



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

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MEMORANDUM FOR BUREAU SECURITY OFFICERS

FROM:

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Director, Office of Security Programs

SUBJECT:

Interim Guidance on Treasury Credentials, Badges and Shields

The following text provides interim guidance for Treasury credentials, badges and shields. It replaces the existing policy in the Treasury Security Manual in section III-6, dated June 30, 1998. This guidance implements provisions of the Law Enforcement Safety Officers Act of 2004 (hereafter, the Act) with respect to identification that may be issued to former Treasury law enforcement officials who retired in good stead. The text includes comments from bureau officials with particular concern for the Act's impact on their operations. A finalized version will be included in the physical security section of the updated Treasury Security Manual to be published later this year. Please contact Robert A. McMnamin, on (202) 622-1120 for further information.

This interim guidance covers requirements for issuing, using, controlling, and accounting for official credentials (also known as commissions) and badges/shields by Treasury/bureau employees and credentialing current and retired employees. It also discusses the contents of credential and badges/shields and processes involved in issuing, maintaining, and transmitting credentials. Finally it addresses Act's impact in the latter sections.

Credentials and badges/shields provide evidence of the bearer's authority when contacting the public and/or conducting U.S. Government business with Federal, State, local or foreign officials as authorized by law, statute or Treasury regulation. Credentials describe the specific authority and responsibilities of the bearer. Badges/shields are metallic emblems that instantly convey the representative authority of the bearer.

The Director, Office of Security Programs (OSP) has overall responsibility for developing Treasury-wide requirements to efficiently manage and control the design, authorization, issuance, and accountability of Treasury/bureau credentials. Bureau Heads shall establish procedures for issuing credentials (with or without badges/shields) to employees within their organization. This includes setting up an issuing authority either within the security structure or administrative component of their bureau along with attendant funding and resources. Heads of Bureaus, the Director, OSP, and the Director, Foreign Assets Control, shall ensure the following actions are performed:

- Credentials (with or without badges/shields) are issued only to authorized persons.
- Responsibilities and adequate funding for (1) issuing, controlling, and maintaining stocks, and (2) accounting for, canceling, and destroying credentials and badges/shields are assigned to the security office or administrative component.

- The Treasury/bureau security office or administrative component maintains appropriate accountability records; including records about returned, lost, stolen, canceled, awarded and destroyed credentials and badges/shields.
- Reports of the loss or theft of credentials and badges/shields are made to designated Treasury/bureau security officials or administrative officials for follow-up action.
- Pseudonyms on credentials are issued with appropriate control procedures and maintained. Such procedures shall be forwarded to, and reviewed by, Treasury's OSP.
- Design and sample credentials are forwarded to Treasury's OSP, which may require changes for consistency with this section. Heads of Bureaus and the Director, Foreign Assets Control may approve and delegate responsibility for designing badges/shields within their own bureau/office.
- Periodic inventories of existing stock of blank credentials, badges/shields and cases/folders are conducted. Inventories shall also be conducted prior to transfer of responsibility from one designated Treasury/bureau security or issuing authority to a successor.
- All persons issued credentials and badges/shields are properly informed on the requirements and obligations governing such use under Treasury/bureau-prescribed professional standards of conduct.

Credentials or commissions shall generally be accepted in verifying the bearer's identity during normal working hours at Treasury/bureau-owned, -leased, or -operated facilities to conduct official business. However, possession of credentials does not relieve the bearer from complying with established access control requirements for employees, contractors, visitors, or other government agencies, State, local, or municipal authority. Circumstances casting reasonable doubt on the authenticity or validity of the credential or the matching identity or authority of the bearer shall be reported to appropriate Treasury/bureau security officials.

Credentials may be canceled and awarded (along with badges/shields) to impending retirees when such awards are established through a Treasury/bureau employee incentive award program. Cancelled credentials shall be either perforated or permanently stamped to reflect that the individual is "retired" or otherwise indicate the credential is awarded "for honorable service." Cancelled credentials and badges/shields must be marked in a manner distinct from active credentials, e.g., encased in Lucite, fitted with a "retired" or "honorable service" plate or other (shadow-box) display-type manner, as approved by the issuing Treasury/bureau authority. Issuance of new credentials to retirees or persons previously separated from Federal service or as replacement awards is NOT authorized.

