

SUBJECT: Identification Cards for Qualified Retiring and Separating OIG Law Enforcement Officers	DIRECTIVE NUMBER: 257
DISTRIBUTION: All Employees	DATE ISSUED: July 31, 2014

I. Purpose

This directive establishes policy and procedures for qualified law enforcement officers (LEOs) who are retiring or separating from the Department of Homeland Security (DHS) Office of Inspector General (OIG) to obtain an identification card for the purposes of the Law Enforcement Officers Safety Act of 2004, as amended (LEOSA).

With certain limitations and conditions, LEOSA exempts qualified LEOs who separated after 10 years of law enforcement service and retired LEOs from most State and local laws that prohibit the carrying of concealed firearms. The LEOSA, however, does not exempt these individuals from other Federal laws or regulations, including any restrictions on carrying firearms on transportation systems such as commercial airlines, nor does it extend to these individuals any authority for the use of firearms or any law enforcement powers.

II. Scope

This directive applies to all retiring and separating OIG LEOs who meet the requirements of LEOSA.

III. Authorities

- A. 18 U.S.C. § 926C, "Carrying of Concealed Firearms by Qualified Retired Law Enforcement Officers," as amended.
- B. DHS Directive 257-01, "Law Enforcement Officers Safety Act," October 10, 2008, except as superseded by law.
- C. DHS Instruction 257-07-001, "Instruction Guide on the Law Enforcement Officers Safety Act," November 5, 2008, except as superseded by law.

IV. Policy

- A. Regardless of an OIG LEO's years of service or employment status, DHS OIG will not issue a LEOSA credential to persons prohibited by Federal law from receiving a firearm.
- B. DHS OIG will issue a Federal Law Enforcement Officer (Retired or Separated) Identification Card (Attachment 3, LEO ID Card) which will be separate and distinct from an employee's retired credentials.

- C. Each LEO ID Card shall, at a minimum, include the name of the individual, the individual's photograph, and the date the individual retired or separated in good standing from DHS OIG.
- D. To meet LEOSA requirements, retired or separated LEOs must annually be tested or otherwise found to meet standards by a non-DHS entity authorized by the state in which the retiree/separated LEO resides to issue a certification indicating that he or she meets the standards for training and qualification for active LEOs. It is the responsibility of the retiree/separated LEO to meet the requirements of his or her state. DHS OIG will not reimburse retired/separated LEOs for any cost associated with the State firearm qualification requirements or provide firearm qualification testing. DHS OIG will not certify a retiring or separating LEO's firearm qualifications.
- E. DHS OIG shall not issue a LEO ID Card unless the applicant signs attachment 1, agreeing to indemnify DHS OIG for, and hold DHS OIG harmless from, any resulting liability for use of or possession of a firearm carried under LEOSA authority (Attachment 1).
- F. To obtain the benefits of LEOSA, retired/separated LEOs must have the DHS OIG LEO ID Card **and** a state firearms testing certification in their possession when carrying a concealed firearm as well as meet all other LEOSA requirements.
- G. DHS-OIG will issue a LEO ID card if the retired/separated LEO meets all requirements. Issuing a LEO ID Card is within the sole discretion of DHS OIG.

V. Responsibilities

- A. The **Deputy Inspector General** will decide appeals from decisions denying LEO ID Cards.
- B. **Office of Investigations.**
 - 1. The **Assistant Inspector General for Investigations (AIGI)** will:
 - a. determine whether an applicant is separating or retiring as a LEO in good standing, and approve or deny the application in writing. If the application is denied, the AIGI will include an explanation of the decision and the appeal rights;
 - b. review complaints against retired/separated LEOs with a DHS OIG issued LEO ID Card related to eligibility or misuse of the card and take appropriate action; and
 - c. maintain records, including initial and appeal decisions, supporting documentation, and recertification forms.

- 2. **Special Agents in Charge (SACs)** will:

- a. provide this directive to all retiring or separating LEOs under their supervision,
- b. coordinate with the Human Resources Division, the Special Investigations Division, and the Security Division to determine if applicants meet the qualifications for a LEO ID Card;
- c. make a written recommendation to the AIGI for approval or denial of each application explaining the rationale for the recommendation; and
- d. submit their own applications directly to the AIGI.

C. Office of Management.

1. The **Human Resources Division** will assist SACs in determining applicant qualifications for a LEO ID Card.
2. The **Security Division** will:
 - a. assist SACs in determining applicant qualifications for a LEO ID Card; and
 - b. upon receipt of an approval from the AIGI or the Deputy Inspector General, issue a LEO ID Card (Attachment 3).

