

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**

AIR FORCE MANUAL 31-125

22 APRIL 2014



Security

**SECURITY FORCES IMPLEMENTATION
OF THE LAW ENFORCEMENT OFFICERS
SAFETY ACT (LEOSA)**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

ACCESSIBILITY: Publications and forms are available on the e-Publishing website at www.e-publishing.af.mil for downloading or ordering.

RELEASABILITY: There are no releasability restrictions on this publication.

OPR: AFSFC/SFOP

Certified by: AF/A7S
(John A. Fedrigo, SES)

Pages: 10

This instruction implements Public Law 108-277 dated 22 July 2004, *The Law Enforcement Officers Safety Act of 2004 (LEOSA)* as amended by Public Law 112-239 dated 2 January 2013, *National Defense Authorization Act for Fiscal Year 2013* and DoDI 5525.12, *The Amended Law Enforcement Officers Safety Act of 2004*. Compliance with this instruction is mandatory and applies to Department of the Air Force (DAF) military, civilian, Air Force Reserve Command (AFRC), Air National Guard (ANG), military and civilian personnel from other United States (U.S.) military branches assigned or attached to United States Air Force (USAF) units, contract SF, and government-owned, contractor-operated (GOCO) and contractor-owned, contractor operated (COCO) facilities. The terms "must," "shall" and "will" denote mandatory actions in this instruction. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the appropriate functional's chain of command (CoC). Any organization may supplement this instruction. The use of the name or mark of any specific manufacturer, commercial product, commodity or service in this publication does not imply endorsement by the USAF. Records Disposition: Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with AF Manual (AFMAN) 33-363, *Management of Records*, and are disposed of in accordance with the USAF Records Disposition Schedule (RDS) located at <https://www.my.af.mil/afrims/afrims/afrims/rims.cfm>.

This publication requires the collection and or maintenance of information protected by the Privacy Act (PA) of 1974, in accordance with System of Records Notice (F031 AF SP B and F031 AF SP C). The PA Systems Notices are available at: <http://www.defenselink.mil/privacy/notices/usaf>. The authorities to collect and/or maintain the records prescribed in this instruction are Title 10 U.S.C., Section 8013, and Department of Defense (DoD) Directive (DoDD) 7730.47, *Defense Incident-Based Reporting System (DIBRS)* and Department of Defense Instruction (DoDI) 5505.17, *Collection, Maintenance, Use and Dissemination of Personally Identifiable Information and Law Enforcement Information by DoD Law Enforcement Activities*.

1. Implementation of the Law Enforcement Officers Safety Act Improvements Act of 2010 (LEOSA Improvements Act). The National Defense Authorization Act (NDAA) of 2013 expanded LEOSA application to those individuals that are or were granted the authority to make apprehension under Article 7b of the Uniform Code of Military Justice (UCMJ). This is federal law. This AFMAN implements a requirement external to the Air Force; requests for waivers must be processed through command channels to the publication OPR for consideration. Therefore, all requirements in this guidance are rated Tier-0 (T-0). The individuals who have apprehension authority and are identified as qualified law enforcement officers, active, retired or separated with 10 or more years of aggregate service in a position as a qualified law enforcement officer, may carry privately owned weapons (POW) concealed while off duty and outside the boundary of the installation, IAW DoDI 5525.12, Implementation of the Law Enforcement Officers Safety Act of 2004. This AFMAN will address LEOSA implementation for all individuals granted apprehension authority under the UCMJ that are not identified as active, retired or separated members of a defense criminal investigative organization (DCIO) as defined in DoDI 5505.16. This instruction implements sections 926B and 926C of LEOSA.

1.1. Section 926B. Notwithstanding any other provision of the law of any state or any political subdivision thereof, an individual who is a qualified law enforcement officer (QLEO) and who is granted the LEOSA identification credential indicating them as such, may carry a concealed firearm while off duty and off the installation. If identified by the USAF Security Forces as a QLEO by the issuing of a 926B LEOSA credential, LEOSA provides exemption from state laws prohibiting the carrying of concealed firearms.