Use shall be limited to display purposes only. To minimize the potential for compromise or abuse of cancelled credentials, honorees shall NOT sell or barter cancelled credentials. The cancelled credentials shall ONLY be held by the retired employee. Retired credentials are NOT intended or to be used for purposes of meeting the identification provisions of the Law Enforcement Officers Safety Act of 2004 (the Act). See part 20 for procedures regarding the issuance of identification cards to retiring and retired Federal employees in accordance with the Act.

Credentials or commissions shall consist of upper and lower laminated cards permanently affixed inside a protective case or folder. The case or folder promotes durability and inhibits removal or tampering.

Upper and lower laminated cards. The upper portion of the credential shall display the printed legal name and title of the bearer; the bottom portion shall describe the bearer's authority, his or her signature and photograph. At a minimum, all credentials shall include the following items:

- The bearer's full-face, color, true likeness in civilian attire or in the uniform the employee wears while on duty. If prescription glasses are worn full-time, these will be worn when the bearer's photograph is taken.
- The bearer's printed legal name, title, and signature.
- The term, "United States Department of the Treasury."
- The seal of the Department or bureau.
- The name of the employing bureau.
- The signature(s) of the authenticating Treasury/bureau official(s), as applicable.
- A designated serial or control number.
- The description of the bearer's legal, statutory, regulatory or other specific authority.

Use of pseudonyms. A Treasury/bureau employee's legal name shall appear on their credential, except when deviation thereof is in accordance with applicable law. Whenever use of pseudonyms is permitted, Treasury/bureaus must develop appropriately strict control procedures for issuing and monitoring the use of such credentials. If a pseudonym is authorized, only one commission may be issued in the pseudonym name. All such procedures shall be submitted to Treasury's Office of Security Programs for review.

The credential carrying case or folder shall be approximately 3 inches in width and 5 inches in length when closed; individual Treasury/bureau sized cases or folders may vary. Cases or folders normally fold in half and contain two carrying pockets; for the upper and lower portions of the credential. Cases or folders may NOT be used as wallets or contain other materials unrelated to official use. Cases or folders may be equipped with a carrying clip and badge/shield carrying surface at the discretion of the issuing bureau.

Credentials shall NOT indicate that the bearer has a security clearance or is otherwise eligible for access to classified information. Certification of clearance shall be handled via established personnel security verification procedures and be obtained in advance of all instances involving classified information. For internal recognition purposes, a credential or commission may be equipped with a bureau-unique alpha-numeric code or varying background colorization to reflect the bearer's security clearance provided such indication is not otherwise apparent to a casual observer.

Credentials without a badge/shield may be issued to authorized Treasury/bureau employees who do not necessarily possess specific statutory authority but do conduct official inquiries which include, but are not necessarily limited to, assessing facilities or controlled property, sensitive files or records, and requesting or requiring assistance in compliance with official duties. Such positions might include Security Officer, Security Analyst, Security Specialist, Compliance Officer, Bank Examiner, Auditor, and Attorney.

Credentials with a badge/shield connote the bearer performs specific official functions or the bearer's position.

Official functions. Credentials with a badge/shield connote the bearer performs specific official functions as authorized by law, statute, or Treasury/bureau regulation. Examples of functions include, but are not necessarily limited to the following actions:

- Carrying firearms.
- Making seizures of property subject to forfeiture.
- Making arrests, executing or serving warrants.
- Fulfilling protective, inspection or investigatory functions of the United States on behalf of the employing Treasury office or bureau.

Bearer's position. Credentials with a badge/shield connote the bearer's position. Positions might include any of the following titles:

- Criminal Investigator (Special Agent)
- Inspector or Investigator
- Security Officer or Security Specialist
- Patrol Officer
- Compliance Officer
- Bureau of Engraving and Printing Special Police
- United States Mint Police
- United States Special Police

Positions where the duties are limited to auditing, inspecting, legal, or security work, and do NOT require the Treasury/bureau employee to qualify with a firearm and/or wear a police-type uniform, are NOT authorized badges/shields, unless issuance is justified in writing and approved by the Bureau Head.

