

Law enforcement officers carrying firearms on airplanes

This FAQ is intended to address two situations –

1. Carrying firearms in your checked baggage while flying
2. Carrying firearms on your person while flying

All information is from the TSA and the GPO websites, retrieved December 2, 2009. The regulations and guidelines are simply too long (about 40 pages) to set out in full in this FAQ. Here are some links:

Transportation Security Administration:

www.tsa.gov/travelers/airtravel/assistant/editorial-1666.shtm

www.tsa.gov/lawenforcement/programs/traveling_with_guns.shtm

Code of Federal Regulations (Government Printing Office):

<http://ecfr.gpoaccess.gov>

You can address general questions or requests for guidance to the Office of Law Enforcement/Federal Air Marshal Service, Liaison Division at LEOFA@dhs.gov.

There are some specific rules and exemptions for certain Federal Officers and Federal Marshals. In the interest of brevity, and since most folks who will read this are employed as state, municipal, or county officers, we won't try to address all those specific federal officer rules in this FAQ.

Penalties for violation include possible criminal prosecution and civil penalties of up to \$10,000 per violation.

First, let's look at the rules on carrying a firearm in checked baggage.

Q. Can I take a firearm in my checked baggage on a commercial airline flight?

A. Yes, you can. Here is the short version of the rules

(Keep in mind that individual airlines may have their own additional requirements on the carriage of firearms and the amount of ammunition you are allowed to have in your checked baggage. Before you book the flight you should contact the airline regarding its firearms and ammunition policies.)

1. You must declare all firearms to the airline during the ticket counter check-in process. This can be done verbally or in writing.
2. The firearm must be unloaded
3. The firearm must be in a hard-sided container and the container must be locked. *(A 'locked container' is one that completely secures the firearm from access by anyone other than you. Cases that can be pulled open with little effort do not qualify for this rule. **In other words, make sure it really locks.** Federal regulations prohibit unlocked gun cases on aircraft.)*

4. It is 'recommended' by TSA that you provide the key or combination to the security officer if he or she needs to open the container. You should remain present during screening to take the key back after the container is cleared. If you are not present and the security officer must open the container, they will make a 'reasonable effort' to contact you. If TSA cannot contact you the container will not be placed on the plane.

Q. Can I take ammunition in checked baggage?

A. Yes, here is the short version of the rules -

(Again, remember to check with your airline. They may have their own rules on carrying ammunition in checked baggage.)

1. Ammunition must be securely packed in wood, metal, or fiber (like cardboard) boxes that is specifically designed to carry small amounts of ammunition.
2. Ammunition may be carried in the same locking case as the firearm, as long as it is packed as described above.
3. Black powder or percussion caps used with black-powder type firearms cannot be carried in checked baggage.
4. You can't use firearm magazines/clips for packing ammunition unless they 'completely and securely enclose the ammunition'. (example: 'by securely covering the exposed portions of the magazine or by securely placing the magazine in a pouch, holder, holster, or lanyard').

Q. What about carry-on baggage?

A. The baggage must be checked. Firearms, ammunition, and firearm parts are prohibited from carry-on baggage. Having a concealed Carry Permit does not permit you to take the firearm in carry-on baggage.

Q. What if I am traveling to another country?

A. Many other countries have different laws regarding transportation and possession of firearms. If you are traveling internationally, you need to check with the authorities in your destination country about their requirements.

Now, let's discuss carrying your firearm on your person (not in checked baggage).

Q. Do you have to be a Law Enforcement Officer?

A. Yes. Generally, passengers are not allowed to carry firearms other than in checked baggage, as described above. There are exceptions for Law Enforcement Officers (abbreviated "LEO's"). These exceptions are covered in Title 49 of the Code of Federal Regulations ("CFR"), section 1544.219.

Q. Does this apply to all LEO's?

A. The regulation applies to a person who is a 'Federal law enforcement officer' OR a person who is a 'direct employee' of a government agency and is a--
-full-time municipal LEO
-full-time county LEO
-full-time state LEO

Q. Does the LEO have to be commissioned?

A. Yes, the Regulation requires that you be 'sworn and commissioned to enforce criminal statutes or immigration statutes'.

