



DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

MANAGEMENT ADVISORY MEMORANDUM

26-056

MAY 2026

Notification of Concerns Regarding the
Federal Bureau of Prisons Providing
Credentials with Law Enforcement Officer
Markings and Badges to Employees
That Are Not Authorized to Carry Firearms

INVESTIGATIONS DIVISION



DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

May 27, 2026

Management Advisory Memorandum

To: William K. Marshall
Director
Federal Bureau of Prisons

A handwritten signature in black ink, appearing to read "W M Blier".

From: William M. Blier
Deputy Inspector General
Performing the Duties of Inspector General

Subject: Notification of Concerns Regarding the Federal Bureau of Prisons Providing Credentials with Law Enforcement Officer Markings and Badges to Employees That Are Not Authorized to Carry Firearms

The purpose of this memorandum is to advise you of the Department of Justice (DOJ or Department) Office of the Inspector General's (OIG) concerns arising from the Federal Bureau of Prisons (BOP) providing nearly all of its employees with badges and law enforcement credentials. Specifically, the OIG is concerned that all BOP employees who are considered primary or secondary law enforcement officers are given credentials with law enforcement markings, specifically either "LE" for Law Enforcement or "LEO" for Law Enforcement Officer, and badges. Credentials with law enforcement markings and badges generally signify that the holder is a qualified law enforcement officer authorized by their agency to carry a firearm, and that the holder has regularly qualified in the use of firearms. The OIG is concerned about the risk to the Department, the BOP, and the public that BOP personnel that have not been qualified by the BOP to carry firearms can present BOP credentials indicating they are law enforcement officers, which has enabled such personnel to purchase firearms without a license.¹ A potential consequence of this risk is the use of the improperly obtained firearm in connection with illegal conduct.

The OIG identified these concerns during investigations in which we found that BOP employees utilized BOP credentials with law enforcement markings and in some cases badges, in lieu of obtaining state permits as required by state law, to purchase firearms for personal use, when they were not at the time of purchase authorized by the BOP to carry firearms. Although BOP policy did not permit these employees to use their credentials to purchase firearms, the fact that the BOP issued them the credentials with law enforcement markings—and no additional markings to indicate whether the employees were authorized carry firearms—

¹ We inquired with the other DOJ law enforcement components regarding their credentials policies and practices and found that no other DOJ law enforcement component issues credentials with law enforcement markings to personnel who are not qualified to carry firearms.

facilitated the purchases and impaired prosecution of these employees. We further found that the BOP's policies regarding how credentials with law enforcement markings and badges may be used by BOP employees lack clarity, which enhances the risk that employees will misuse the credentials and badges to purchase firearms in violation of state laws. In this memorandum, the OIG makes two recommendations to address the concerns we identified.

Relevant Authorities

Under federal law, it is unlawful "for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness or the sale or other disposition of such firearm or ammunition." 18 U.S.C. § 922(a)(6).

The Federal Law Enforcement Officers Safety Act (LEOSA) establishes that a qualified law enforcement officer who is carrying proper identification "may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce," subject to state laws. 18 U.S.C. § 926B(a), (b). A qualified law enforcement officer means an employee of a governmental agency who, among other things, "is authorized by the agency to carry a firearm" and "meets the standards, if any, established by the agency which requires the employee to regularly qualify in the use of firearms." 18 U.S.C. § 926B(c).

For purposes of the Civil Service Retirement system, a law enforcement officer is defined as, "an employee, the duties of whose position are primarily investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, including an employee engaged in this activity who is transferred to a supervisory or administrative position," 5 U.S.C. § 8331(20). "Detention" includes the duties of BOP employees. *Id.* Similarly, for purposes of the Federal Employees' Retirement System, a law enforcement officer is defined as "an employee, the duties of whose position—(i) are primarily—(I) the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, or (II) the protection of officials of the United States against threats to personal safety; and (ii) are sufficiently rigorous that employment opportunities should be limited to young and physically vigorous individuals, as determined by the Director considering the recommendations of the employing agency." 5 U.S.C. § 8401(17); *see* 5 C.F.R. § 842.803. Based on these authorities, the BOP has designated most of its staff as primary or secondary law enforcement officers.²

For BOP employees, federal law states that, "[O]fficers and employees of the BOP may carry firearms under such rules and regulations as the Attorney General may prescribe," 18 U.S.C. § 3050, and the Attorney General has delegated this authority to the Director of the BOP. 28 C.F.R. § 0.96(n). Based on this authority, the BOP has authorized most staff who qualify as primary or secondary law enforcement officers for purposes of retirement to carry firearms, provided they successfully complete firearms training courses every year and meet certain other criteria. However, some employees who are in positions that are not traditionally considered law enforcement officer positions but qualify under the applicable law and regulations, such as chaplains, dentists, and physicians, can choose not to carry firearms or complete

² *See* BOP's Correctional Services Procedures Manual, effective October 19, 2012; BOP LEOSA Guidance dated February 27, 2006 and July 6, 2022. Primary law enforcement refers to a position for which the primary duties are correctional in nature, such as custody and supervision of inmates and responding to emergencies and institution disturbances. Secondary law enforcement refers to a position that is in the law enforcement field but is more administrative in nature. *See* BOP Program Statement 3000.03, Human Resource Management Manual.

firearms training.

