



United States Marshals Service POLICY DIRECTIVES

MANAGEMENT

1.1 MISSION AND ORGANIZATION

A. Proponent: Deputy Director. Phone: 202-307-9005. Fax: 703-603-7021.

B. Purpose: The authority and responsibilities of the United States Marshals Service (USMS) districts, divisions, and offices, including Associate Directors, United States Marshals (USMs), Chief Deputy United States Marshals (CDUSMs), Assistant Directors, and Administrative Officers, are outlined in this directive.

C. Authority:

1. The Director shall direct and supervise all activities to enable the USMS to carry out its missions and functions as set forth in [28 C.F.R. § 0.111](#) and [28 U.S.C. §§ 561–569](#).
2. The USMS is required to have an order of succession through a minimum of four positions by Department of Justice (DOJ) Order 1900.8, [Justice Continuity and Occupant Emergency Program](#).

D. Policy:

1. **Mission:** The offices of USM and Deputy United States Marshal (DUSM) were created under the Judiciary Act of 1789. Those occupying these offices were given extensive authority to support the federal courts within their judicial districts and to carry out all lawful orders issued by judges. Under the leadership of the Director, the United States Marshals Service (USMS) will:
 - a. Execute federal arrest warrants under Rule 4 of the [Federal Rules of Criminal Procedure](#), federal parole-violator warrants, and federal custodial and extradition warrants as directed;
 - b. Serve all civil and criminal process issued by the federal judicial system, including the execution of lawful writs and court orders under [28 U.S.C. § 566\(c\)](#).
 - c. Provide for the health, safety, and welfare of government witnesses and their families, and issue necessary regulations for this purpose on behalf of the Attorney General (AG);
 - d. Administer and implement federal courtroom security requirements;
 - e. Protect federal jurists, court officers, and other threatened persons when criminal intimidation impedes the federal judicial process;
 - f. Assist in protecting federal property and buildings;
 - g. Direct and supervise training for USMS personnel;

- h. Disburse appropriated funds to satisfy government obligations incurred in administering justice under [28 U.S.C. § 566\(f\)](#).
- i. Maintain custody and dispose of property and money seized or forfeited under any law enforced or administered by the Department of Justice when the property is seized by or delivered to the USMS in accordance with regulations;
- j. Administer the USMS responsibilities pertaining to the DOJ asset forfeiture fund;
- k. Receive, process, and transport prisoners held in a Marshal's custody or transported by the USMS under cooperative or intergovernmental agreements;
- l. Maintain custody of federal prisoners from the time a Marshal arrests them or the court remands them to a Marshal until the court places them in the AG's custody to serve their sentences, otherwise releases them from custody, or they are returned to the custody of the United States Parole Commission or the Bureau of Prisons (BOP);
- m. Coordinate and direct the relationship between USMS offices and other DOJ units;
- n. Approve staffing requirements for USMS offices;
- o. Investigate alleged improper conduct by USMS personnel;
- p. Acquire suitable detention space, health care, and other services and materials required to support prisoners in USMS custody who are not housed in federal facilities;
- q. Approve other necessary expenditures USMs and DUSMs incur in the line of duty.
- r. Exercise the authority vested in the AG under [28 U.S.C. § 510](#) to conduct and investigate fugitive matters, domestic and foreign, involving escaped federal prisoners; federally supervised release, probation, parole, mandatory release, and bond-default violators; and state/local fugitives as part of fugitive task forces;
- s. Protect the federal courts and ensure that the judicial system operates effectively;
- t. Transfer title, through deed or bill of sale, of the property sold by the USMS; and
- u. Execute directives issued by the AG.

2. **Organization**

- a. The USMS is a bureau of the Department of Justice (DOJ) with offices in 94 judicial districts, including the District of Columbia Superior Court. The president appoints the Director and USMs with the advice and consent of the Senate.
- b. Headquarters: The operational divisions manage and oversee the law enforcement programs. The administrative divisions provide support services to the district offices, operational divisions, and one another. Headquarters Divisions provide the following:

