



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
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WASHINGTON DC 20350-1000

SECNAVINST 5580.3
DUSN (P)
19 Jan 17

SECNAV INSTRUCTION 5580.3

From: Secretary of the Navy

Subj: DEPARTMENT OF THE NAVY LAW ENFORCEMENT OFFICERS SAFETY
ACT PROGRAM

Ref: (a) DoD Instruction 5525.12 of incorporating Change 1 of
1 August 2016
(b) 18 U.S.C. § 926B
(c) 18 U.S.C. § 926C
(d) National Defense Authorization Act for Fiscal Year
2013
(e) 50 U.S.C. § 797
(f) 10 U.S.C. § 807(b)
(g) DoD Instruction 5200.08 incorporating Change 3 of 20
November 2015
(h) 18 U.S.C. § 922

Encl: (1) Active LEOSA Credentials
(2) Retired or Separated LEOSA Credentials

1. Purpose. To issue the Department of the Navy (DON) Law Enforcement Officers Safety Act (LEOSA) Program per references (a) through (h), and to establish policy for the credentialing and badging of personnel performing law enforcement duties.

2. Applicability. Applies to all personnel employed by, detailed, or assigned to the DON, including Civil Servants, members of the active and reserve components of the U.S. Marine Corps and U.S. Navy performing law enforcement functions, and former active and reserve law enforcement personnel, both retired and separated.

3. Background. LEOSA was first passed in 2004 by the House of Representatives in H.R. 218 and enacted in Public Law 108-277, further defining federal law enforcement qualifications for certification under LEOSA. Under the LEOSA Improvements Act of 2010 (Section 1132 of Public Law 111-272 and Section 1099C), the term law enforcement was defined as those who exercise arrest powers. The National Defense Authorization Act (NDAA) of 2013

expanded LEOSA 2004 coverage to include individuals who are or were authorized to apprehend under Article 7b of the Uniform Code of Military Justice (UCMJ). The NDAA of 2013 now applies to DON personnel, under reference (a), who are currently serving or have served in a law enforcement capacity as defined in this policy.

4. Policy. It is DON policy that:

a. A LEOSA program shall be issued under the Deputy Under Secretary of the Navy (Policy) (DUSN (P)). The Director Naval Criminal Investigative Service (DIRNCIS), Commandant of the Marine Corps (CMC), and Chief of Naval Operations (CNO) shall establish DON LEOSA programs per reference (a) and the provisions of this instruction.

b. Personnel performing law enforcement duties, as defined by reference (a), shall be issued standardized and serialized credential(s) while assigned to designated law enforcement positions. Specifics on the credentials are defined in enclosures (1) and (2).

c. Law enforcement credentials shall be created by the services consistent with this instruction. At a minimum, the credentials shall:

(1) Be designed and approved by DIRNCIS, CMC, or CNO for their respective services.

(2) Be serialized and controlled through inventory issue and personnel accountability.

(3) Be issued upon successful completion of training and attainment of the employment qualifications to perform law enforcement duties. Credentials will be recovered upon separation from law enforcement duties and for disqualifying performance or conduct which would result in a member losing his or her authority to carry a firearm.

d. Installation, base, region, or activity-unique badges and credentials are not authorized.

e. DON credentialing standards are established for all military and civilian employees performing law enforcement duties.

f. DON credentialing standards are established for retired and/or separated DON law enforcement officers.

g. The DON's responsibility under LEOSA is to delineate and validate the qualifications an active, retired, or separated law enforcement officer must meet to carry concealed firearms per references (a) through (c). Any actions undertaken involving the use of a personal weapon by a credentialed individual is his or her personal responsibility. The DON maintains no liability and will not provide legal defense if an individual is involved in a use-of-force incident outside the line of duty. The Naval Criminal Investigative Service, Marine Corps Criminal Investigation Division, or commanders per JAG Instruction 5800.7F (JAGMAN), may conduct an investigation into use-of-force incidents involving the discharge of firearms onboard DON installations. Active law enforcement (DON employees and military personnel) will be investigated for incidents involving firearms while in or on an off duty status.