The BOP's Correctional Services Procedures Manual (CSPM) states that, "Employees must not be assigned to posts requiring the carrying of firearms prior to successfully completing the firearms familiarization training course," and "New employees must not be assigned to posts requiring the carrying of firearms before completing the Introduction to Correctional Techniques Training at the Federal Law Enforcement Training Center." The CSPM further states that, "The badge must be displayed when necessary to establish the staff member's authorization to carry a firearm." The CSPM prohibits employees from using badges as "methods of routine identification," and further prohibits "[e]mployee procurement or possession of unauthorized badges, either official or duplicated."

The BOP provided guidance to its employees regarding the LEOSA in a memorandum dated July 6, 2022 (LEOSA memorandum). The LEOSA memorandum states that "most" BOP staff who have primary or secondary law enforcement status meet the criteria required by LEOSA. The LEOSA memorandum further states that BOP employees may use BOP identification cards or credentials to verify BOP employment, including presenting a BOP identification card or credentials to another federal, state, or local law enforcement officer for the purpose of explaining the employee's eligibility to carry a concealed personal firearm under LEOSA. The LEOSA memorandum states that this situation "could arise during a routine traffic stop, while shopping in public, or in other situations." However, the memorandum also states that, "In these types of situations, it is important that off-duty staff not misrepresent that they are acting in furtherance of their official [BOP] duties. There should never be a time when off-duty staff members claim to be carrying a concealed personal firearm as part of their [BOP] employment or in furtherance of their official [BOP] duties." Further, the LEOSA memorandum states that it is "incumbent upon off-duty staff to be aware of the laws, ordinances, regulations, etc., within their state and local jurisdictions that may impact any aspect of their ability to obtain, carry, or use a personal firearm under LEOSA."

On March 22, 2023, the BOP issued a Badge Accountability Memorandum to all staff indicating that all primary and secondary law enforcement staff would be issued badges. This memorandum provides guidelines regarding badge use and display, including the following bullets:

- Badges must be displayed when necessary to establish the staff member's authorization to carry a firearm.
- Staff members should use Bureau identification cards or credentials, not badges, for Law Enforcement Officer Safety Act (LEOSA) purposes.

The Issue

The OIG has learned, during the course of multiple investigations of BOP staff at multiple BOP facilities, that for at least the past several years, the BOP has issued credentials with law enforcement (LE or LEO) markings to all of its employees that are considered primary or secondary law enforcement officers, regardless of whether such employees were authorized by the BOP, or have retained current authorization by the BOP, to carry firearms.

The OIG's investigations have determined that numerous BOP employees have used such credentials to purchase personal firearms, when state law otherwise required them to have state permits to purchase such firearms, even though they were not authorized by the BOP to carry firearms at the time of purchase. Some of these individuals were criminally prosecuted, because they also showed their credentials or badges to law enforcement during traffic stops in an effort to evade apprehension for other crimes. However, for other individuals, the fact that the BOP permitted them to possess the credentials with law enforcement

markings impaired the OIG's ability to present prosecutable cases based on the misuse of the credentials to purchase firearms.

For example, a BOP computer specialist was able to purchase two pistols on two separate occasions using the employee's BOP LEO credentials, despite a separate BOP Firearms Qualification Report expressly stating "DO NOT ISSUE" next to the employee's name to indicate that the employee was not certified by the BOP to carry a firearm. (Red text and all capital letters in original.) Another BOP employee, who similarly was not certified by the BOP to carry a firearm, was able to successfully purchase a pistol using BOP LEO credentials. That same individual's attempt to purchase a pistol a little over a year earlier was denied due to the results of a National Instant Criminal Background Check System check. Both of these employees had signed documents acknowledging that they had received guidance materials from the BOP regarding LEOSA, but still used their BOP LEO credentials improperly to purchase firearms. Prosecutors cited the lack of clarity of credentials issued by the BOP as contributing to their inability to prosecute these employees. Specifically, the issuance by the BOP of a credential marked LE or LEO, regardless of their authorization to carry a firearm, provided the employees who misused the credential to purchase a firearm with a credible defense. Prosecutors indicated to the OIG that BOP employees who misuse their credential to purchase a firearm would be more accountable if the credential included affirmative language such as "Firearms Authorized" or "Firearms Not Authorized."