- 1) Program Management: Establish plans for national programs, formulate national resource requirements, and provide operational and technical guidance to district offices.
- 2) Program Support: Provide planning, financial, personnel, and administrative support to district offices and headquarters divisions.
- 3) Protection of the Judicial Process: Enable the federal judicial system to be open, secure, and free from corruption. The USMS maintains the integrity of the judicial security process by:
 - a) Ensuring that each federal judicial facility is both physically safe and free of technological devices designed to subvert court proceedings;
 - b) Protecting federal and magistrate judges, prosecutors, witnesses, jurors, and other participants;
 - c) Maintaining custody of and protecting prisoners during judicial proceedings; and
 - d) Limiting opportunities to tamper with evidence or to use intimidation, extortion, or bribery to corrupt judicial proceedings.
- 4) Witness Security: Protect government witnesses and their families. These witnesses agree to provide critical testimony in exchange for security and freedom from retribution or prosecution.
- 5) Special Assignments: Provide temporary supplemental resources, including additional funds and DUSMs detailed from other districts, to the district offices for high-threat judicial proceedings and extraordinary operational missions. This program enables the USMS to direct security resources to unanticipated national events, such as acts of terrorism, riots, and natural disasters.
- 6) Special Operations Group (SOG): Provide a specially trained unit that supports districts during high-threat judicial proceedings, dangerous fugitive-apprehension missions, national emergencies, civil disorders, natural disasters, or any situation ordered by the AG or USMS Director.
- 7) Prisoner Transportation: Produce, transport, and maintain custody of all federal detainees; receive prisoners, process them through the cellblock, produce them for court proceedings, and transport them to federal institutions and contract jails. If they must travel more than 250 miles, USMS prisoners are transported by JPATS aircraft.
- 8) Fugitive Apprehension: Apprehend federal fugitives and enforce warrants from agencies without arrest power, bench warrants from federal judges, and warrants referred by the Drug Enforcement Administration (DEA). The USMS participates in multi-agency task forces to concentrate apprehension efforts on violent fugitive felons and drug offenders. The USMS also applies special analytical methods and uses automated information systems to help investigate and apprehend fugitives, and works with law enforcement officials in foreign locations to apprehend and extradite domestic and foreign fugitives.

- 9) Asset Forfeiture Program: Manage and dispose of properties seized by federal law enforcement agencies and United States Attorneys. DUSMs execute court orders to seize and secure assets. The USMS provides property management to other federal agencies and ensures that assets are disposed of in a timely and commercially sound manner. The program goals are to:
 - a) Enforce the law;
 - b) Improve law enforcement cooperation at the federal and state levels; and
 - c) Use the proceeds of forfeited assets to improve law enforcement.
- 10) Training Division: Ensure that all USMS employees receive the necessary knowledge and skills. It primarily focuses on providing basic training for new recruits. The academy also designs additional courses to instruct state and local law enforcement on the techniques used to achieve USMS goals.
- 11) Information Technology and Telecommunications: Provide Automated Information System (AIS) and communications management support to all USMS employees.
 - a) Information Technology: Support the Justice Detainee Information System (JDIS), which consolidates prisoner history, warrant, detention, and prisoner medical information into a centralized system; the financial management system; and automated booking stations.
 - b) Communications Management: Install, maintain, and upgrade all telephone systems and data communications at headquarters and in the districts.
- 12) Management and Administration: Provide management and administrative functions, including personnel services, financial and business services, prisoner administration services, and congressional and public affairs support.
 - a) Human Resource Services: Provide personnel services for all USMS employees, including staffing and classification, benefits and payroll, employee and labor relations, career programs, background investigations, and suitability adjudications.
 - b) Comptroller: Provide budget and financial services, including budget formulation and execution, management development, productivity improvement initiatives, strategic planning, and maintenance of USMS financial records.
 - c) Business Services: Provide the business service requirements for the purchase and management of the USMS vehicle fleet, property management program administration, central publishing services, and procurement services.

- d) Prisoner Administration Services: Develop and administer the USMS prisoner medical program policy, administer the Cooperative Agreement Program (CAP), and coordinate interagency prisoner medical care and infectious disease control.
 - 13) Office of General Counsel (OGC): Advise the Director and provide legal support to the USMS.
 - c. District Offices: Each district office is set up similarly by principal function, adjusted for size and population of the venue. District offices are organized around the operational programs of judicial security, prisoner services, fugitive investigations, execution of court orders, asset seizure and forfeiture, and administrative functions. Districts may have one or more sub-offices to provide support functions. The official duty station for the USM, the CDUSM, and the district management team is the district headquarters office where they will manage the affairs of the district.
 - 1) District of Columbia Superior Court: Perform the same functions as other USMS district offices and carries out activities for the District of Columbia that a sheriff or similar local official typically performs. The District of Columbia Superior Court also performs duties that are outside federal jurisdiction in other districts, such as serving civil and small-claims bench warrants, and executing court-ordered evictions.
 - 2) Service of Legal Process: Execute summonses, writs, mandates, and other legal process for the federal courts, United States Attorneys, private litigants, federal agencies, and foreign governments. Service of legal process includes summonses and complaints in civil actions, subpoenas in both civil and criminal cases, writs of habeas corpus, and enforcement of major injunctions.
 - d. Organization Charts:
 - 1) The Office of Policy and Records Management (OPRM), Management Support Division (MSD), will facilitate the approval of any organization or function changes that affect a division's or staff office's organization chart.
 - 2) Changes to a division's or staff office's official organization chart will be submitted to OPRM at least 30 business days prior to the desired effective date for implementation.
 - 3) All official organization charts must follow the [template](#) provided by OPRM.
 - 4) A current organization chart will be provided to OPRM each year as part of the annual policy certification process.
 - 5) Divisions or staff offices with an existing organization chart should identify all positions and staff names following OPRM's [Internal Organization Chart Template](#). (See Attachment B)
3. **Delegation of Authority:** The USMS is required to have an order of succession through a minimum of four positions by DOJ Order 1900.8, [Justice Continuity and Occupant Emergency Program](#). The Director, Deputy Director, Associate Director for Operations (ADO), and ADA comprise the Executive Staff of the USMS.

