We don't need a score and we typically don't verify the instructor was certified if the documentation appears to be in order. However, we may need to ask for additional documentation if the item provided does not include the date qualified.

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