The BOP has informed the OIG that BOP primary and secondary law enforcement officers who are not authorized to carry firearms may receive and retain credentials with law enforcement markings, because law enforcement markings on credentials merely reflect the employee's status as a BOP law enforcement officer, not LEOSA qualification. However, we found this view to be inconsistent with BOP policies, discussed above, which state that BOP employees may present their credentials to other federal, state, or local law enforcement officers for the purpose of explaining the employee's eligibility to carry a concealed personal firearm under LEOSA.³

Further compounding the problem with law enforcement markings on credentials, in March 2023, the BOP issued badges to all primary and secondary law enforcement officers. An example of such a badge is depicted below:

³ After reviewing a draft of this memorandum, the BOP stated that, "BOP credentials are for identification purposes, not to confer rights under LEOSA to carry firearms at home or off-duty. An employee is still LEO, in accordance with 5 U.S.C. § 8401(17)(D) and 5 C.F.R. § 842.803 even if they do not meet LEOSA qualification requirements."



Sample BOP Badge. Source: BOP, June 2024

One BOP official told the OIG that the March 2023 issuance of badges was in part a measure to bring about *esprit de corps* to build morale of the workforce. Badges such as the one depicted above could be misused by the badge holder to represent that the badge holder is authorized to carry a firearm.

However, the Badge Accountability Memorandum that was issued in connection with this process does not specifically limit the issuance of badges to employees who have been trained and are authorized to carry firearms, nor does it state that badges will be relinquished by employees if they do not maintain their firearms qualification. As noted above, some employees who are in positions that are not traditionally considered law enforcement officer positions but qualify under the applicable law and regulations, such as chaplains, dentists, and physicians, can choose not to carry firearms or complete firearms training, but are still provided the badge and LE or LEO credential. In addition, an employee may lose their firearms qualification for various reasons, including by not keeping up with their training, failing to qualify for the use of firearms, being placed on administrative leave pending investigation of allegations of official misconduct, or being subject to disciplinary action.

Despite the fact that the BOP allows employees to receive and retain badges even if they are not authorized by the BOP to carry firearms, the Badge Accountability Memorandum specifically states, “Badges must be displayed when necessary to establish the staff member’s authorization to carry a firearm.” We found this language to be contradictory and confusing. Moreover, this language creates the potential for a BOP employee to improperly show their badge to a local, state or federal law enforcement officer to defend their legal right to carry a concealed weapon away from work, when they are not in fact permitted under BOP guidance, or in some cases state laws, to do so.⁴

⁴ After reviewing a draft of this memorandum, the BOP stated, “As is the case with credentials, as described above, the [BOP] badge is not issued to confer rights under LEOSA to carry firearms at home or off duty. The badge does not indicate Law Enforcement Firearms Qualified.” The BOP proposed to “reissue the Badge Accountability Memorandum to clarify that badges may only be used to establish a staff member’s authorization to carry a firearm while on duty and/or carrying out responsibilities that are part of the employee’s normal BOP duties.” The OIG would welcome BOP

Conclusions

We found that the BOP's policies regarding how credentials with law enforcement markings and badges may be used by BOP employees to be confusing and contradictory. Moreover, the BOP's policies and practices with respect to issuing credentials with law enforcement markings and badges create a risk that employees who are not authorized to carry firearms will improperly use such credentials and badges to purchase personal firearms in violation of state law without criminal repercussion, and such policies undermine the ability for employees to be held accountable for misuse of credentials and badges through prosecution or otherwise. A potential consequence of this risk is the use of the improperly obtained firearm in connection with illegal conduct.

Recommendations

To mitigate the risk of misuse of the BOP's credentials and badges by BOP employees to facilitate the purchase of firearms for personal use, and to enhance accountability of BOP employees who engage in such misuse, the OIG recommends that the BOP:

1. (a) Update its policies and training (including the LEOSA memorandum, the Standards of Employee Conduct, and related training materials) to clarify the appropriate and prohibited uses of employee credentials; and (b) Either (1) ensure that only employees who are authorized by the BOP to carry a firearm receive credentials with law enforcement markings, or (2) for BOP employees who are not eligible or authorized by the BOP to carry a firearm, add to their credential that limitation to their LEO status by, for example, including an endorsement on the credential that the holder is not authorized by BOP to carry a firearm.
2. (a) Update its Badge Accountability Memorandum to clarify that with respect to their ability to carry a firearm, staff are prohibited from using their badges other than to establish a staff member's authorization to carry a firearm while on duty and/or carrying out responsibilities that are part of the employee's normal BOP duties; (b) Update its LEOSA memorandum to clarify that staff are prohibited from using the BOP-issued badges to demonstrate eligibility to carry a concealed firearm; and (c) Determine whether it is necessary to issue badges to BOP employees who are not authorized to carry firearms.