5. Restrictions. This instruction does not:

a. Limit military commanders in their authority to deny entry to individuals or items based on current security, force protection conditions, or for the safety and welfare of DON installations, per references (g) and (h).

b. 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.

c. Permit the carry of concealed privately owned weapons on Federal installations or where prohibited by federal, state, or local statutes.

d. Limit the laws of any state that:

(1) Permits private persons or entities to prohibit or restrict the possession of concealed firearms on their property.

(2) Prohibits or restricts the possession of firearms on any state or local government property, installation, building, base, or park.

e. Circumvent the provisions of § 922(q) of reference (h), which prohibits the possession of a firearm at a place the individual knows, or has reason to believe, is a school zone, unless the individual 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.

6. Responsibilities

a. The DUSN (P) is responsible for oversight of this policy, consistent with federal law and Department of Defense (DoD) directives.

b. The CMC is responsible for implementing the LEOSA program and standardizing law enforcement credentials and badges within the Marine Corps consistent with this instruction and applicable federal law. Once standardized badges and credentials are procured, the CMC will establish an effective date to void any existing installation, region, or activity-unique badges and credentials.

c. The CNO is responsible for implementing the LEOSA program and standardizing law enforcement credentials and badges within the Navy consistent with this instruction and applicable federal law. Once standardized badges and credentials are procured, CNO will establish an effective date to void any existing installation, region, or activity-unique badges and credentials.

d. DIRNCIS, CMC, and CNO are authorized to issue credentials to active, retired, and separated law enforcement personnel who meet the requirements of this instruction.

(1) The CMC and CNO will establish policy within their respective services that apply to active, separated, retired, and reserve personnel who perform, or have performed, law

enforcement duties as described in reference (a). DON components may issue additional guidelines which are consistent with this instruction and pertain to:

(a) Regulations or policies limiting, restricting, conditioning, or otherwise affecting the carrying of concealed firearms by active law enforcement officers under references (a) and (b).

(b) Active law enforcement training and qualification requirements established by each DON component, along with probationary period and/or conditions of employment.

(c) Regulations governing their statutory responsibility to manage active duty military members to maintain good order and discipline.

(d) Development of an application and credentialing process for active, retired, and separated law enforcement personnel under references (a) and (d).

(e) The services maintaining data on credentialed active, retired, and separated law enforcement officers. At a minimum, this database must be capable of tracking the number of LEOSA applications submitted, the number of credentials issued, and the date of issuance. Maintain data on "missing, lost, or stolen," and the number of credentials surrendered by an individual, or confiscated and returned. Data may be subject to inquiry by the DUSN (P) Security Directorate or delegate.

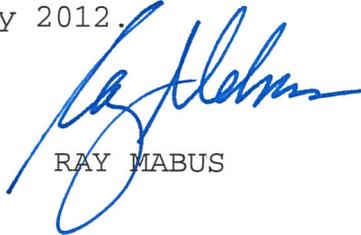
(2) The DIRNCIS will establish policies that are consistent with this instruction and implement an application and credentialing process for active, retired, or separated special agents.

e. The Assistant Secretary of the Navy (Manpower and Reserve Affairs) will verify, through the Office of Civilian Human Resources, the validity of LEOSA applicant information.

(1) When required, assist the CMC and CNO in verifying LEOSA applicant information through research of personnel employee records. Provide confirmation if LEOSA applicants possess law enforcement experience and the length of service to meet the eligibility requirements in enclosure (2).

(2) When requested, provide employee history information to LEOSA applicants for their own submission as part of their application.

7. Records Management. Records created as a result of this instruction, regardless of media and format, shall be managed per SECNAV M-5210.1 of January 2012.



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ACTIVE LEOSA CREDENTIALS

1. Per reference (b), notwithstanding any other provision of the law of any state or any 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:

a. Meets the requirements of a "qualified law enforcement officer" as outlined in reference (a) and (b) of this instruction.

b. Is carrying a photographic credential issued by the DON component for which the individual is employed identifying the employee as a law enforcement officer of the DON component.