D. The Office of Counsel will:

1. provide legal advice as needed; and
2. make a written recommendation to the Deputy Inspector General on deciding appeals of initial determinations.

E. Retiring or Separating LEOs will:

1. submit a completed application (Attachment 1) to the SAC if he or she wishes to have a LEO ID Card issued by DHS OIG;
2. if issued a LEO ID Card, annually certify to DHS OIG Office of Investigations in writing, by completing Attachment 2, that Federal law does not prohibit him or her from receiving a firearm; and
3. submit any appeal in writing to the Deputy Inspector General within 30 days of the denial. Provide a detailed description and evidence supporting why a LEO ID Card should be issued.

VI. Procedures

- A. Retiring or separating LEOs who wish to have a LEO ID Card must submit a complete application using Attachment 1 to their SAC. The application must have

original signatures; electronic signatures will not be accepted. Retiring or separating SACs should submit their own applications directly to the AIGI.

- B. The SAC will coordinate with the Human Resources Division, the Security Division, and the Special Investigations Division to ensure that all necessary information is obtained to make a recommendation of good standing. At a minimum, DHS OIG will check the National Criminal Information Center and DHS OIG investigative and disciplinary records. The SAC will forward the application and relevant documentation to the AIGI.
- C. The AIGI will determine whether an applicant is separating or retiring as a LEO in good standing, and approve or deny the application in writing. If the application is approved, it will be forwarded to the Security Division for issuance of the LEO ID Card. If the application is denied, the AIGI will provide the applicant with an explanation of the decision and the appeal rights.
- D. After issuing the LEO ID Card, the Security Division will forward the application and supporting documentation to the Office of Investigations for record keeping.
- E. Upon receipt of an appeal, the Deputy Inspector General may coordinate with the Office of Counsel to issue a final decision. If the decision is to approve the application, the entire file will be forwarded to the Security Division for issuance of the LEO ID Card. If the decision is to deny the appeal, the Deputy Inspector General will issue a final decision, including reasons for the denial, to the applicant. The Deputy Inspector General will issue the final decision within 60 days of receipt of the appeal. If additional time is needed to make a decision, the Deputy Inspector General will notify the applicant and provide an estimated timeframe in which the decision will be made. The appeal record shall be maintained by the Office of Investigations.
- F. DHS OIG LEO ID Card holders must annually certify to the Office of Investigations in writing, by completing Attachment 2, that Federal law does not prohibit them from receiving a firearm. DHS OIG may revoke the LEO ID Card based on a card holder's failure to recertify or an inability to meet the requirements of LEOISA. In either of these circumstances, the AIGI will send a written decision of the revocation to the card holder's last known address and request immediate return of the LEO ID Card.

VII. Definitions

- A. **Good Standing.** For purposes of this Directive, a DHS OIG LEO shall be deemed to have separated or retired in good standing, unless at the time of separation or retirement:
 - 1. There was a determination made or action initiated to remove, or proposing to remove, the employee from federal employment or the employee was subject to another adverse action resulting from a substantiated claim of misconduct;

2. The employee's security clearance was suspended or revoked, or a proposal to suspend or revoke the clearance had been issued because of the employee's actions or inactions;
3. The employee was the subject of a pending psychological fitness for duty evaluation or had been found to be not fit for duty.

B. **Persons Prohibited by Federal Law from Receiving a Firearm.** Under 18 U.S.C. § 922, a person prohibited by Federal law from receiving a firearm includes someone who:

1. Is under indictment or has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
2. Is a fugitive from justice;
3. Is an unlawful user of or addicted to any controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. § 802);
4. Has been adjudicated as a mental defective or who has been committed to a mental institution;
5. Is an alien illegally or unlawfully in the United States or admitted to the United States under a nonimmigrant visa, unless certain statutory exceptions apply;
6. Has been discharged from the Armed Forces under dishonorable conditions;
7. Having been a citizen of the United States, has renounced his citizenship;
8. Is subject to a court order that:
 - a. Was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
 - b. Restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and,
 - c. Includes a finding that the person represents a credible threat to the physical safety of such intimate partner or child, or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such partner or child that reasonably would be expected to cause bodily injury.
9. Has been convicted in any court of a misdemeanor crime of domestic violence.

