

AFOSI – LEOSA Frequently Asked Questions

Updated: 11 Feb 16

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 non-forfeitable 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 has published policy covering the issuance of LEOSA IDs for all qualified members (including former military agents).

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.

Do I need to successfully complete weapons qualification prior to submitting my application?

No, effective Feb 16, AFOSI no longer requires weapon qualification documents to process a request for the LEOSA ID card. However, members must possess both the LEOSA ID and documentation that they completed weapons qualification in the previous 12 months in order to carry concealed weapons under LEOSA.

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 the process for the criminal history checks required by HR 218 and DoD policy?

The criminal history check requirement only applies to former AFOSI employees. It is not required for current AFOSI employees. AFOSI cannot conduct NCIC checks to satisfy the criminal history check requirement outlined in policy. DoD has advised that applicants may request criminal history checks through the FBI. The instructions and links are included in the documents located on the AFOSI public website. This process will be used until the DOJ rules are revised.

When submitting FBI fingerprints, applicants should use AFOSI's ORI: VA OSI 0100

If applicants fail to use this ORI and their prints are rejected, AFOSI cannot discuss the failure and pursue other options with CJIS.

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It has taken up to 4 months for AFOSI to receive the FBI/CJIS records check. Applicants may consider using a "channeler" that conducts checks for a fee. Channelers are private companies that can conduct "personal use background checks" that will suffice for LEOSA. Some of the channelers are automated and have very short completion times. These checks will qualify for LEOSA background check purposes. Security Forces Center advises that SF applicants are successfully using channelers. They recommend applicants request a "personal use background check" (not a LEOSA, crim history or other check) and have the channeler send the results directly to the agency. If the channeler cannot or will not send the results to the IG address below, we will accept them from the member as long as they contain the results of the records check on CJIS letterhead and a signature from the CJIS representative. A list of approved FBI channelers can be found at:

<http://www.fbi.gov/about-us/cjis/identity-history-summary-checks/list-of-fbi-approved-channelers>

Background checks conducted by channelers can be provided directly to HQ AFOSI/IGE at:

HQ AFOSI/IGE
Attn: LEOSA Rep
27130 Telegraph Road

Quantico VA 22134

Because of the risk of personal information (i.e., SSN, DOB, etc.) being transmitted in an unsecure manner, we will not accept these via email.