2. To comply with LEOSA, the DON application process shall include the following requirements. The individual must:

a. Be a member of the military or civilian personnel, who is employed by, detailed, or assigned to the DON to perform law enforcement duties and is authorized by the DON component to carry a firearm.

b. Be in good standing with the DON component by which he or she is employed and maintain the statutory powers of arrest or authority to apprehend pursuant to reference (f). The individual must be authorized to engage in or supervise the prevention, detection, investigation, prosecution, or incarceration of any person for any violation of law.

c. Not be the subject of any disciplinary action which could result in the commanding officer's or delegated authority's revocation of confidence to carry a firearm or removal from law enforcement duties.

d. Meet the standards outlined in this instruction and of the DON component which require the employee to regularly qualify in the use of issued firearm(s) of the same type as the concealed firearm. If the employee carries a concealed weapon other than the service issued weapon, the DON will not reimburse any cost(s) associated with attaining qualifications, nor provide firearms, ammunition, or qualification testing associated with that weapon.

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

f. Not be prohibited by federal law from possessing a firearm or prohibited from receiving or possessing a firearm under the Brady Handgun Violence Prevention Act, Gun Control Act of 1968, and the Lautenberg Amendment of 1996 as defined in reference (h).

3. Qualified Active Law Enforcement Officer Credentials. The DIRNCIS, CMC and CNO will issue credentials after validating the following:

a. Law enforcement annual training certifications, qualification standards, and weapons training and qualifications to ensure the individual meets all the requirements for a qualified law enforcement officer per service directives.

b. Performance of a records check to establish the service member or employee is not prohibited from carrying firearms under federal law.

4. Active Law Enforcement Officer Credentials records management.

a. Maintain data identifying the officers who have been issued photographic credentials, the dates of their issuance, and the type of weapons they are qualified to carry.

b. Services should maintain a credential management system for separating active law enforcement as part of a check-in/out system.

RETIRED OR SEPARATED LEOSA CREDENTIALS

1. Per reference (c), notwithstanding any other provision of the law of any state or any political subdivision thereof, a qualified retired law enforcement officer may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, if the retired or separated law enforcement officer complies with this section as outlined in references (a) and (c).

a. The retired or separated law enforcement officer must carry:

(1) Photographic credentials issued by the DON component from which the individual separated from service as a law enforcement officer that identifies the person as having been employed as a law enforcement officer, and

(2) Certification issued by a qualified firearms instructor during the most recent 12-month period, meeting the state's active duty standards as a prerequisite for carrying a concealed firearm, or

(3) If the state has not established 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.

b. The DON will not reimburse any cost(s) associated with attaining the requisite qualifications, nor provide firearms, ammunition, or firearms qualification testing for retired or separated law enforcement officers.

2. To comply with LEOSA, the DON application process shall include the following requirements:

a. Qualified Retired or Separated Law Enforcement Officer: Military officers, enlisted, and civilian employees who meet the requirements of references (a) and (c), and meet the following requirements:

(1) Retired or separated from the DON (military or civilian) in good standing as a law enforcement officer with an aggregate of 10 or more years of service. Service experience may include a culmination of DON or other agency law enforcement experience or less if separated from the DON due to a service-connected disability after completing an applicable probationary period.

(2) Had the authority before separation or retirement to apprehend suspects under the UCMJ and had been authorized to engage in or supervise the prevention, detection, investigation, prosecution, or incarceration of any person for any violation of law.

(3) Is not prohibited by federal law from possessing a firearm or prohibited from receiving or possessing a firearm under the Brady Handgun Violence Prevention Act, Gun Control Act of 1968, and the Lautenberg Amendment of 1996 as defined in reference (h).

(4) Has not entered into an agreement with the DON in which the individual acknowledges that he or she is not qualified under reference (c) and this instruction for reasons relating to mental health. Nothing in this instruction requires a mental health examination for separating or separated law enforcement officers seeking a LEOSA credential, but any voluntary disclosures may be accepted in the application process.

(5) Agrees that while armed, he or she will not be under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

b. Qualified Retired or Separated Law Enforcement Officer Credentials. The cognizant DON component will issue a non-expiring credential after:

(1) Requiring any previously retired or separated law enforcement officer requesting a credential to submit documentation demonstrating that he or she meets the criteria in this enclosure.

(2) Verifying credential application information and documentation as part of a onetime or lifetime application process.

(3) Performing a records check to establish the applicant is not prohibited from carrying a firearm per DoD guidelines, including those included in reference (a).