The OIG provided a draft of this memorandum to the BOP, and the BOP's response is incorporated as Appendix 1. The BOP indicated in its response that it concurs with Recommendations 1(a), 2(a), 2(b), and 2(c), but does not concur with Recommendation 1(b). Appendix 2 provides the OIG's analysis of the BOP's response and a summary of the actions necessary to close the recommendations. The OIG requests that the BOP provide an update on the status of its response to the recommendations within 90 days of the issuance of this memorandum. If you have any questions or would like to discuss the information in this memorandum, please contact me at (202) 514-3435 or Sarah E. Lake, Assistant Inspector General for Investigations, at (202) 616-4730.

cc: Trent McCotter
Principal Associate Deputy Attorney General

clarification of its Badge Accountability Memorandum and suggests that such update more strongly "prohibit" use of badges other than to establish a staff member's authorization to carry a firearm while on duty and/or carry out responsibilities that are part of the employee's normal BOP duties. However, this change would not address the inconsistency of issuing badges to BOP employees who are not authorized to carry firearms.

Yamileth Davila
Senior Counsel to the Deputy Attorney General



U.S. Department of Justice

Federal Bureau of Prisons

Office of the Director

Washington, DC 20534

May 21, 2026

MEMORANDUM FOR SARAH E. LAKE, ASSISTANT INSPECTOR GENERAL
INVESTIGATIONS DIVISION

FROM:

A handwritten signature in blue ink that reads "William K. Marshall III".

William K. Marshall III, Director

SUBJECT:

Response to the Office of the Inspector General's Draft Management Advisory Memorandum (MAM): Notification of Concerns Regarding the Federal Bureau of Prisons Providing Credentials with Law Enforcement Markings and Badges to Employees That Are Not Authorized to Carry Firearms

The Federal Bureau of Prisons (BOP) appreciates the opportunity to respond to the Office of the Inspector General (OIG)'s draft MAM entitled Notification of Concerns Regarding the Federal Bureau of Prisons Providing Credentials with Law Enforcement Markings and Badges to Employees That Are Not Authorized to Carry Firearms. The BOP values OIG's investigation and assessment regarding the BOP credentials with law enforcement markings and badges. Ensuring that BOP employees understand the purpose and proper use of their credentials and badges is important to the BOP, and the BOP is committed to mitigating the risk of misuse and ensuring accountability.

In this report, OIG found that some BOP employees improperly utilized BOP credentials or badges to purchase firearms for personal use when they were not authorized to carry firearms at the time of purchase. The BOP does not sanction such misuse of credentials or badges by its employees and seeks accountability through its internal disciplinary procedures and cooperation with OIG and other law enforcement agencies. The BOP is also taking steps to clarify the employees' responsibility and accountability for this type of misconduct through revising policies and enhancing training. However, it should be noted that the misuse of credentials to purchase personal firearms is not a systemic, nationwide problem. Rather, there are a relatively small number of instances perpetrated by unscrupulous actors in violation of BOP policies.

The BOP's law enforcement authorities under 18 U.S.C. § 3050 and 28 C.F.R. § 0.96(n) to arrest and carry firearms are tailored to the agency mission to foster a humane and secure environment and ensure public safety. The BOP's law enforcement credentials and badges do not confer firearms qualification, and it is the individual employee's duty to understand and comply with the Federal Law Enforcement Officers Safety Act (LEOSA) for carrying a firearm in their

personal capacity. The OIG's Recommendation 1(b) improperly links the BOP's law enforcement officer positions to those officers who are qualified to carry firearms, and require actions that present major logistical and fiscal challenges, and create other negative impacts, including decreasing staff morale by minimizing the important law enforcement functions performed by agency employees.

Certainly, the BOP is committed to mitigating the risk of misuse of BOP credentials and badges by BOP employees. As detailed in the responses below, the BOP has updated Program Statement 3420.14 Standards of Employee Conduct and plans to enhance training to clarify the appropriate and prohibited use of employee credentials and badges, and it will continue cooperating with OIG and law enforcement agencies to ensure accountability for misuse cases.

The BOP offers the following responses to the OIG's recommendations and provides further explanation for our non-concurrence to OIG recommendation 1(b):

Recommendation One: (a) Update its policies and training (including the LEOSA memorandum, the Standards of Employee Conduct, and related training materials) to clarify the appropriate and prohibited uses of employee credentials; and (b) Either (1) ensure that only employees who are authorized by the BOP to carry a firearm receive credentials with law enforcement markings, or (2) for BOP employees who are not eligible or authorized by the BOP to carry a firearm, add to their credential that limitation to their LEO status by, for example, including an endorsement on the credential that the holder is not authorized by BOP to carry a firearm.