Credentials shall normally be issued only to permanent Treasury/bureau employees upon need or request. Credentials and badges/shields may be issued to temporary employees when determined by the Bureau Head (on a case-by-case basis or by category of employee position). Examples include temporary hires or a Federal employee of another agency or a contractor who possesses unique skills and is engaged to conduct special investigations or inquiries on behalf of a Treasury office or bureau.

Requests for issuing credentials (with or without a badge/shield) to Treasury/bureau security or other issuing authority, for employees in positions not previously identified as requiring same, shall be justified in writing and approved by the Bureau Head. All such issuances to other than permanent employees must be supported by a written determination of need by the requesting element and evaluated by the credential and badge/shield issuing authority for compliance with this section. This shall also be based on the incumbent's official positions and the degree they engage in activities supporting the need for credentials and/or badge/shield to fulfill official responsibilities.

When the employing bureau or the Legal Division requires a credential to be issued to an employee within the Legal Division, that credential shall be issued by the bureau issuing authority served by the Legal Division office in which the employee is located. Issuance of badges/shields to Legal Division personnel shall be determined by the Bureau Head in

consultation with the General Counsel. Any such credential shall be authenticated by the General Counsel or the General Counsel's designee. Heads of Bureaus may also authenticate credentials issued to Legal Division employees in addition to authentication by the General Counsel or the General Counsel's designee.

Individuals may NOT authorize or otherwise validate their own credentials. Authentication shall be performed by the following entities. Credentials for all Departmental Offices officials and the Heads of Bureaus shall be authenticated by the Director, OSP. The Heads of Bureaus, the Inspector General, the Treasury Inspector General for Tax Administration, and the General Counsel shall authenticate credentials for personnel assigned to their respective organizations.

Serial or control numbers shall be used for accountability purposes to allow for credentials and badges/shields to be readily traced to the Treasury/bureau individual to whom they were issued. Credentials and badges/shields shall normally be issued in consecutive order as recipients are authorized to receive them. Once assigned, the serial or control numbers shall NOT be reused except to ensure compliance with Federal Property Management Regulations relating to U.S. Government property or as authorized by the Heads of Bureaus.

Credentials or commissions generally remain valid for the duration of Treasury/bureau employment and shall NOT be reissued merely because of a change in the name or title of the authenticating official(s). Credentials may be updated and reissued to the bearer under the following conditions:

- Upon legal name change, e.g., marriage/divorce.
- Promotion or reassignment to a different position to reflect a change in the bearer's title or authority.
- Significant change in the bearer's appearance over time.
- Excessive wear and tear or lapse of sufficient time to indicate a lost or stolen credential will NOT be recovered, found, or returned.

All credential and badges/shields are property of the U.S. Government and the issuing Treasury/bureau office. Credentials, badges/shields must be returned upon termination of employment, need, or upon request of the issuing authority. Credentials and badges/shields are not transferable and subject to inventory and inspection at the discretion of the issuing authority. Each recipient shall be required to sign a receipt when issued a credential and badge/shield. Costs associated with Treasury/bureau manufacture, procurement, safeguarding, issuance, and accountability of credentials and badges/shields shall be minimized.

Treasury/bureau issuing authorities shall maintain records on the disposition of all credentials and badges/shields. Those persons terminating employment shall return their credential and badges/shields to their Treasury/bureau security office or issuing authority prior to terminating employment. Treasury/bureaus shall ensure credentials and badges/shields are returned and accounted for prior to allowing the employee to separate from Treasury/bureau employment or from the Federal service.

Credentials of persons who retire or separate from their employing Treasury/bureau component may be held by the issuing authority for a period of time at their discretion and then destroyed,

unless approved for special disposition as part of a Treasury/bureau award program. Badges/shields shall also be returned to inventory unless approved for special disposition as part of a Treasury/bureau award program.

Whenever credentials and badges/shields are transmitted between Treasury/bureau facilities, they will be packaged in double envelopes together with a transmittal memo or letter. Within the U.S., including the Commonwealth of Puerto Rico, U.S. territories, or possessions, credentials and badges/shields will be sent via (1) U.S. Postal Service registered mail or overnight express mail, or (2) at the bureau's discretion, via overnight mail carrier authorized by the General Services Administration for express mailings. Within overseas areas, credentials and badges/shields will be mailed by registered mail to, from, and within the overseas areas, or couriered via diplomatic pouch, as warranted.

