



DEPARTMENT OF THE ARMY
ARMY NATIONAL CEMETERIES PROGRAM
ARLINGTON NATIONAL CEMETERY
ARLINGTON, VA 22211-5003

SASA-ANC

02 MAY 2012

MEMORANDUM FOR All Visitors to Army National Cemeteries

SUBJECT: Carrying or Possession of Firearms on Army National Cemeteries

1. References:

- a. Title 18, United States Code, Chapter 44 (18 U.S.C. §921-931).
- b. Title 32, Code of Federal Regulations, Chapter V, Subpart D, Part 553 (32 C.F.R. § 553).
- c. DoD 5200.08-R, DoD Physical Security Program, 27 May 2009.
- d. DoD Directive 5210.56, Carrying of Firearms and the Use of Force by DOD Personnel Engaged in Security, Law and Order, or Counterintelligence Activities, 1 April 2011.
- e. Army Regulation 190-11, Physical Security of Arms, Ammunition, and Explosives, 28 June 2011.
- f. Army Regulation 190-14, Carrying of Firearms and Use of Force for Law Enforcement and Security Duties, 12 March 1993.

2. Purpose: To establish a uniform policy regarding the carrying of firearms and other dangerous weapons on Army National Cemeteries. Except as otherwise provided for in this policy memorandum, or other applicable laws and regulations, the carrying or possession of firearms and other dangerous weapons on Army National Cemeteries is strictly prohibited.

3. Scope: In general, this policy applies to all visitors, employees, contractors, or any other person entering an Army National Cemetery (Arlington National Cemetery, Arlington, VA, and the Soldiers' and Airmen's Home National Cemetery, Washington, DC). The portions of the George Washington Memorial Parkway that are adjacent to, or included within the grounds of Arlington National Cemetery are under the jurisdiction of the National Park Service and U.S. Park Police; visitors to these areas will comply with this policy if they enter the cemetery grounds, including the Visitor Center parking garage. This policy does not apply to federal law enforcement officers (LEOs) conducting official business on Army National Cemeteries. Furthermore, this policy does not apply to military honor guards and other military ceremonial units (including the United States Coast Guard) supporting cemetery operations.

4. Definitions: For the purpose of this policy, the following definitions apply.

a. Dangerous Weapon: a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2½ inches in length. See 18 U.S.C. § 930(g)(2).

b. Firearm: any weapon (including a starter gun, but not including historic firearms) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, including the frame or receiver of any such weapon, a firearm muffler or firearm silencer, or any destructive device. See 18 U.S.C. § 921(a)(3).

c. Qualified Law Enforcement Officer: an employee of a governmental agency who—

(1) Is 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 has statutory powers of arrest.

(2) Is authorized by the agency to carry a firearm.

(3) Is not the subject of any disciplinary action by the agency which could result in suspension or loss of police powers.

(4) Meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm.

(5) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(6) Is not prohibited by Federal law from receiving a firearm. See 18 U.S.C. § 926B.

d. Qualified Retired Law Enforcement Officer: an individual who—

(1) Separated from service in good standing from service with a public agency as a law enforcement officer.

(2) Before such 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.

(3) Before such separation, served as a law enforcement officer for an aggregate of 10 years or more; or separated from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency.

(4) 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 the former agency of the individual, 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 that is qualified to conduct a firearms qualification test for active duty officers within that State.

(5) Has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the photographic identification as described in 18 U.S.C. § 926C(d)(1), or has not entered into an agreement with the agency from which the individual is separating from service in which that 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 photographic identification as described in subsection (d)(1).

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(7) Is not prohibited by Federal law from receiving a firearm. See 18 U.S.C. § 926C.

5. Procedures: The funeral attendance of close family and friends at Army National Cemeteries is an essential part of paying final respects. Under normal circumstances, local, state, and tribal law enforcement personnel not in direct support to the federal government are not permitted to carry firearms on federal installations. As an exception to the policy outlined in this memorandum, close family members and friends who meet the definitions provided above for qualified LEOs or retired LEOs and who wish to attend a funeral in dress uniform while armed, may do so according to the procedures provided below.

a. Local, state, and tribal LEOs wishing to attend funerals at Army National Cemeteries will provide the following information on official letterhead of their agency, signed by the Chief of Police or designee, at least 24 hours prior to the scheduled funeral service:

(1). Full Name.

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(2). Badge / ID Number.

(3). If other than an active federal special agent or LEO, a statement indicating that the LEO is a "qualified law enforcement officer" or "qualified retired law enforcement officer" pursuant to the Law Enforcement Officer Safety Act of 2004.

(4). The date, time and specific funeral the LEO is planning to attend.

(5). A statement indicating the LEO will be in the uniform of the day. If the LEO is attending in plain clothes, the request should indicate as such and whether the LEO will be carrying a concealed firearm.

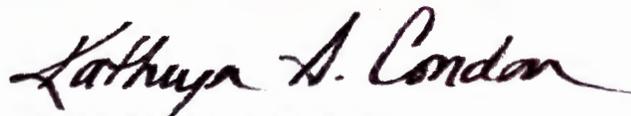
b. The request can be sent via facsimile transmission to 571-256-3357, or scanned and emailed to the Army National Cemeteries Program (ANCP) Directorate of Emergency Services (DES) at usarmy.pentagon.hqda-anc-osa.mbx.anc-des@mail.mil.

c. Upon receipt of such requests, the DES will return an approval to the requesting agency along with instructions on how the LEO should make his/her presence known to the Public Safety Aides or Security Guards.

d. The approval is good only for the specific funeral request and does not constitute a recurring approval; furthermore, the approval to attend a funeral while armed does not imply authorization to tour or visit other portions of the cemetery before or after the funeral being attended.

e. The Director, ANCP DES or his/her designee is the approval authority for such requests.

6. The point of contact for this policy is the Director of Emergency Services at 703-614-4303, or via email at usarmy.pentagon.hqda-anc-osa.mbx.anc-des@mail.mil.



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