BOP Response: The BOP concurs with **1(a)** of this recommendation and will take corrective actions to address it.

The BOP will update and issue its LEOSA memorandum to all staff on an annual basis to clarify the appropriate and prohibited uses of employee credentials. The memorandum will be posted on the Ethics Office's Sallyport (BOP Intranet) page.

Additionally, the BOP has updated its Standards of Employee Conduct policy and will update training to specifically address the misuse of credentials to claim LEOSA eligibility by an ineligible employee. The update includes the following language "...employees should not use their credentials to confirm eligibility under LEOSA, as Bureau cards, credentials, and badges do not confer such eligibility. Employees have an independent obligation to ensure they meet all the legally required criteria under LEOSA to carry a personal firearm." This will help ensure staff receive this information through training when they initially start with the BOP and annually.

Please note that all staff are required to sign an acknowledgement of the Standards of Employee Conduct Program Statement during ICT Phase I and then sign one again if there are any subsequent changes to the Program Statement. These corrective actions will help minimize any misuse of the credentials by BOP employees and address OIG's concerns.

The BOP does not concur with **1(b)** of this recommendation.

1(b)(1): This section of the recommendation requires the BOP to “ensure that only employees who are authorized by the BOP to carry a firearm receive credentials with law enforcement markings.” The BOP does not concur because the recommendation improperly links the BOP’s law enforcement officer positions to those officers who are qualified to carry firearms. The BOP issues credentials with law enforcement markings (LEO credentials) to its employees who are law enforcement officers. They are determined so and receive certain benefits not available to other federal employees based on their duties that “require frequent direct contact with these individuals in their detention and are sufficiently rigorous that employment opportunities should be limited to young and physically vigorous individuals.” 5 U.S.C. § 8401(17)(D). The Department of Justice and the BOP determine which positions are eligible to be deemed law enforcement officers and credential the employees in those positions appropriately. 5 C.F.R. § 842.803.

Separately from the law enforcement status determination, the BOP authorizes certain employees to carry firearms under 18 U.S.C. § 3050 with a delegated authority to the BOP Director under 28 C.F.R. § 0.96(n). Program Statement 5500.014, Correctional Services Procedures Manual, describes the requirements for BOP employees to be qualified to carry firearms. They include completing training at the Federal Law Enforcement Training Center for new employees and requalifying each year by completing satisfactorily the Bureau’s approved firearms training course. Several BOP law enforcement positions, such as chaplains and physicians, are exempted from carrying firearms, but they may elect to get qualified.

Accordingly, limiting LEO credentials, signifying the employee’s law enforcement officer status, to only those authorized to carry a firearm conflicts with the relevant legal definitions of a law enforcement officer and impinges on the BOP’s ability to credential its employees accordingly for proper administration of their duties.

Furthermore, implementing this recommendation would present major logistical and fiscal challenges. To implement this recommendation, the BOP’s human resource departments would need to issue separate credentials for its employees who are law enforcement officers but not firearm qualified, such as many chaplains and medical officers. Moreover, the human resource departments would need to regularly monitor any changes in employees’ firearm qualification status and issue different credentials each time. For example, a correctional officer may have a temporary medical waiver, which prevents that person from qualifying in firearms. In that situation, the human resource department will need to retrieve the LEO credentials from that person and issue a different credential. Then, once the officer becomes qualified in firearms again, he or she would need to be re-issued a LEO credential. This would create a major logistical challenge and administrative burden for human resource departments. This would also be a financial issue for staffing and the cost of credentials. Each credential costs approximately \$12, and the BOP employs over 32,000 law enforcement officers. Medical waivers and lack of funds are some of the reasons why a given law enforcement officer would not complete the annual firearms training.

The BOP recognizes the risk of - and incidents of - misuse of BOP LEO credentials in relation to carrying a personally owned firearm and is taking steps to mitigate the risk and ensure accountability for such misconduct. Although the misuse of credentials to purchase personal firearms is not a nationwide problem affecting most or all staff with LEO credentials, the BOP is

enhancing guidance and providing training to all staff on the appropriate use of credentials. To ensure accountability, the BOP has and will continue to work with all appropriate authorities, using internal disciplinary procedures and cooperating with OIG and other law enforcement agencies, when staff misuse their credentials. Additionally, the revised Standards of Employee Conduct policy further clarifies employees' responsibility and accountability for credentials-related misconduct.

1(b)(2): This section of the recommendation requires that "for BOP employees who are not eligible or authorized by the BOP to carry a firearm, [the BOP] add to their credential that limitation to their LEO status by, for example, including an endorsement on the credential that the holder is not authorized by BOP to carry a firearm." The BOP does not concur because this requirement would present major logistical and fiscal challenges, and it is problematic for the reason stated under 1(b)(1).