Q. Do I have to be specifically authorized to carry a firearm?

A. Yes, CFR requires that you 'be authorized by the employing agency to have a weapon in connection with assigned duties'.

Q. Is specific training required?

A. Yes. You must have completed the training program titled 'Law Enforcement Officers Flying Armed'.

Q. Where can I access the training program?

A. (*note: the training materials will only be disseminated to the 'training division of the requesting agency'*) The program training material may be obtained by emailing the Office of Law Enforcement/Federal Air Marshal Service, Office of Training and Workforce Programs, Training Policy and Development Division, Operations Branch at LEOFA@dhs.gov. Supply the following information—

- Full name
- Agency name
- Agency address and number
- Supervisor name and number

Q. Do I need a 'letter of authority' (often called a 'Chief's Letter') from my agency?

A. That used to be the rule, but the rule has changed. *As of July 15, 2009, TSA no longer accepts an 'original letter of authority' for the purpose of flying armed. As noted on the TSA website, 'this change is being implemented to provide a more secure means of confirming the identity of LEO's, since the Original Letter of Authority can be counterfeited.'*

The new rules are discussed in more detail in this FAQ.

Q. Do I need a specific reason to carry the firearm?

A. Yes. You must have a 'need to have the weapon accessible' from the time you would otherwise check the weapon until the time it would be claimed on leaving the plane.

Q. Who determines if I have a 'need to have the weapon accessible'?

A. Your need must be determined by your 'employing agency, department, or service', and must be based on one of the following—

- 'the provision of protective duty'. The example given in CFR is 'assigned to a principal or advance team or on travel required to be prepared to engage in a protective function'. The CFR is not more specific than this.

- 'the conduct of a hazardous surveillance operation'. CFR does not give any examples.

- on official travel and 'required to report to another location, armed and prepared for duty'.

- 'control of a prisoner' or on a 'round trip ticket returning from escorting, or traveling to pick up, a prisoner'. (*The specific rules on transporting prisoners are much too long to address in this FAQ.*)

Q. What notification must be given before I fly?

A. The rules changed as of July 15, 2009 (see other entries in this FAQ for other rules changes that took place on that date.) You must submit a National Law Enforcement Telecommunications System ('NLETS') message *prior to travel*. This NLETS message replaces the 'original letter of authority' that used to be required by CFR.

When TSA receives the NLETS message, a return NLETS message will be sent to your agency. This return NLETS message will include an 'eight character, Unique Alphanumeric Identifier' for verification at the airport on the day of travel.

Failure to use the NLETS (instead of the original letter of authority) will result in denial of your ability to fly armed.

Q. What notice must I give at the airport?

A. Here is the short version of the notice requirements set out in CFR.

- notify the aircraft operator at least one hour before departure (in an emergency, notify 'as soon as practicable, before departure')

- identify yourself by presenting credentials that include—

 - a clear full-face picture

 - your signature

 - the signature of the 'authorizing official of the agency, service, or department.' OR the official seal of the agency, service, or department.

 - (*note: a 'badge, shield, or similar device' may not be used, or accepted, as the 'sole means of identification'*)

Q. What regulations must the airline follow?

A. Here is the short version of the CFR—

- the airline must obtain the 'information or documentation required'

- Advise you, before boarding, of the airline's procedure

-have you confirm that you have completed the training program discussed in this FAQ ('Law Enforcement Officers Flying Armed')

-ensure that your identity is known to the 'appropriate personnel who are responsible for security during the boarding of the aircraft'

-notify the pilot in command 'and other appropriate crewmembers' of the location of each armed LEO on the aircraft.

-notify any other armed LEO of the location of each armed LEO.

-the airline is NOT allowed to serve you any alcoholic beverage.

Q. Where can I actually keep my firearm while on the airplane?

A. If you are in uniform, you may keep the firearm on your person.

If you are not in uniform, the firearm must be 'concealed and out of view', either on your person or in 'immediate reach'. (The CFR does not define 'immediate reach')

The firearm MAY NOT be placed in overhead storage.

Q. Are there other restrictions?

A. Yes.

-You may NOT consume any alcoholic beverage while on the aircraft.

-You may NOT board an aircraft armed if you have consumed an alcoholic beverage within the previous 8 hours.