



DEPARTMENT OF THE ARMY
HEADQUARTERS, JOINT READINESS TRAINING CENTER AND FORT POLK
6661 WARRIOR TRAIL, BUILDING 350
FORT POLK, LOUISIANA 71459-5339

IMPO-ES

AUG 23 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy Memorandum DES-07 – Concealed Carry of Privately Owned Weapons by Law Enforcement Personnel on Fort Polk in Accordance with Army Directive 2015-03 (LEOSA)

1. References.

a. Army Regulation (AR) 190-11, Physical Security of Arms, Ammunition and Explosives, 5 September 2013.

b. AR 190-56, Individual Reliability Program, 15 March 2013.

c. Law Enforcement Officers Safety Act (LEOSA) of 2004, H.R. 218, 108 Cong., later amended by the Law Enforcement Officers Safety Act Improvements Act of 2010, Public Law 111-272, Section 1099C of the National Defense Authorization Act for Fiscal Year 2013, H.R. 4310, Public Law 112-239, 18 United States Code (U.S.C.) §§926B and §§ 926C.

d. Lautenberg Amendment, Public Law 104-208, 18 U.S.C. § 922 (g)(8) and (9), as an amendment to the Omnibus Consolidated Appropriations Act of 1997, 104111 Cong., 1996.

e. Gun Control Act of 1968, Public Law 90-618, Title 18, 82 Statute. 1213-2, U.S.C, Section 921 et seq., 18 U.S.C. 921 et seq., as Amended in 1996, 18 U.S.C. 922.

f. Army Directive 2015-03 (Procedures for the Issuance of Law Enforcement Officers Safety Act Credentials to Army Law Enforcement Officers) (enclosure 1).

2. Purpose. This memorandum sets forth the policy for concealed carry of privately owned weapons on Fort Polk by active duty Military Police and qualified active law enforcement personnel.

3. Policy.

a. In accordance with 18 U.S.C. section 926B, and notwithstanding any other provision or law of any State or political subdivision thereof, a qualified law enforcement officer may carry a concealed firearm on Fort Polk if the law enforcement officer meets the requirements defining a "qualified law enforcement officer," as outlined in

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paragraph 4 of this policy, and is carrying proof of qualifying on the M9 within the last 12 months, and photographic identification issued by the Army that identifies the employee as an Army law enforcement officer, specifically Fort Polk Form 37.

b. This policy does not apply to retired law enforcement or retired military personnel.

c. This policy does not supersede Army regulations for currently serving CID special agents. Under 18 U.S.C. section 926B, currently serving CID special agents (military and DAC) who meet all of the requirements in the DoD Instruction 5525.12 are not required to obtain a separate Army 926B LEOSA credential as long as the special agent is carrying a valid CID-issued badge and credentials.

4. Qualified Law Enforcement Officer. A qualified law enforcement officer is an individual employed by the Army who:

a. Is authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or incarceration of any person for any violation of law.

b. Has statutory powers of arrest or authority to apprehend pursuant to 10 U.S.C. section 807(b) (also known as Article 7(b) of the Uniform Code of Military Justice).

c. Is authorized by the organization to carry a firearm.

d. Is not subject to any disciplinary action by the organization that could result in suspension or loss of police powers.

e. Meets the organization's standards which require the employee to regularly qualify in the use of a firearm of the same type (for example, a revolver or semiautomatic pistol) as the concealed firearm.

f. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance while invoking law enforcement authority to carry a firearm.

g. Is not prohibited by Federal law from carrying a firearm.

h. Must show six years cumulative police experience, which may include credit for civilian police service (required for active and reserve component personnel).

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i. Department of the Army Civilian Police (DACP) and Department of the Army Security Guards (DASG) must be currently certified in the Individual Reliability Program (IRP) (enclosure 2).

j. Physical Security Inspectors, Counter Intelligence, and Directorate of Emergency Services personnel must undergo an annual record screening to include NCIC check, local files check, and an interview with the IRP certification official.

k. Military Police must undergo a screening similar to the IRP and must be individually approved by the 519th Military Police Battalion Commander following a Commander's Interview.

l. Revocation authority is the 519th Military Police Battalion Commander. Reasons for revocation may include, but are not limited to misconduct, change in mental or physical fitness, or as the result of an ongoing investigation.

5. Conduct.

a. Qualified Law Enforcement Officers may not carry concealed firearms in schools, places of worship, child development centers, hospitals, clinics or mental health facilities.

b. Qualified Law Enforcement Offices will keep the firearm holstered at all times, unless used for personal protection or being turned in for safe keeping. They will not display or brandish the firearm. They will not load or unload firearms at work sites and will not clear the weapon unless at an authorized clearing barrel.

6. Storage of Firearms by Law Enforcement Officers.

a. When entering the the installation, Law Enforcement Officers will notify and supply credentials to Fort Polk DES Access Control Personnel.

b. Qualified Law Enforcement Officers will inform on-duty LEO, DACP, or DASG when he or she is carrying a concealed firearm during any direct contact situations (e.g. traffic stops, RAMP inspections or calls for service).

c. At no time will any firearm be left in an unsecure manner.

d. While officers are on duty, their personal firearm must be either secured in a lockable container which is then locked inside of the officer's POV, or secured in a lock

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box inside of the DES, or secured inside of the unit arms room. Officers should store personal weapons inside of vehicles for short durations only (not normally more than two hours). The intent of this provision is to allow for storage while an officer visits an area where this policy prohibits concealed carry, or to allow an officer who resides off the installation to store their weapon while on shift. Any weapon secured inside of a locked vehicle must be stored inside of a locked container, such as the glove box, a pelican case, metal gun box, etc.

e. Personnel residing in barracks are not permitted to store their firearms inside of vehicles overnight.

f. All firearms must be registered on post.

7. This policy will remain in effect until superseded or rescinded.

- 5 Encls
- 1-2. as
- 3. Public Law 108-277
- 4. Memo, IMMHE-ES, 5 Sep 14
- 5. JBM-HH SJA Opine


GARY M. BRITO
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Commanding

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