

# LAW ENFORCEMENT OFFICERS SAFETY ACT

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## I. Purpose

This Directive establishes policies with respect to retiring and retired qualified law enforcement officers and the application of the provisions of the Law Enforcement Officers Safety Act of 2004 (LEOSA).

## II. Scope

This Directive applies to all the Department of Homeland Security (DHS) Components that have retired officers who meet the definition of "qualified retired law enforcement officers" set out in the Law Enforcement Officers Safety Act (LEOSA). This Directive applies to DHS Components' handling of LEOSA matters with qualified law enforcement officers who have retired from DHS Components since DHS was formed in 2003, with future such retirees, and with such retirees from predecessor agencies when these retirees make LEOSA inquiries with appropriate DHS successor Components.

## III. Authorities

Public Law 108-277, "Law Enforcement Officers Safety Act of 2004," codified at Title 18, United States Code, Section 926C, "Carrying of concealed firearms by qualified retired law enforcement officers"

## IV. Responsibilities

The **Director of Law Enforcement Policy** in the Office of Policy Development is responsible for administration of DHS policies related to LEOSA. Components with qualified retired law enforcement officers are responsible for implementing this policy within their respective Components.

## V. Policy and Requirements

A. The guidance set forth below 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 employees, or any other person. Nothing in this Directive impairs or otherwise affects the right of an individual to keep and bear arms under the Second Amendment to the Constitution of the United States.

B. The provisions of LEOSA pertaining to qualified retired law enforcement officers will be implemented by DHS Components in as cost-effective and efficient manner as possible that meets the requirements and intent of the statute as well as the LEOSA concerns of DHS and predecessor agency law enforcement retirees.

C. LEOSA essentially exempts "a qualified retired law enforcement officer" (hereafter "retiree") who is carrying the required "identification" from most State and local laws that prohibit the carrying of concealed weapons. LEOSA permits carrying a concealed firearm that has been shipped or transported in interstate commerce, subject to certain restrictions.

D. LEOSA requires that, at least once each year, retirees carrying a concealed firearm under its provisions "be tested or otherwise be found ...to meet ...standards...to carry a firearm of the same type as the concealed firearm." LEOSA provides that this annual testing or otherwise being "found...to meet...standards" can be conducted either by the agency from which the retiree retired or by some other entity authorized to issue "a certification ...by the State in which the [retiree] resides" indicating that the retiree 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..."

E. As explained below, as a matter of policy, DHS Components will not perform or assist with the required annual firearms testing for retirees.

F. The "identification" required to be carried by retirees tested under State standards includes both a photographic identification issued by the agency from which the retiree retired and an up-to-date "certification issued by the State" concerning annual testing and qualification.

LEOSA does not exempt covered retirees from other federal laws or regulations, including any restrictions on the carriage of firearms on transportation systems (such as commercial airlines) and does not confer on the retiree any law enforcement power or authority to use the firearm.

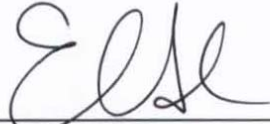
1. **Photographic Identification:** DHS Components currently allow law enforcement officers who are retiring in good standing to retain their credentials (containing their photograph, name, signature and position title) stamped or perforated with the word "Retired." To minimize costs and administrative burden, Components may utilize these "Retired" credentials as the "Photographic Identification" required by the LEOSA. Components are also authorized, but not required, to issue an additional photographic identification, specifically for LEOSA purposes, containing the retiree's photograph, name, signature, and the title of the law enforcement position from which he or she retired, preceded by the word "Retired," and the name of the Component or Subcomponent from which the individual retired (e.g., "Retired Special Agent, U.S. Customs Service"). Components are authorized to issue these additional LEOSA identification cards to retirees from their present Components and to retirees from those parts of their predecessor agencies that were merged into their present Components (e.g., Border Patrol into U.S. Customs & Border Protection [CBP], Customs and INS investigational elements into U.S. Immigration & Customs Enforcement [ICE]). All LEOSA identification cards issued must meet Department-wide identification standards in effect at the time of issuance. Because of unavailability of or excessive cost/difficulty of retrieving older records, Components may establish cut-off dates, and advise retirees who retired before those dates that their requests for LEOSA identification cards cannot be honored.

2. **Certification Issued by the State:** Under no circumstances will DHS Components perform or assist with annual firearms testing for their retirees. To meet LEOSA requirements, law enforcement retirees from DHS Components and their predecessor agencies must "be tested or otherwise be found ...to meet ...standards" by a non-DHS entity authorized to issue "a certification ....by the State in which the [retiree] resides" indicating that the retiree 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..." The availability of such "certifications" varies by State, and it is the responsibility of the individual DHS law enforcement retiree to determine and meet the requirements of his or her state of residence for obtaining this "certification."

G. Whenever the retiree experiences an event which would disqualify him or her from receiving a firearm under 18 U.S.C. 922(g) or (n), the retiree immediately notifies the Component and the certifying entity in the State of residence. On an annual basis, the retiree shall certify to the Component in writing, or in a manner acceptable to the Component, that the retiree is not subject to any of the disqualifiers in 18 U.S.C. 922(g) and (n) that would prohibit an individual from receiving a firearm.

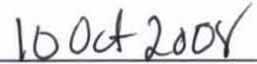
## VI. Questions

Address any questions regarding this Directive to the Director of Law Enforcement Policy in the Office of Policy Development.



Elaine Duke

Under Secretary for Management



Date