Recommendation Two: (a) Update its Badge Accountability Memorandum to clarify that with respect to their ability to carry a firearm, staff are prohibited from using their badges other than to establish a staff member's authorization to carry a firearm while on duty and/or carrying out responsibilities that are part of the employee's normal BOP duties; (b) Update its LEOSA memorandum to clarify that staff are prohibited from using the BOP-issued badges to demonstrate eligibility to carry a concealed firearm; and (c) Determine whether it is necessary to issue badges to BOP employees who are not authorized to carry firearms.

BOP Response: The BOP concurs with **2(a)** of this recommendation. The BOP has incorporated language from the Badge Accountability Memorandum into the draft of the updated program statement, Correctional Services Procedures Manual. The policy is pending final reviews and publication but includes clarification: "Staff are prohibited from using their badges other than to establish a staff member's authorization to carry a firearm while on duty and/or carrying out responsibilities that are part of the employee's normal BOP duties" and "Badges may not be used for any purpose outside of official law enforcement duties assigned by the Bureau. Any personal use of staff badges is strictly prohibited, including displaying them in conjunction with personally owned firearms, or to demonstrate eligibility to carry a personally owned firearm."

The BOP concurs with **2(b)** of this recommendation. The BOP will update its LEOSA memorandum to clarify that staff are prohibited from using their BOP-issued badges to demonstrate eligibility to carry a concealed personal firearm and to otherwise clarify prohibited use of their credentials.

The BOP concurs with **2(c)** of this recommendation. The BOP has already considered whether it is necessary to issue badges to BOP employees who are not authorized to carry firearms. The BOP determined badges are issued to primary and secondary law enforcement officers due to their statutory designation as law enforcement officers. Badges are not issued strictly to indicate an authorization to carry a firearm.

APPENDIX 2: OIG ANALYSIS OF BOP'S RESPONSE

The OIG provided a draft of this memorandum to the BOP, and its responses are incorporated as Appendix 1. The BOP indicated in its response that it concurs with Recommendations 1(a), 2(a), 2(b), and 2(c), but does not concur with Recommendation 1(b).

The following provides the OIG's analysis of the BOP's response and a summary of the actions necessary to close the recommendations. Recommendations 1(a), 2(a), 2(b), and 2(c) are Resolved, while Recommendation 1(b) is Unresolved. The OIG requests that the BOP provide an update on the status of its responses to the recommendations within 90 days of the issuance of this memorandum.

Recommendation 1(a): Update its policies and training (including the LEOSA memorandum, the Standards of Employee Conduct, and related training materials) to clarify the appropriate and prohibited uses of employee credentials.

Status: Resolved.

BOP Response: The BOP reported the following:

The BOP concurs with 1(a) of this recommendation and will take corrective actions to address it.

The BOP will update and issue its LEOSA memorandum to all staff on an annual basis to clarify the appropriate and prohibited uses of employee credentials. The memorandum will be posted on the Ethics Office's Sallyport (BOP Intranet) page.

Additionally, the BOP will update its Standards of Employee Conduct policy and training to specifically address the misuse of credentials to claim LEOSA eligibility by an ineligible employee. The BOP will include, among other educational information, the following language: "Credentials are for identification purposes only and do not independently confer the authority to carry a personal firearm in an employee's individual capacity." This will help ensure staff receive this information when they initially start with the BOP and annually.

Please note that all staff are required to sign an acknowledgement of the Standards of Employee Conduct Program Statement during [Introduction to Correctional Techniques (ICT)] Phase 1 and then sign one again if there are any subsequent changes to the Program Statement. These corrective actions will help minimize any misuse of the credentials by BOP employees and address OIG's concerns.

OIG Analysis: The BOP's response is responsive to the recommendation. The OIG will consider whether to close this recommendation after the BOP (1) updates its policies and training (including the LEOSA memorandum, the Standards of Employee Conduct, and related training materials) to clarify the appropriate and prohibited uses of employee credentials; and (2) provides the updated policies and training materials to the OIG.

Recommendation 1(b): The BOP should either (1) ensure that only employees who are authorized by the BOP to carry a firearm receive credentials with law enforcement markings, or (2) for BOP employees who are not eligible or authorized by the BOP to carry a firearm, add to their credential that limitation to their

LEO status by, for example, including an endorsement on the credential that the holder is not authorized by BOP to carry a firearm.

Status: Unresolved.

BOP Response: The BOP reported the following:

The BOP does not concur with 1(b) of this recommendation.