C. **Qualified Retired or Separated Law Enforcement Officer.** A qualified retired/separated LEO is an individual who:

1. Is retiring or separating in good standing from service with DHS OIG as a LEO;
2. Before such separation or retirement, 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;
3. Before such separation or retirement, served as a LEO for an aggregate of 10 years or more; or retired from service with DHS OIG, after completing any applicable probationary period, due to a service-connected disability, as determined by DHS OIG;
4. During the most recent 12-month period, has met and continues to meet, at the expense of the individual, standards for qualification in firearms training for active LEOs to carry firearms as determined by the DHS OIG, the State in which the individual resides or, if the State has not established standards, either a law enforcement agency within the State or standards used by a certified firearms instructor qualified to conduct firearms qualifications tests for active duty officers in the State;
5. Has not been found by a qualified medical professional to be unqualified for reasons relating to mental health;
6. Has not entered into an agreement with DHS OIG acknowledging that he or she is not qualified for reasons relating to mental health;
7. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and,
8. Is not prohibited by Federal law from receiving a firearm.

D. **Retired or Separated Law Enforcement Officer Identification Card (LEO ID Card).** The LEO ID card refers to the photographic card issued by DHS OIG stamped with the words "Federal Law Enforcement Officer (Retired or Separated)" (Attachment 3). The card satisfies the identification requirements under LEOSA, but provides the holder with no law enforcement powers or authorities, nor any authority to use a firearm.

VIII. Questions

For questions about this directive, please contact the Office of Investigations.

APPROVED BY:



John Roth
Inspector General

Attachment 1: DHS OIG Federal Law Enforcement Officer (Retired or Separated) Identification Card Application

Attachment 2: DHS OIG Annual Federal Law Enforcement Officer (Retired or Separated) Identification Card Recertification

Attachment 3: DHS OIG Federal Law Enforcement Officer (Retired or Separated) Identification Card

Attachment 1 – DHS OIG Federal Law Enforcement Officer (Retired or Separated) Identification Card Application

Last Name:	First Name:	Middle Name:
<input type="text"/>	<input type="text"/>	<input type="text"/>

Office:	Address (Include City, State & Zip Code)	Phone Number (Desk/Mobile):
<input type="text"/>	<input type="text"/>	<input type="text"/>

Permanent Mailing Address (Include City, State & Zip Code):	Permanent Phone Number:
<input type="text"/>	<input type="text"/>

Special Agent in Charge (SAC) Name:	Phone Number (Desk/Mobile):
<input type="text"/>	<input type="text"/>

_____ (Initials) I am submitting this request for a photographic identification card (as that term is used in the Law Enforcement Officers Safety Act of 2004, as amended, also referred to as LEOSA) identifying me as a law enforcement officer who retired or separated from DHS OIG in good standing.

_____ (Initials) I have read and fully understand 18 U.S.C. § 926C and DHS OIG Directive _____, *Identification Cards for Qualified Retiring and Separating OIG Law Enforcement Officers*.

_____ (Initials) I meet the following requirements set out in LEOSA, 18 U.S.C. § 926C, of a “qualified retired law enforcement officer” in that I:

- A. Retired or separated (or am about to retire or separate) in good standing from service with the DHS OIG as a law enforcement officer, other than for reasons of mental instability;
- B. Before such retirement or 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;
- C. Before such retirement or separation, was regularly employed as a law enforcement officer for an aggregate of 10 years or more; or
- D. Retired or separated from service with DHS OIG, after completing any applicable probationary period, due to a service-connected disability, as determined by DHS OIG;

- E. Am not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and,
- F. After having read the list of categories of persons prohibited by Federal law (18 U.S.C. § 922) from receiving a firearm, I am not prohibited by Federal law from receiving a firearm.

_____ (Initials) At the time of my retirement or separation, there were (or, if about to retire or separate, there are now) no actions or determinations pending against me concerning firearms, psychological fitness for duty, suspension of security clearance, or disciplinary actions.

If there were or are any such actions pending, please initial here _____ and attach a written explanation.

_____ (Initials) I authorize DHS OIG to review any external records that may affect my fitness to carry a firearm. I further authorize DHS OIG to release the results of any derogatory information in DHS OIG's possession to the certifying authority of the State in which I will seek certification. In the event the State certifying agency requests additional information, DHS OIG will provide the certifying agency with that information to the extent it is relevant to my fitness to carry a weapon. By initialing this paragraph, I waive all *Privacy Act* and other legal rights and remedies against such disclosure, and indemnify DHS OIG and hold it harmless against any liability for such release.

_____ (Initials) Concerning firearms training and certification, I understand that DHS OIG will not conduct or assist with annual firearms testing for their retirees or separated employees. I understand that, to meet LEOSA requirements, I must obtain a certification issued by the State in which I reside indicating that, within one year before the date I am carrying a concealed firearm, I have been tested or otherwise determined by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm I am carrying. The availability of such certifications varies by State, and it is my responsibility to determine and meet the requirements of my State of residence for obtaining this certification.

