

Chapter

26

Qualified Separated or Retired Law Enforcement Officer Credentials Card

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**PURPOSE, SCOPE,
AND AUTHORITIES**

PURPOSE, SCOPE, AND AUTHORITIES

1. This document establishes the Social Security Administration (SSA) Office of the Inspector's (OIG) policy on issuing photographic identification to law enforcement officers of SSA OIG who have separated or retired from service, pursuant to the Law Enforcement Officers Safety Act of 2004 (LEOSA), as amended.¹ See 18 U.S.C. § 926C.
2. Under LEOSA, qualified separated or retired law enforcement officers are permitted to carry concealed firearms in their personal capacity, even if state and local laws would ordinarily prohibit it.

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**LEOSA
LIMITATIONS**

LEOSA LIMITATIONS

1. LEOSA exempts “qualified” separated or retired law enforcement officers from State laws prohibiting the carrying of concealed firearms. LEOSA defines who is qualified for these purposes.
2. LEOSA does not apply to the carrying of SSA OIG-issued firearms by current, qualified Special Agents (SA), as State laws do not apply to Federal law enforcement officers exercising authorities under Federal law.
3. LEOSA specifically excludes from the definition of “firearm” a machine gun (as defined in § 5845 of the National Firearms Act), silencer (as defined in section 18 U.S.C. § 921), or any destructive device, including a bomb, grenade, poison gas or mine (as defined in section 18 U.S.C. § 921).
4. LEOSA does not override State laws that permit private persons or entities to prohibit the possession of a concealed firearm on their property, or that prohibit the possession of firearms on any State or local government property, installation, building, base, or park.
5. LEOSA does not convey any law enforcement authority (e.g., power to execute and serve search or arrest warrants).
6. LEOSA does not address or authorize the carrying of a firearm on a commercial airline.

¹ In 2010, the Law Enforcement Officers Safety Act Improvement Act was enacted. According to S. Rep. No. 111-233, at 4 (2010), the 2010 “legislation changes the term ‘retired’ with ‘separated from service.’ This change was made in order to ensure that law enforcement officers who had put in the requisite term of service were not denied benefits due to not being technically ‘retired’.”

7. LEOSA specifically excludes from its coverage any current, separated, or retired officer who is under the influence of alcohol or another intoxicating or hallucinatory drug or substance while carrying a concealed firearm.
8. LEOSA specifically excludes from its coverage any current, separated, or retired officer who is prohibited by law from receiving a firearm. There are several possible grounds for such prohibitions.
9. There are no circumstances in which SSA OIG will consider a separated or retired SA to be acting within the scope of SSA OIG official duties.

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IDENTIFICATION

IDENTIFICATION

1. Upon application to the SSA OIG Office of Investigations (OI), the delegated official may provide a photographic identification (SSA OIG credential) indicating that the holder is a separated or retired SSA OIG SA, who meets the definition of a “qualified separated or retired law enforcement officer.”
2. Each SSA OIG credential shall, at a minimum, include:
 - a. the name of the individual;
 - b. the individual’s photograph;
 - c. an identification number traceable to the holder;
 - d. the date the employee separated or retired from service with SSA OIG in good standing; and
 - e. the phrase “Former Law Enforcement Officer.”
3. A valid SSA OIG credential does not convey authority for a separated or retired law enforcement officer to carry a concealed weapon.
4. A valid SSA OIG credential only serves to identify that the separated or retired employee is eligible for LEOSA privileges (i.e., exemption from contrary State laws) if the separated or retired employee is not otherwise legally ineligible for the authority (e.g., is intoxicated).
5. In addition to the SSA OIG credential, a “qualified separated or retired law enforcement officer” must also possess a certification issued by the State in which they reside, or by a certified firearms instructor who is qualified to conduct a firearms qualifications test for active duty officers within that State.

- a. The certification must indicate that they have, within the last year, 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.
- b. If the State has not established such standards, the certification must indicate that they have met the standards set by a law enforcement agency within that State to carry a firearm of the same type as the concealed firearm.
- c. SSA OIG will not reimburse separated or retired agents for any costs associated with this qualification requirement or provide firearm qualification testing.

