



United States Marshals Service POLICY DIRECTIVES

INVESTIGATIVE OPERATIONS

8.18 FUGITIVE TASK FORCES

- A. Purpose:** This directive sets forth the U.S. Marshals Service (USMS) policy concerning participation in task forces.
- B. Authority:** The Director's authority to direct and supervise all activities of the USMS is set forth in [28 U.S.C. § 561\(g\)](#) and [28 C.F.R. § 0.111](#). The authority of the USMS to investigate fugitive matters as directed by the Attorney General is set forth in [28 U.S.C. § 566](#). The authority of United States Marshals and Deputy U.S. Marshals to, "in executing the laws of the United States within a State . . . exercise the same powers which a sheriff of the State may exercise in executing the laws thereof" is set forth in [28 U.S.C. § 564](#). Additional authority is derived from [18 U.S.C. § 3053](#) and Office of Investigative Agency Policies Resolutions 2 & 15. See also "Memorandum for Howard M. Shapiro, General Counsel, Federal Bureau of Investigation" concerning the "[Authority to Pursue Non-Federal Fugitives](#)", issued by the U.S. Department of Justice, Office of Legal Counsel, dated February 21, 1995. See also: Memorandum concerning the Authority to Pursue Non-Federal Fugitives, issued by the USMS Office of General Counsel, dated May, 1, 1995.
- C. Policy**
1. **Task Force Participation:** Districts are encouraged, workload permitting, to participate in task forces within their district or region.
 - a. Once a task force is established, districts shall ensure that violent federal fugitive investigations are assigned to it. Violent federal fugitives are currently defined as: The subject has a criminal history or an open case involving one of the following violent crimes:
 - 1) Homicide: defined as non-negligent homicide (FBI) excludes offense codes (b) (7)(E) (negligent manslaughter vehicle) and (b) (7)(E) (negligent manslaughter weapon), from the homicide category.
 - 2) Rape (sexual assault): would exclude code (b) (7)(E) (statutory rape) because it lacks the use of force.
 - 3) Robbery: all codes are included in this category.
 - 4) Assault: defined as aggravated assault, excludes (b) (7)(E) (simple assault) and (b) (7)(E) (intimidation (including stalking))

(b) (7)(E)

- b. Districts should assist state and local law enforcement authorities in current fugitive task forces or, if there will be no duplication of effort, initiate a fugitive task force(s) in the district.
- c. Districts which cannot support a fugitive task force are encouraged to seek out state and local counterparts for participation in an ad hoc fugitive task force(s). Ad hoc fugitive task forces allow authorities to refer specific fugitive cases to the local USMS office for investigation. The ad hoc fugitive task force allows districts which cannot support a dedicated continuous fugitive task force due to lack of staffing or resources to participate with their state and local communities in the apprehension of violent fugitives.
- d. USMS task force participation should generally be limited to fugitive task forces, ad hoc fugitive task forces, or task forces for which the primary role of the USMS will be the location and apprehension of fugitives. The assignment of personnel to other task forces requires the consent of the United States Marshal (USM) and the Assistant Director, Investigative Operations Division (IOD). Districts with personnel assigned to other task forces as of the effective date of this policy directive may continue to support them at the current strength; however, the assignment of additional personnel will require the consent of the Assistant Director of IOD.
- e. The USM or Chief Deputy U.S. Marshal (CDUSM) shall periodically evaluate the results of task forces in which the district participates. Based upon the evaluation, they shall determine whether continued participation the task force is beneficial to the USMS.
- f. State and local task force officers, and Federal agents participating in USMS forces, should be specially deputized.
- g. Special Deputy State and Local Task Force officers assigned to a USMS district task force or a Regional Fugitive Task Force requiring full-time unescorted access to USMS space or systems are required to go through a background investigation in compliance with Homeland Security Presidential Directive 12 (HSPD 12). Specific procedures, to include the type of background investigation, are included in the USMS Policy Directive 17.6, [Security Programs Manager](#). At a minimum, the background investigation will include a National Agency Check with Inquiries conducted through the USMS Personnel Security Branch. Task force officers working part-time or less than six months may be granted escorted access to USMS space in accordance with visitor procedures. Any state and local task force officer requiring unescorted access must comply with this policy prior to being given such access.
- h. Nothing in this policy directive should be construed to limit the ability of IOD to initiate or conduct USMS Fifteen Most Wanted, Major Case, or other task forces.

2. **State and Local Fugitives:**

- a. U.S. Marshals and Deputy U.S. Marshals may investigate and apprehend fugitives wanted under state and local warrants whenever an operation is undertaken pursuant to a special apprehension program approved by the Attorney General.
- b. Since the authority to approve special apprehension programs was delegated by the Attorney General to the United States Attorneys (USA) pursuant to the National Anti-Violent Crime Initiative (NAVCI), USMS districts must obtain the

approval of the local USA in order to (a) initiate a fugitive task force or ad hoc fugitive task force which targets state or local fugitives, or (b) participate in an existing one.