_____ (Initials) I understand that I must have a DHS OIG issued photographic identification identifying me as a retired or separated law enforcement officer AND my up-to-date annual State firearms testing certification on my person at all times when I carry a concealed firearm under the authority of LEOSA. Possession of the photographic identification alone does not authorize me to carry a concealed firearm.

_____ (Initials) I understand that, in order to carry a concealed weapon under the authority of LEOSA, it is my responsibility (and not DHS OIG's) to ensure that, in addition to having the required photographic identification and current State firearms testing certification in my possession, I am also in continuing compliance with all other requirements set out in LEOSA and DHS OIG's Directive. If at any time I no longer meet any one of these requirements or become

subject to any one of the prohibitions, I must notify DHS OIG and the State and I will not be covered under LEOSA.

_____ (Initials) I understand that the required DHS OIG photographic identification is only for the purpose of identifying me as a law enforcement officer retired or separated from DHS OIG. Neither that identification nor LEOSA confer law enforcement status or arrest authority. They do not authorize me to engage in any law enforcement activities or investigations.

_____ (Initials) I understand that as a retiree I am no longer an employee of the U.S. Government. As a retiree I cannot expect to be covered by the Federal Tort Claims Act; or to be provided representation by the U.S. Government in any claim or suit arising from or related to my carrying a concealed firearm under LEOSA; or to either have the U.S. Government pay or reimburse me for payment of any judgment or settlement resulting from any such claim or suit.

_____ (Initials) In consideration for the issuance of a LEOSA identification card, I hereby agree to indemnify DHS OIG for, and hold DHS OIG harmless from, any resulting liability for use of or possession of a firearm carried under LEOSA authority. In addition, on behalf of myself and my heirs, executors, or administrators, I release and forever discharge the U.S. Government, the Department of Homeland Security, DHS OIG, and their officers and employees, from any and all claims, demands, actions, or causes of action, on account of any claim of injury or damage to persons or property arising from my use of a firearm or DHS OIG's issuance of LEOSA identification.

_____ (Initials) I understand that LEOSA preempts State law. This means that, with certain limitations and conditions, LEOSA exempts qualified retired and separated law enforcement officers from most State and local laws that prohibit the carriage of concealed firearms. However, I also understand that LEOSA does not supersede or limit State laws that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, and that LEOSA does not affect State laws that prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

_____ (Initials) I understand that LEOSA does not exempt qualified retired or separated law enforcement officers from Federal laws or regulations, including any restrictions on firearms carriage on transportation systems such as commercial airlines. I understand that possession of DHS OIG photographic identification and a State qualification certification does not authorize me to travel armed aboard a commercial aircraft.

_____ (Initials) I understand that issuance of any photographic identification is totally within the discretion of DHS OIG; that any photographic identification issued by DHS OIG is the property of DHS OIG; that loss or theft of the identification must immediately be reported to DHS OIG; that alteration, reproduction or copying of the identification is prohibited; that the identification must be surrendered to DHS OIG upon request; and that misuse or failure to comply with any terms, conditions, or requirements set out in this document may result in revocation of the identification.

_____ (Initials) I further state that I was not removed from Federal service by DHS OIG, did not resign or retire after being told that I would be fired, did not leave DHS OIG by mutual agreement because of specific problems, nor was I debarred from Federal employment by the Office of Personnel Management or any other Federal agency. *(If this is not accurate, do not initial. Attach a written explanation including the date, an explanation of the problem, and reason for leaving).*

_____ (Initials) I am not under indictment or charges for any violation of law. *(If this is not accurate, do not initial. Attach a written explanation including the date, explanation of the alleged violation, place of occurrence, and the name and address of the prosecuting authority or court involved).*

APPLICANT'S SIGNATURE

I, the retiring or separating employee, confirm my understanding of and agreement with all of the statements, terms, conditions, and requirements included above and that all of the information I have included in this Identification Card Application (and attachments) is accurate to the best of my knowledge.

Applicant's Signature

Date

SIGNATURE OF WITNESS (must be an active and permanent DHS OIG SUPERVISOR with Law Enforcement Authority or NOTARY)

The above-named applicant, _____, appeared before me in person, signed this application and related attachments in my presence and I verified his/her identity via a government identification.