Individuals who have authorized credentials and badges/shields are personally responsible for safeguarding them from loss, theft, or possible misuse by any reasonable means, while minimizing their personal risk. Credentials and badges/shields should be carried on the bearer's person and not left or stored in a manner allowing access by unauthorized persons. When not used for a period of time, or when the bearer is on extended leave, the credential should be safeguarded, e.g., secured in an office security container or locked file cabinet. The loss or theft of credentials and badges/shields must be reported to Treasury/bureau security officials as soon as possible, but not later than 72 hours. This might also include notification to the National Crime Information Center (NCIC) for those bureaus having access to NCIC and notification, depending on bureau procedures and facts related to the loss or theft, to State and local police.

A signed report must be submitted identifying the individual by name, credential and badge/shield number(s), date, location, and relevant facts about the loss or theft. Recovered credentials and badges/shields must be reported without unreasonable delay. Accountability records shall be adjusted to reflect the recovery. The recovered credential may be either destroyed or reissued to the bearer; however, individuals shall NOT retain more than one credential at a time.

Careless handling, abuse, misuse, or intentional misrepresentation of official credentials and badges/shields shall be cause for possible administrative or disciplinary action. Such action might include temporary suspension, reassignment, revocation of official duties and responsibilities, or other penalties. Instances involving senior Treasury/bureau officials shall be reported concurrently to the Office of Inspector General (OIG), or as applicable, to the Treasury Inspector General for Tax Administration (TIGTA) and the Deputy Assistant Secretary for Security. The OIG or TIGTA shall decide in consultation with the Deputy Assistant Secretary for Security whether an investigation is warranted and who will conduct it.

Credentials and badges/shield shall NOT be issued or used for transacting non-official or personal business. Penalties may be imposed pursuant to law for the improper use of such official identification pursuant to the following statutes:

- a. 18 U.S.C. §499 states ("Whoever falsely makes, forges, counterfeits, alters or tampers with any naval, military, or official pass or permit, issued by or under the authority of the United States, or with intent to defraud uses or possesses any such pass or permit, or personates or falsely represents himself to be or not to be a person to whom such pass or permit has been duly issued or willfully allows any other person to have or use any such

pass or permit, issued for his use alone, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.”)

- b. 18 U.S.C. §701 states (“Whoever manufactures, sells, or possesses any badge, identification card, or other insignia, of the design prescribed by the head of any department or agency of the United States for use by any officer or employee thereof, or any colorable imitation thereof, or photographs, prints, or in any other manner makes or executes any engraving, photograph, print, or impression in the likeness of any such badge, identification card, or other insignia, or any colorable imitation thereof, except as authorized under regulations made pursuant to law, shall be fined not more than \$250 or imprisoned not more than six months, or both.”)
- c. 18 U.S.C. §1028 establishes (penalties for fraud and related activity in connection with identification documents.)

The Law Enforcement Officers Safety Act of 2004 permits the carrying of concealed firearms by qualified law enforcement officers and qualified retired law enforcement officers.

Employment Requirements Under the Act. Qualified law enforcement officers and retired law enforcement officers who retired for reasons other than mental instability are permitted to carry concealed firearms if they meet (or met before retirement) the following requirements:

- Is an employee of a governmental agency that (1) is (or was) authorized by law to engage in or supervise the prevention, detection, investigation, prosecution, or incarceration of any person for any violation of law, and (2) has (or had) statutory powers of arrest.
- Is (or was) authorized by the agency to carry a firearm.
- Is (or was) not the subject of any disciplinary action by the agency.
- Meets (or has met) standards, if any, established by the agency that require the employee to regularly qualify in the use of a firearm.
- Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- Is not prohibited by Federal law from receiving a firearm.

In addition, before retirement, qualified retired law enforcement officers must have met all of the following requirements:

- Have been (1) regularly employed as a law enforcement officer for an aggregate of 15 years or more; or (2) retired from service with a Treasury office or bureau, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by their Treasury office or bureau.
- Have a non-forfeitable right to benefits under the Treasury/bureau retirement plan.
- During the most recent 12-month period, have met, at the expense of the retiree, their State of residence’s standards for training and qualification for active law enforcement officers to carry firearms.
- Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

- Is not prohibited by Federal law from receiving a firearm.
- Retirement was not a result of any determination to remove or proposal to remove the employee from Federal employment.
- Retirement was not a result of a psychological fitness for duty evaluation, whether resolved or unresolved, prior to retirement.
- Retirement was not a result of suspension or revocation of the employee's security clearance.