- c. When participating in task forces which target state or local fugitives, the USMS should operate in conjunction with the state or local authority with primary warrant responsibility. However, the USMS may use its Federal structure and resources in apprehending state and local fugitives.

3. **Assignment of USMS Cases:** USMS personnel assigned to fugitive task forces and ad hoc fugitive task forces should be assigned USMS cases in addition to any other cases they may be assigned. For USMS task forces, USMS cases should be a priority.

D. Procedures:

1. Task Force Initiation and Participation:

- a. Prior to initiating a fugitive task force, the USM or CDUSM shall determine whether a fugitive task force is already operating in the same area. If a fugitive task force is already operating in the area, the district should consider assigning personnel to the existing task force.
- b. All task force memoranda of understanding (MOU) must be reviewed and approved by an IOD Senior Inspector prior to signature by USMS personnel IOD will, in turn, coordinate a review of all proposed MOU with the Office of General Counsel (OGC).
- c. Districts must obtain the approval of the local U.S. Attorney (USA), pursuant to the National Anti-Violent Crime Initiative (NAVCI), for USMS participation in any task force which targets the apprehension of state and/or local fugitives. Also, the USA, or the authorized designee, must sign the task force MOU.
- d. If a district wishes to assign personnel to a task force other than a fugitive task force, the USM must obtain the written consent of the Assistant Director (IOD).
- e. Each USM or CDUSM shall appoint a Task Force Coordinator for each USMS task force in the district, and notify the Assistant Director (IOD) of the selection.

2. Reporting Procedures: Task forces are required to comply with the following reporting requirements:

- a. Information concerning subjects and warrants must be entered into (b) (7)(E) (b) (7)(E) as investigations are opened (b) (7)(E) (b) (7)(E) All state and local warrant entered into (b) (7)(E) in this manner must be properly entered with the code (b) (7)(E) in the agency field. The suffix letter for these warrants will be (b) (7)(E)
- b. All task force arrests and clears shall be entered into (b) (7)(E) (b) (7)(E)
- c. Districts and task forces are not required to transmit statistical reports to IOD unless specifically requested to do so by IOD. Statistics will generally be retrieved by IOD through (b) (7)(E)
- d. Investigation, in accordance with normal USMS reporting procedures. USMS personnel assigned to a task force investigating another agency's case will utilize that agency's reporting procedures. Duplicate reports to the local USMS office

on non-USMS cases are not necessary. If the other agency does not require a specific reporting procedure, (b) (7)(E) will be used.

- e. Task forces which receive funding from sources outside of the USMS' may be required to submit quarterly case summaries and other information to IOD. This information will be used by IOD to report to the provider of the funds the manner in which the funds were used as well as other purposes.

3. **Collateral Lead:**

- a. USMS office for investigation: International leads will be coordinated through IOD, (b) (7)(E)
- b. For Attorney General-approved USMS task forces, domestic collateral leads on non-USMS fugitive cases (including Federal, state, and local cases) may be sent directly to the appropriate USMS office for investigation. International leads will be coordinated through IOD, (b) (7)(E)
- c. Districts receiving collateral leads from a task force may assign them to the district warrant squad or to USMS personnel assigned to a fugitive task force for investigation.

E. **Definitions:**

1. **Task Force:** A continuous, multi-agency law enforcement investigative effort.
2. **Fugitive Task Force:** A continuous, multi-agency law enforcement investigative effort to apprehend Federal, state and/or local fugitives, that includes a commitment of Federal, State and/or local law enforcement personnel and resources.
3. **Ad Hoc Fugitive Task Force:** A single-case law enforcement investigative effort which can be both multi-agency or single agency and which concludes upon the arrest of the fugitive or fugitives. **NOTE:** An Ad Hoc Fugitive Task Force memorandum of understanding may remain in effect after the termination of an individual Ad Hoc Fugitive Task Force.
4. **District Fugitive Task Force:** District sponsored task force covering a specific area.
5. **USMS Task Force:** Any task force for which the USMS is the sponsoring or co-sponsoring agency; any task force for which the USMS is the lead agency.
6. **Regional Fugitive Task Force:** IOD sponsored USMS fugitive task force covering a multi-district area.

- F. **Cancellation:** Supersedes USMS Policy Directive 8.10, Fugitive Task Forces. This is a new section added to the Policy Directive 8.10.

G. **Authorization and Date of Approval:**

By Order of:

 /S/
John F. Clark
Director
U.S. Marshals Service

Effective Date:

March 12, 2009