Signature of Witness or Notary

Date Witnessed or Notarized

Witness's Printed Name

Title

Work Phone Number

SPECIAL AGENT IN CHARGE RECOMMENDATION

Approve / Disapprove (circle appropriate response) (If recommending disapproval, attach a separate justification with the application)

Special Agent in Charge

Date Signed

ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS DECISION

Approve / Disapprove (circle appropriate response)

Assistant Inspector General for Investigations

Date Signed

PRIVACY ACT STATEMENT

Authority: The collection of this information is authorized by 18 U.S.C. § 926C.

Purpose: DHS OIG is collecting this information to enable processing and adjudication of your application for a LEO ID Card identifying you as a retired or separated law enforcement officer who may carry a concealed firearm pursuant to 18 U.S.C. § 926C.

Routine Uses: The information you provide may be shared with the certifying authority of the state in which you seek firearms certification for the purpose of coordinating the issuance of your photographic identification card as well as other Federal, state, and local law enforcement agencies for the purpose of verifying that you have been issued a photographic identification card or as otherwise authorized under the Privacy Act of 1974, 5 U.S.C. § 552a, pursuant to the routine uses published in the DHS system of records notice, DHS/ALL-019 Payroll, Personnel, and Time and Attendance Records.

Disclosure: Furnishing this information is voluntary; however, failure to provide it may result in the denial of your application.

**Attachment 2 – DHS OIG Annual Federal Law Enforcement Officer (Retired or Separated)
Identification Card Recertification**

Complete this certification in its entirety and return to the DHS OIG Office of Investigations, Mail Stop 0305, 245 Murray Drive, SW, Washington, DC 20528-0305 or transmit by facsimile to 312 886 2804.

Last Name:	First Name:	Middle Name:
<input type="text"/>	<input type="text"/>	<input type="text"/>

Permanent Mailing Address (Include City, State & Zip Code):	Permanent Phone Number:
<input type="text"/>	<input type="text"/>

I certify that I:

1. Am not under indictment, and have never been convicted in any court, of a crime punishable by imprisonment for a term exceeding one year; _____ (Initials)
2. Am not a fugitive from justice; _____ (Initials)
3. Am not an unlawful user of, or addicted to, any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. § 802)); _____ (Initials)
4. Have not been adjudicated as a mental defective or committed to a mental institution; _____ (Initials)
5. Have not been discharged from the Armed Forces under dishonorable conditions; _____ (Initials)
6. Have not renounced my citizenship after being a citizen of the United States; _____ (Initials)
7. Am not subject to a court order that;
 - A. Was issued after a hearing of which I received actual notice, and at which I had an opportunity to participate;
 - B. Restrains me from harassing, stalking, or threatening an intimate partner of mine or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
 - C. Includes a finding that I represent a credible threat to the physical safety of the intimate partner or child; or by its terms explicitly prohibits the use,

attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury;
_____ (Initials)

8. Have not been convicted in any court of a misdemeanor crime of domestic violence.
_____ (Initials)

I understand that:

9. Retired or separated law enforcement officers who either now or at some future time no longer meet any of the requirements or become subject to any of the disqualifiers set out in 18 U.S.C § 922 (related to prohibitions on receiving a firearm) would no longer be covered under the exemptions from State and local firearms laws contained in the Law Enforcement Officers Safety Act of 2004, as amended. Whenever the retired or separated law enforcement officer experiences an event that would disqualify him or her from receiving a firearm under 18 U.S.C. § 922, he or she must immediately notify DHS OIG and the certifying entity in the State of residence.
_____ (Initials)
10. LEOSA does not exempt covered individuals 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 any law enforcement power or authority to use the firearm. _____ (Initials)

I, the retired or separated law enforcement officer, certify my understanding of, and agreement with, all of the statements, terms, conditions, and requirements included herein and that all of the information I have included in this Recertification Form is accurate to the best of my knowledge.

Signature

Date Signed

PRIVACY ACT STATEMENT

Authority: The collection of this information is authorized by 18 U.S.C. § 926C.

Purpose: DHS OIG is collecting this information to enable processing and adjudication of your application for a LEO ID Card identifying you as a retired or separated law enforcement officer who may carry a concealed firearm pursuant to 18 U.S.C. § 926C.

Routine Uses: The information you provide may be shared with the certifying authority of the state in which you seek firearms certification for the purpose of coordinating the issuance of your photographic identification card as well as other Federal, state, and local law enforcement agencies for the purpose of verifying that you have been issued a photographic identification card or as otherwise authorized under the Privacy Act of 1974, 5 U.S.C. § 552a, pursuant to the routine uses published in the DHS system of records notice, DHS/ALL-019 Payroll, Personnel, and Time and Attendance Records.

Disclosure: Furnishing this information is voluntary; however, failure to provide it may result in the denial of your application.