CRITERIA

26-30 **CRITERIA**

1. Qualified Separated or Retired Law Enforcement Officer

Under 18 U.S.C. § 926C(c), a “qualified retired law enforcement officer” is an individual who:

- a. separated or retired from service as a law enforcement officer with SSA OIG in good standing;
- b. 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;
- c. separated or retired with an aggregate of 10 years or more of service as a law enforcement officer or, after completing any applicable probationary period, separated or retired due to a service-connected disability;
- d. 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 SSA OIG, 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 who is qualified to conduct a firearms qualification test for active duty officers within that State;
- e. has not been officially found by a qualified medical professional employed by SSA OIG to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the SSA OIG credential; or has

not entered into an agreement with SSA OIG upon separation of service in which the 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 the SSA OIG credential;

- f. is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- g. is not prohibited by Federal law from receiving a firearm.

2. Good Standing

For purposes of issuing a SSA OIG credential, a separated or retired employee *may* be considered to not have separated or retired “in good standing,” if:

- a. the employee separated or retired during a pending internal inquiry where the facts were likely to lead to a proposal for removal;
- b. the employee separated or retired following a proposal or decision to remove the employee;
- c. the employee had his/her security clearance suspended or revoked at the time of separation or retirement, or if consideration was being given or a proposal was made to suspend or revoke the clearance at the time of separation or retirement;
- d. the employee was the subject of a pending psychological fitness for duty evaluation or had been found to be not fit for duty;
- e. there was an unadjudicated allegation of misconduct against the employee or the employee was subject to an adverse disciplinary action resulting from a substantiated claim of misconduct or an unsubstantiated claim of misconduct with a pending investigation of the claim; or
- f. there is a situation or circumstance (other than those listed) that is deemed in the discretion of the delegated official to not constitute good standing.

3. Law Enforcement Experience

- a. To determine whether the separated or retired SA meets the requisite law enforcement experience, SSA OIG will consider any relevant experience with SSA OIG or any Federal, State, and/or local law enforcement.

- b. If none of the law enforcement experience was earned at SSA OIG, SSA OIG must verify the law enforcement experience and statutory arrest authority required by LEOSA from the separated or retired employee's prior employment position(s).
4. Discretion
 - a. SSA OIG has the non-reviewable discretion to issue or not to issue a separated or retired law enforcement officer an SSA OIG credential based on the totality of the information available to it at the time the application is under review.
 - b. All applications for the separated or retired law enforcement officer credential must be submitted no later than 90 calendar days post-separation or retirement to help ensure that SSA OIG has access to documents that may be necessary to make a determination on the application. These documents will be used by SSA OIG to assess whether the officer separated or retired in good standing.
 - c. SSA OIG reserves the right to revoke any separated or retired SSA OIG credential issued. The decision to revoke a credential may be made if SSA OIG receives information calling into question the holder's continuing status as a qualified separated or retired law enforcement officer under LEOSA, or for any other reason.
 - d. Upon receipt of written notice that his/her credential has been revoked, the holder will immediately return the credential to the Assistant Inspector General (AIG) for Investigations either by delivering them in person to a SA of SSA OIG, or by U.S. Mail or overnight carrier to:

Assistant Inspector General,
Office of Investigations
Social Security Administration
Office of the Inspector General
6401 Security Boulevard, 3-ME-3
Baltimore, Maryland 21235

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PROCEDURES

PROCEDURES

1. LEOSA Committee
 - a. There shall be, in SSA OIG, a LEOSA Committee, comprised of the following:

- i. AIG for Investigations;
 - ii. AIG for Resource Management;
 - iii. Chief Investigative Counsel; and
 - iv. Chief Counsel to the Inspector General.
- b. The LEOSA Committee will review the application and make a recommendation by majority vote to the Inspector General, as to whether a credential should be granted.
- c. If the LEOSA committee is evenly split, then the LEOSA committee shall make no recommendation.
- d. The Inspector General may consider the LEOSA Committee's recommendation or no recommendation when making the decision.