1.1.1. Qualified Police or Law Enforcement Officer. Individuals granted apprehension authority under Article 7b of the Uniform Code of Military Justice (UCMJ) must meet the definition of qualified police or law enforcement officer requirements defined in DoDI 5525.12, Enclosure 3, in order to be issued a credential under LEOSA. In addition the individual must:

1.1.1.1. Currently be authorized by the agency to carry a firearm.

1.1.1.2. Not be the subject of any disciplinary action by the agency that could result in suspension or loss of police powers.

1.1.1.3. Meet standards established by the agency which require the employee to regularly qualify on the use of a firearm of the same type of as the concealed firearm.

1.1.1.4. Not be under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

1.1.1.5. Not be prohibited by Federal Law from receiving a firearm.

1.1.1.6. Meet all Peace Officer Standards and Training (POST) requirements identified in DoDI 5525.15. Security Forces 3P031 must obtain a 5-skill level; 31P must obtain the rank of First Lieutenant; DAF Officers must have received qualification training.

1.1.1.7. Complete a probationary period of one year after achieving all POST standards. The probationary period is used to ensure the suitability of the member to carry concealed after achieving the minimum POST requirements listed in para 1.1.1.6. NOTE: This period may be extended by the credential issuing authority on a case-by-case basis.

1.1.1.8. Obtain a signed letter of recommendation for issuance of this qualification from current commanding officer indicating all requirements have been met as identified in paragraph 1.1.

1.1.2. Authorization to carry a firearm.

1.1.2.1. IAW with LEOSA, individuals must meet the standards established by the agency which requires the employee to regularly qualify on the use of a firearm of the same type as the concealed weapon that will be carried.

1.1.2.1.1. Type of firearm is defined as: handgun (as defined in the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Publication 5300.4, Federal Firearms Regulations Reference Guide, page 7, para 29: The term "handgun" means (A) a firearm which 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.); semi-automatic pistol or revolver; shotgun; rifle; etc. This is not to be confused with "model" which defines the various weapons within the particular weapon type. USAF SF qualify with the M9 pistol; regardless, the type of firearm allowed for carry under 926B credentials will be a semi-automatic pistol or revolver only.

1.1.2.1.2. At SF squadron level and below, authorized to carry a firearm will be defined as currently qualified on the M9 pistol and the individual being identified on the unit arming roster.

1.1.2.1.3. Individuals who are placed on the "Do Not Arm" roster but still remain qualified, are not "authorized" to carry their primary duty weapon. These individuals will have their 926B credential suspended until authorization to bear a firearm for duty is returned. The individual will be notified of the suspension, in writing, when issued a Do Not Arm Letter in accordance with AFI 31-117.

1.1.2.1.4. Individuals who meet all other definitions of a qualified law enforcement officer, still retain apprehension authority under Article 7b of the UCMJ, but are not currently qualified on the M9 pistol or are not required to regularly qualify due to duty position (i.e., Military and DAF civilian Law Enforcement staff personnel above the squadron level, IAW AFI 36-2226), will complete the USAF SF handgun qualification course conducted by a state certified civilian firearms instructor using the member's privately owned firearm

and personally procured ammunition. This training must be accomplished during non-duty time. The lesson plans for the course of fire can be obtained on the USAF Security Forces Website: <http://afsf.lackland.af.mil>. Once this qualification course has been completed successfully, these individuals will be considered authorized to carry a concealed firearm IAW LEOSA laws.

1.1.2.2. In accordance with LEOSA, the term “firearm” does not include any machine gun as defined in section 5845 of the National Firearms Act, any firearm silencer as defined in section 921 of Title 18 and any destructive device as defined in section 921 of Title 18.

1.1.3. For the 926B LEOSA credential to be considered valid, the individual must not be the subject of any disciplinary action, not be under the influence of alcohol or any other intoxicating or hallucinatory drug or substance, be currently authorized to carry a firearm and not be prohibited by Federal law from receiving a firearm as indicated in the Lautenberg Amendment to the Gun Control Act of 1968.