1(b)(1): This section of the recommendation requires the BOP to “ensure that only employees who are authorized to carry a firearm receive credentials with law enforcement markings.” The BOP does not concur because the recommendation improperly links the BOP’s law enforcement officer positions to those officers who are qualified to carry firearms. The BOP issues credentials with law enforcement markings (LEO credentials) to its employees who are law enforcement officers. They are determined so and receive certain benefits not available to other federal employees based on their duties that “require frequent direct contact with these individuals in their detention and are sufficiently rigorous that employment opportunities should be limited to young and physically vigorous individuals.” 5 U.S.C. § 8401(17)(D). The Department of Justice and the BOP determine which positions are eligible to be deemed law enforcement officers and credential the employees in those positions appropriately. 5 C.F.R. § 842.803.

Separately from the law enforcement status determination, the BOP authorizes certain employees to carry firearms under 18 U.S.C. § 3050 with a delegated authority to the BOP Director under 28 C.F.R. § 0.96(n). Program Statement 5500.014, Correctional Services Procedures Manual, describes the requirements for BOP employees to be qualified to carry firearms. They include completing training at the Federal Law Enforcement Training Center for new employees and requalifying each year by completing satisfactorily the Bureau’s approved firearms training course. Several BOP law enforcement positions, such as chaplains and physicians, are exempted from carrying firearms, but they may elect to get qualified.

Accordingly, limiting LEO credentials, signifying the employee’s law enforcement officer status, to only those authorized to carry a firearm conflicts with the relevant legal definitions of a law enforcement officer and impinges on the BOP’s ability to credential its employees accordingly for proper administration of their duties.

Furthermore, implementing this recommendation would present major logistical and fiscal challenges. To implement this recommendation, the BOP’s human resources departments would need to issue separate credentials for its employees who are law enforcement officers but not firearm qualified, such as many chaplains and medical officers. Moreover, the human resource departments would need to regularly monitor any changes in employees’ firearm qualification status and issue different credentials each time. For example, a correctional officer may have a temporary medical waiver, which prevents that person from qualifying in firearms. In that situation, the human resource department will need to retrieve the LEO credentials from that person and issue a different credential. Then, once the officer becomes qualified in firearms again, he or she would need to be re-issued a LEO credential. This would create a major logistical challenge and administrative burden for human resources departments. This would also be a financial issue for staffing and the cost of credentials, Each credential costs approximately \$12, and the BOP employs over 32,000 law enforcement officers. Medical waivers and lack of funds are some of the reasons why a given law enforcement officer would not complete the annual firearms training.

The BOP recognizes the risks of – and incidents of – misuse of BOP LEO credentials in relation to carrying a personally owned firearm and is taking steps to mitigate the risk and ensure accountability for such misconduct. Although the misuse of credentials to purchase personal

firearms is not a nationwide problem affecting most or all staff with LEO credentials, the BOP is enhancing guidance and providing training to all staff on the appropriate use of credentials. To ensure accountability, the BOP has and will continue to work with all appropriate authorities using internal disciplinary procedures and cooperating with OIG and other law enforcement agencies, when staff misuse their credentials. Additionally, the revised Standards of Employee Conduct policy further clarifies employees' responsibility and accountability for credentials-related misconduct.

1(b)(2): This section of the recommendation requires that "for BOP employees are not eligible or authorized to by the BOP to carry a firearm, [the BOP] add to their credential that limitation to their LEO status by, for example, including an endorsement on the credential that the holder is not authorized by BOP to carry a firearm." The BOP does not concur because this requirement would present major logistical and fiscal challenges to accommodate a requirement, for which the onus lies with the employee, and it is problematic for the reasons stated under 1(b)(1).

OIG Analysis: This recommendation is unresolved, because the BOP has indicated that it does not concur with the recommendation. The OIG's recommendation does not link "law enforcement position" with "qualified to carry a firearm" as the BOP's response maintains. Indeed, the recommendation expressly provides the BOP with the alternative of maintaining law enforcement markings on credentials for those who are unqualified to carry a firearm, so long as the credential includes an endorsement that the holder is not authorized by BOP to carry a firearm. The OIG's recommendation seeks to mitigate the risks of misuse of the credential by an employee, and reasonable misinterpretation of the credential by a third party (such as a gun dealer), by making clear whether the holder is qualified to carry a firearm. The BOP cites 5 U.S.C. § 8401(17)(D) and 5 C.F.R. § 842.803, which define "law enforcement officer" for purposes of the Federal Employees' Retirement System. While the OIG understands that pursuant to these authorities the BOP has designated most of its staff as primary or secondary law enforcement officers, these authorities do not require the BOP to issue law enforcement credentials to any particular employees nor do they prohibit the BOP from placing limiting language on any such credentials to clarify whether the holder is authorized to carry a firearm. The BOP has not identified any legal authority that would preclude the BOP's ability to comply with this recommendation.