Required Photographic Identification Under the Act. Qualified law enforcement officers and qualified retired law enforcement officers are required by the Act to carry photographic identification issued by the governmental agency for which the individual is employed as a law enforcement officer or from which the individual retired from service as a law enforcement officer.

Qualified Retired Law Enforcement Officer Identification. Treasury/bureaus may design and issue photographic identification for qualified retired law enforcement officers who will be separating from Federal service or who have already separated. Such designs shall be reviewed and approved by Treasury's Office of Security Programs. Specific wording on the type of Treasury/bureau identification, attesting to the qualification of the retired law enforcement officer, shall be reviewed and approved by the Legal Division of the Treasury office or bureau from which the employee is separating. The receipt by a qualified retired law enforcement officer of an identification card does NOT grant the bearer any legal, statutory, regulatory or other authority.

Qualified retired law enforcement officers (not Treasury or its bureaus) are responsible for ensuring that they meet all requirements of the Act. This includes obtaining a notarized certification from their State of residence indicating they meet the State's standards for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm. Individual components shall not themselves train or qualify retired employees to carry a firearm, as authorized under the Act. In order to be authorized under the Act to carry a firearm, a retired qualified law enforcement officer from a Treasury/bureau component MUST qualify pursuant to 18 U.S.C. section 926C(d)(2)(B), and in accordance with their state of residence standards for active law enforcement officers. The Treasury/bureau credential issuing authority shall be responsible for signing the memorandum of agreement on behalf of their employing Treasury office or bureau for purposes of complying with 18 U.S.C. section 926C(d)(2)(B).

Replacement of qualified retired law enforcement officers' identification is authorized only where the former employee (1) substantiates in writing that his or her previously-issued qualified retired law enforcement officer identification has been lost, stolen, or destroyed, (2) provides a copy of the police report attesting to such loss or theft, AND (3) includes a notarized 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. Costs for replacing lost or stolen qualified retired law enforcement officer identification may be charged, at the discretion of the former Treasury/bureau, to the retired employee.

Former Treasury/Bureau Law Enforcement Officers Identification. Former Treasury/bureau qualified law enforcement officers previously employed by the Bureau of Alcohol, Tobacco and Firearms (ATF); the United States Customs Service (Customs); the United States Secret Service (USSS); or the Federal Law Enforcement Training Center (FLETC), when those bureaus were part of the Department of the Treasury, shall obtain qualified retired law enforcement officer identification, under the Act, from their respective authorities, i.e., the Department of Justice for ATF, or the Department of Homeland Security for Customs, USSS, and FLETC, in compliance with procedures implemented by those departments.

Treasury/bureau credential issuing authorities. Upon receiving a request for an identification card by a retired/retiring law enforcement officer under provision of the Act, the Treasury/bureau issuing authority shall run sufficient name checks to determine (1) if there (is/was) any action initiated to remove or to propose to remove the officer from service at the time of retirement, (2) whether or not the officer should be considered to have retired “in good standing,” (3) if there (is/was) any proposal to suspend or revoke the officer’s security clearance at the time of retirement, (4) if the officer retired or (is/was) retiring under a pending psychological fitness-for-duty inquiry, or after being found not fit for duty. Where such determinations reveal the individual (is/was) retiring in good standing, the retired identification shall be issued.

It shall be within the discretion of the employing Treasury office or bureau to issue a retired law enforcement officer credential called for under the Act. Should the Treasury office or bureau (1) make a finding that the subject is not qualified, or (2) enter into an agreement in which the subject agrees that he or she is not qualified, the subject shall not be issued the retired law enforcement officer credential described above.

With respect to the Act’s limitation that a qualified retired law enforcement officer “is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance,” each former Treasury/bureau employee seeking such qualification annually must meet their state of residence standards, if any, regarding alcohol or drug use by law enforcement officers authorized to carry a firearm.