1.2. Section 926C. Notwithstanding any other provision of the law of any state or any political subdivision thereof, an individual who is a qualified retired or separated law enforcement officer and who is carrying the LEOSA identification may carry a concealed firearm. If identified by the USAF Security Forces as a retired or separated QLEO by the issuing of a 926C LEOSA credential, LEOSA provides exemption from state laws prohibiting the carrying of concealed firearms.

1.2.1. Qualified Retired Police or Law Enforcement Officer. Retired Air Police, Security Police, Security Forces, Department of the Air Force Police and personnel separated with 10 years of aggregate service as a QLEO, in one of the aforementioned positions, may apply for USAF LEOSA Credentials under Section 926C. Individuals must meet the requirements of a qualified retired police or law enforcement officer as defined in DoDI 5525.12, Enclosure 3.

1.2.2. Individuals applicable to Section 926C must carry their USAF LEOSA credential and, IAW with LEOSA, a state firearm certification, from the state in which the individual resides, that indicates within the last 12 months, the individual has met standards for training and qualification to carry a firearm for active law enforcement officers in that state for the same type of weapon as the concealed firearm. This documentation must be signed by a certified firearms instructor for that state.

1.2.2.1. IAW S. 1132: Law Enforcement Officers Safety Act Improvements Act of 2010, if the State has not established LEO firearms qualification standards, the instructor will certify the officer has completed the USAF SF handgun qualification course conducted by a state certified civilian firearms instructor using the member’s privately owned firearm and personally procured ammunition. This documentation must be signed by a certified firearms instructor for that state.

1.2.2.2. Certified Firearms Instructor. A certified firearms instructor is defined as a person certified by the National Rifle Association, the American Association of Certified Firearms Instructors or an instructor utilized by a police department who is qualified/certified to conduct firearms qualification evaluations for active duty police

or law enforcement officers within the state in which the qualified retired/separated member resides.

1.2.2.3. The training will be at the individual's own expense and is not the responsibility of the agency.

1.2.3. For the 926C LEOSA credential to be considered valid, the individual must have retired/separated in good standing from service as a QLEO with the USAF, not be under the influence of alcohol or any other intoxicating or hallucinatory drug or substance, be currently authorized to carry a firearm and not be prohibited by Federal law from receiving a firearm.

1.2.4. In order to maintain the LEOSA credential, a retired or separated QLEO must remain in good standing. If conditions exist that prevent a retired or separated QLEO from purchasing, possessing, or carrying a firearm, the AFSFC must revoke or recall the credential, upon learning of the member's failure to maintain prescribed standards, until conditions warrant re-instatement. At the request of the AFSFC or issuing agency, a retired/separated QLEO must surrender the credential to the appropriate authority.

1.2.5. In accordance with LEOSA Act, 926C LEOSA credentials must be issued by the agency (USAF) from which the individual retired/separated service as a QLEO. For the purposes of LEOSA, the Air Force Security Forces Center (AFSFC) will act on behalf of the USAF as the agency for all Air Police, Security Police, Security Forces (Active Duty, ANG, AF Reserve) and Department of the Air Force Police.

2. Credentials. Security Forces and DAF police officers on active duty status, Air National Guard and Air Force Reserve Security Forces who meet all requirements defined in DoDI 5525.12 and paragraph 1.1. of this publication will be issued an AF Form 688D, USAF LEOSA 926B Credential. Retirees and personnel separated with 10 years of aggregate service as a QLEO in the Air Police, Security Police, Security Forces or Department of the Air Force Police who meet all requirements defined in DoDI 5525.12 and paragraph 1.2.1. of this publication, will be issued an AF Form 688E, USAF LEOSA 926C Credential.

2.1. Headquarters Air Force Security Forces Center will be considered "the agency" and will be the issuing authority for USAF SF LEOSA Credentials to applicable personnel who meet all of the requirements listed in this AFMAN and DoDI 5525.15. The HQ AFSFC/CC will be considered the agency head and will sign issued credentials.