The OIG understands the logistical and fiscal challenges identified by the BOP. However, the OIG believes the BOP's response overstates these challenges. For example, to comply with the recommendation, the BOP would only need to modify credentials for a small fraction of the 32,000 employees referenced in its response. In addition, the OIG would not consider it unreasonable for the BOP to fashion a policy that would enable law enforcement personnel who are generally qualified to carry a firearm, but who have received a temporary waiver for medical or other reasons, to retain a law enforcement credential or a credential without a limiting endorsement. The OIG's recommendation is designed to address the significant risks associated with issuing LEO credentials to employees who are generally unqualified to carry a firearm. The nature of those significant risks are evidenced in the examples provided in the OIG's memorandum. As noted in the memorandum, those examples are not hypothetical or unlikely. They occurred, and fortunately, did not have dire consequences. However, it is not difficult to imagine a tragic use of a firearm by an employee who was not qualified by the BOP to carry a firearm, but who used their BOP credential improperly to obtain one. That is the risk this recommendation seeks to mitigate. Moreover, because of the BOP's policies and its current broad issuance of LEO credentials to its personnel, in the cases described in the memorandum, those who improperly used their credential to purchase a firearm illegally could not be held accountable. The OIG made this recommendation because we consider the risk to the public of employees who are unqualified to obtain a firearm using a BOP LEO credential to obtain a firearm illegally to significantly outweigh the logistical and fiscal challenges identified by the BOP.

Accordingly, the OIG will consider whether to close this recommendation after the BOP either (1) ensures that only employees who are authorized by the BOP to carry a firearm receive credentials with law enforcement markings, or (2) for BOP employees who are not eligible or authorized by the BOP to carry a firearm, adds to their credential that limitation to their LEO status by, for example, including an endorsement on the credential that the holder is not authorized by BOP to carry a firearm.

Recommendation 2(a): The BOP should update its Badge Accountability Memorandum to clarify that with respect to their ability to carry a firearm, staff are prohibited from using their badges other than to establish a staff member's authorization to carry a firearm while on duty and/or carrying out responsibilities that are part of the employee's normal BOP duties.

Status: Resolved.

BOP Response: The BOP reported the following:

The BOP concurs with 2(a) of this recommendation. The BOP has incorporated language from the Badge Accountability Memorandum into the draft of the updated program statement, Correctional Services Procedures Manual. The policy is pending final reviews and publication but includes clarification: "Staff are prohibited from using their badges other than to establish a staff member's authorization to carry a firearm while on duty and/or carrying out responsibilities that are part of the employee's normal BOP duties" and "Badges may not be used for any purpose outside of official law enforcement duties assigned by the Bureau. Any personal use of staff badges is strictly prohibited, including displaying them in conjunction with personally owned firearms, or to demonstrate eligibility to carry a personally owned firearm."

OIG Analysis: The BOP's response is responsive to the recommendation. The OIG will consider whether to close this recommendation after the BOP (1) updates its Badge Accountability Memorandum to clarify that with respect to their ability to carry a firearm, staff are prohibited from using their badges other than to establish a staff member's authorization to carry a firearm while on duty and/or carrying out responsibilities that are part of the employee's normal BOP duties; and (2) provides the updated Badge Accountability Memorandum to the OIG.

Recommendation 2(b): The BOP should update its LEOSA memorandum to clarify that staff are prohibited from using the BOP-issued badges to demonstrate eligibility to carry a concealed firearm.

Status: Resolved.

BOP Response: The BOP reported the following:

The BOP concurs with 2(b) of this recommendation. The BOP will update its LEOSA memorandum to clarify that staff are prohibited from using their BOP-issued badges to demonstrate eligibility to carry a concealed personal firearm and to otherwise clarify prohibited uses of their credentials.

OIG Analysis: The BOP's response is responsive to the recommendation. The OIG will consider whether to close this recommendation after the BOP (1) updates its LEOSA memorandum to clarify that staff are

prohibited from using the BOP-issued badges to demonstrate eligibility to carry a concealed firearm; and (2) provides the updated LEOSA memorandum to the OIG.

Recommendation 2(c): The BOP should determine whether it is necessary to issue badges to BOP employees who are not authorized to carry firearms.

Status: Resolved.

BOP Response: The BOP reported the following:

The BOP concurs with 2(c) of this recommendation. The BOP has already considered whether it is necessary to issue badges to BOP employees who are not authorized to carry firearms. The BOP determined badges are issued to primary and secondary law enforcement officers due to their statutory designation as law enforcement officers. Badges are not issued strictly to indicate authorization to carry firearms.

OIG Analysis: The BOP's response is responsive to the recommendation. However, the OIG would like to understand the factors the BOP considered in making its determination. Accordingly, the OIG will consider whether to close this recommendation after the BOP provides an explanation of the factors it considered in determining that it is necessary to issue badges to BOP employees who are not authorized to carry firearms, including an explanation of the purposes of issuing firearms to such employees and any cost-benefit analysis that was applied in reaching this determination.