2. Application

- a. A separated or retired special agent may request a separated or retired SSA OIG credential by submitting a complete Application and Attestation for Separated or Retired SSA OIG Photographic Credential (Attachment A) via email to SSA.OIG.LEOSA.Application@ssa.gov or mail to:

Office of Investigations
Social Security Administration
Office of the Inspector General
6401 Security Boulevard, 3-ME-3
Baltimore, Maryland 21235
ATTN: LEOSA Coordinator

3. Process

- a. The applicant must submit the SSA OIG credential application to OI no later than 90 calendar days after their retirement or separation. An application will only be considered complete if the applicant's signature is notarized or witnessed by a current OI SA.
- b. Upon receipt of the notarized or witnessed application, OI will request the following to provide the LEOSA Committee:

- i. A National Crime Information Center (NCIC) database check to confirm that the separated or retired SA is not prohibited by Federal law from purchasing, receiving, or carrying a firearm;

- ii. An internal SSA OIG file review to determine whether the applicant has ever been the subject of an investigation or other management inquiry, and if so, the nature of the allegation and the results of the investigation; and
- iii. An inquiry to SSA OIG's human resources division or other appropriate component to:
 - determine if there was any action initiated or considered to remove, or to propose to remove, the applicant from service, or to suspend or revoke the applicant's security clearance at the time of separation;
 - confirm that the applicant has had statutory arrest authority and has had at least 10 years of experience as a law enforcement officer;
 - determine if the applicant separated/retired or is separating/retiring under a pending psychological fitness-for-duty inquiry, or after being found not fit for duty; and
 - determine if the applicant, upon separation from SSA OIG, acknowledged that he or she is not a qualified separated or retired law enforcement officer for reasons relating to mental health.

- c. Granting an application for a separated or retired SSA OIG credential is subject to the availability of sufficient documentation. If SSA OIG lacks sufficient documentation to confirm the necessary reviews, SSA OIG may ask the applicant to provide it.
- d. Applicants are encouraged to apply either in conjunction with their separation or retirement, and must apply within 90 calendar days of the separation or retirement. To help ensure that SSA OIG has the best opportunity to have the necessary documentation available, SSA OIG will not accept any LEOSA applications more than 90 calendar days post-separation or retirement. However, the mere

existence of documentation does not guarantee approval, as the granting or denial of an application remains at the discretion of SSA OIG.

- e. After all of the above checks are completed, the LEOSA Committee will convene and will review the application and make a recommendation for a final decision.
- f. The LEOSA Committee will consider all of the factors set forth in this policy, including determining whether the applicant is a “qualified separated or retired law enforcement officer.”
- g. The LEOSA Committee will provide the Inspector General with their recommendations and any related materials. The granting of SSA OIG credential is subject to the absolute discretion of the SSA OIG, and the decision of the Inspector General is final.
- h. If the application is approved, the applicant will be notified of the approval by letter. The applicant will then send OI a current color passport photograph to be used for the SSA OIG credential.
 - i. Upon receipt of the photograph, SSA OIG will prepare and issue a separated or retired SSA OIG credential to the applicant. SSA OIG will maintain a copy of all documents generated and obtained during the application process.
 - ii. If the application is not approved, SSA OIG will send a letter to the applicant providing the reasons for disapproval. OI will maintain a file of all documents generated and obtained during the application process and all documents associated with the denial of the application.

RE-ISSUING PHOTOGRAPHIC IDENTIFICATION

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1. Lost or stolen SSA OIG credentials shall be immediately reported to OI in writing by mail. The separated or retired SA may do so by mailing a letter or notification to:

Office of Investigations
Social Security Administration
Office of the Inspector General
6401 Security Boulevard, 3-ME-3
Baltimore, Maryland 21235
ATTN: LEOSA Coordinator

2. The notification should state the circumstances surrounding the lost, stolen, or damaged identification card, and the steps taken to recover or locate it.
 - a. If lost or stolen, the separated or retired SA shall file a report with the police department nearest the location where the card was lost or stolen.
3. The Inspector General will determine whether a replacement will be issued. When a decision is made not to replace the SSA OIG credential, SSA OIG will notify the separated or retired SA in writing of the reasons for non-replacement.
4. SSA OIG has the non-reviewable discretion to issue or not to issue a replacement SSA OIG credential based on the totality of the information available to it at the time the application is under review. Additionally, in the event of a lost or stolen SSA OIG credential, SSA OIG will generally only issue a replacement where the separated or retired employee:
 - a. substantiates in writing that his or her previously issued SSA OIG credential has been lost, stolen, or destroyed,
 - b. provides a copy of the police report attesting to such loss or theft, and
 - c. includes a copy of their State of residence's certification that they have, not less recently than one year before the date the individual intends to carry a concealed firearm, been tested or otherwise found by the State to meet 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.