2.1.1. Credentials will be issued by a contracted source, utilizing an interface with the Security Forces Information Management System (SFMIS). This will access the centralized database that tracks all LEOSA credentials that have been issued as required by DoDI 5525.12, Enclosure 3.

2.1.1.1. When issuing the credential, brief the QLEO on the criteria for receiving the credential and emphasize that the credential does not grant any authority to act on the agency's behalf or to exercise any law enforcement authority. Also brief the QLEO that for the credential to be valid he or she shall not carry a firearm while under the influence of alcohol or any other intoxicating or hallucinatory drug or substance.

2.1.2. Credentials will be photographic identification for qualified law enforcement officers indicating the individual meets all the requirements for a qualified law enforcement officer in accordance with DoDI 5525.12.

2.1.3. Request for USAF LEOSA Credential will be made through a secure, electronic, web based application process. The link for this process can be located on the USAF Security Forces Website: <http://afsf.lackland.af.mil>. Applicants must submit the following documentation, electronically, on line with the electronic application:

2.1.3.1. Electronic copy of fingerprints for the purposes of an NCIC background check.

2.1.3.2. Medical declaration of physical competency may be required for individuals who are medically separated due to a service related disability. This documentation must be obtained from the applicant's primary care physician certifying the individual is not currently or previously under a physician's care for conditions that prohibit the carrying of a firearm under federal statutes.

2.1.3.3. Electronic passport type photograph as defined by the Department of State for all U.S. passports.

2.1.3.4. Copy of a state driver's license or state issued identification card.

2.1.3.5. 926B applicants. A Letter of recommendation for issuance of the credential from commanding officer as specified in paragraph 1.1.1.3.

2.1.3.6. 926C applicants. DD Form 214 (member copy 4) or NGB 22.

2.1.3.6.1. These documents must show that upon retirement or separation the member 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).

2.2. The credential will:

2.2.1. Include the law enforcement officer's full name and an identification number assigned by the issuing agency, date of QLEO Certification and retirement/separation dates if applicable.

2.2.2. Contain a current photograph of the qualified law enforcement officer. The credential will prominently display the words "DoD Police or Law Enforcement Officer (Active/Retired/Separated)".

2.2.3. Contain the following statements:

2.2.3.1. 926B credential: "The individual pictured above is on active duty service with the United States Air Force as a qualified law enforcement officer and on the date issued has met the requirements of section 926B of Title 18, United States Code."

2.2.3.2. 926C credential: "The individual pictured above separated in good standing from service with the United States Air Force as a qualified law enforcement officer and on the date issued has met the requirements of section 926C of Title 18, United States Code."

2.2.3.3. On the back of both credentials:

2.2.3.3.1. "This credential does not grant the bearer any authority to act on the agency's behalf or to exercise any law enforcement authority."

2.2.3.3.2. For 926C credentials: "In order for the named individual to carry a concealed weapon, pursuant to 18 USC 926C, this credential must be accompanied by a current (within the most recent 12 months) firearms qualification certification from the individual's State of residence. If the State has not established LEO firearms qualification standards, the instructor will certify the officer has completed the USAF SF handgun qualification course conducted by a state certified civilian firearms instructor using the member's privately owned firearm and personally procured ammunition. The named individual shall not carry a firearm while under the influence of alcohol or another intoxicating or hallucinatory drug or substance, and shall not be prohibited by Federal law from receiving a firearm."

2.3. In addition to the AF Form 688D or E, personnel will be required to carry proof of current firearm training while carrying a concealed firearm under LEOSA.

2.3.1. Section 926B, Security Forces and DAF police will carry the AF Form 522 or proof of state certified qualification, indicating their handgun weapons qualification expiration date.

2.3.2. Section 926C, retired/separated personnel will carry certification or other documentation as approved/issued by the state in which the individual resides, or proofs of training as indicated in paragraph 1.2.2.

2.4. Each LEOSA credential will be issued and valid for a 5 year period. Members will be required to renew their credential after this period of time.

2.5. Each LEOSA credential will have an issue date and be signed by the QLEO and the HQ AFSFC/CC.

2.6. Suspension and Revocation of USAF LEOSA Credentials.

2.6.1. Suspension. Those individuals receiving credentials under Section 926B will have the credential suspended when placed on a Do Not Arm (DNA) roster by the local Defense Force Commander.

2.6.2. Revocation. Any individual issued a USAF LEOSA credential found to be prohibited by Federal law from receiving a firearm, will have their credential revoked IAW DoDI 5525.12.

3. Special Considerations.

3.1. SF in special duties and SF who cross train into non-Qualified Police or Law Enforcement Officer positions may apply for an AF Form 688E, USAF LEOSA 926C Credential, if they have attained 10 years aggregate TAFMS as a Qualified Law Enforcement Officer as outlined in paragraph 1.1.

3.2. All personnel receiving a USAF SF LEOSA credential who choose to carry a concealed weapon should obtain concealed carry or self-defense insurance with civil and criminal defense coverage in the event they are involved in an off-duty LEOSA Use of Force incident.

The Air Force has no liability and will not provide legal defense if an individual is involved in an off-duty LEOSA Use of Force incident. The USAF role is solely to determine that all requirements to carry under LEOSA are met; any action taken by the individual is their personal responsibility.

3.3. Personnel should also consider carrying a “grand jury kit.” A recommended grand jury kit consists of the AF Form 688D or E, weapons qualification documentation, driver’s license or state issued identification card, proof of ownership for the weapon carried, copies of DoDI 5525.15, this AFMAN and the LEOSA Act legislation.

3.4. This instruction does not:

3.4.1. 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.

3.4.2. 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 upon current security or force protection conditions. **NOTE: Installation commanders should outline local LEOSA requirements in their Integrated Defense Plan for LEOSA credentialed personnel who transition on and off the installation.**

3.4.3. Limit the laws of any state that permits private persons or entities to prohibit or restrict the possession of concealed firearms on their property; prohibit or restrict the possession of firearms on any State or local government property, installation, building, base or park.

3.4.4. Confer upon any retired or separated law enforcement officer any rights or privileges accorded to an active duty law enforcement officer. It only delineates the qualifications a separated law enforcement officer must meet to carry concealed firearms.

3.4.5. 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.

JUDITH A. FEDDER, Lieutenant General, USAF
DCS/Logistics, Installations & Mission Support

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

AFMAN 33-363, *Management of Records*, 1 March 2008

DoDD 7730.47, *Defense Incident-Based Reporting System (DIBRS) and Department of Defense Instruction*

DoDI 5505.17, *Collection, Maintenance, Use and Dissemination of Personally Identifiable Information and Law Enforcement Information by DoD Law Enforcement Activities*

DoDI 5525.12, *The Amended Law Enforcement Officers Safety Act of 2004*

Prescribed Forms

None

Adopted Forms

AF 847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

AFI—Air Force Instruction

AFMAN—Air Force Manual

AFSFC—Air Force Security Forces Center

ANG—Air National Guard

ATF—Bureau of Alcohol, Tobacco, Firearms and Explosives

DAF—Department of the Air Force

DCIO—Defense Criminal Investigative Organization

DFC—Defense Force Commander

DoD—Department of Defense

HQ—Headquarters

IAW—In Accordance With

LEOSA—Law Enforcement Officers Safety Act

SF—Security Forces

NCIC—National Crime Information Center

NDAA—National Defense Authorization Act

POST—Peace Officer Standards and Training

POW—Privately Owned Weapon

QLEO—Qualified Law Enforcement Officer

SFMIS—Security Forces Information Management System

SJA—Staff Judge Advocate

TAFMS—Total Active Federal Military Service

UCMJ—Uniform Code of Military Justice

UoF—Use of Force

USAF—United States Air Force