- a. Vacancies Reform Act of 1998: The line of succession for the Director of the USMS and USMs is designated by the Vacancies Reform Act (VRA). Pursuant to the VRA, the first assistant (Deputy Director of the USMS, CDUSM of a district) will perform the functions and duties of the office temporarily in an acting capacity. Action taken by the President pursuant to the VRA supersedes the emergency procedures established by the USMS to fill these positions in order to keep the USMS functioning in emergency situations.
- b. The line of succession for the USMS in the absence of the Director is the Deputy Director, ADO, ADA, and Assistant Director for Justice Prisoner and Alien Transportation System (JPATS).
- c. The line of succession for USMS headquarters divisions will be listed by position title and maintained in the [USMS Continuity of Operations \(COOP\) Plan](#). This document will be updated by each division as stipulated by the Tactical Operations Division, Office of Emergency Management (OEM) and submitted to OEM to be included in the COOP Plan.
- d. The line of succession for District offices is the USM, CDUSM, Assistant Chief Deputy (where applicable), and a Supervisory Deputy United States Marshal (SDUSM).
 - 1) SDUSMs and Administrative Officers will designate employees to act in their absence. District lines of succession and delegations of authority will be documented in the district COOP plan in accordance with this policy.
 - 2) If the line(s) of succession in a district office cannot be followed due to urgent circumstances, the senior deputy on the scene is in charge until relieved by a superior. On task forces or cross-functional teams, the senior deputy on the scene becomes the deputy in charge until relieved by someone of higher grade.

E. Responsibilities:

- 1. The Director is the Chief Executive Officer, while the Deputy Director is the Chief Operating Officer. These officials represent the USMS to the DOJ and Congress, and coordinate with other federal entities. They also:
 - a. Promote, support, and advance USMS's core missions, policies, and activities;
 - b. Coordinate the activities among the district offices and provide resources for special operations;
 - c. Direct the USMS Command, Control, and Communications Center (3-C) to support routine and special operational missions;
 - d. Promote the cultural diversity of the USMS through the Office of Equal Employment Opportunity; and
 - e. Distribute information to the public and coordinate responses to congressional inquiries through the Congressional and Public Affairs staffs.
 - f. Review and approve/disapprove of changes to the organization structure, mission, and functions of the USMS.

2. Associate Directors:
 - a. Provide day to day oversight and supervision of all administrative functions and operational missions of assigned organizational areas;
 - b. Ensure that the management systems, budget, and infrastructure are aligned to support these functions and missions;
 - c. Establish policies and procedures which comply with all applicable rules and regulations and provide direction for achieving the goals of the organization;
 - d. Communicate the status of all programs, initiatives, and activities to the Director and Deputy Director;
 - e. Provide authoritative advice on assigned organizational areas;
 - f. Make modifications to existing goals based on changes in program emphasis or resources;
 - g. Collaborate with subordinate organizational levels and integrate assigned programs to effectively ensure operational and administrative activities in support of the USMS mission;
 - h. Analyze program areas to identify areas for improvement and to promote program effectiveness; and
 - i. Establish and maintain contacts with counterparts in other agencies in order to exchange key information and to further the interests of the USMS.
 - j. To accomplish these responsibilities, the Associate Directors are delegated the authority to:
 - 1) Sign documents on behalf of the Director and Deputy Director;
 - 2) Sign Significant Incident Reports;
 - 3) Serve as the primary point of contact with the DOJ and its components and bureaus for all matters involving administrative or operational divisions or programs;
 - 4) Represent the Director or Deputy Director at senior level departmental meetings and at other executive branch agency meetings;
 - 5) Participate in the merit promotion process;
 - 6) Direct the reassignment and transfer of personnel within their respective divisions;
 - 7) Jointly direct the reassignment and transfer of personnel between the operational and administrative divisions;
 - 8) Upon consultation with the Deputy Director, direct transfers of field-based district and division operational personnel in accordance with existing policies and standard mobility agreements;

- 9) Select employees for assignment to headquarters panels, committees, and advisory boards;
 - 10) Realign functions, staffing, and the supervisory chain of command within their respective divisions;
 - 11) Approve financial documents up to \$500,000, and when acting on behalf of the Deputy Director, approve those actions exceeding \$500,000;
 - 12) Realign program operating funds between and among their respective divisions, subject to DOJ, Office of Management and Budget, and Congressional limitations;
 - 13) Approve cash awards up to \$5,000 per employee per year;
 - 14) Approve headquarters employee grade changes;
 - 15) Originate, sign, and issue Memorandums of Understanding (MOUs) and Memorandums of Agreement (MOAs) on behalf of the USMS;
 - 16) The ADA shall coordinate communications with DOJ and Congress concerning appropriation matters; and
 - 17) The ADO may require and approve operational plans prepared by districts and divisions for the conduct of significant operations.
3. USMs, CDUSMs, and Assistant Directors: Coordinate plans and activities with executives, managers, supervisors, and other federal agencies. Ensure that all personnel within the line of succession for their position have been trained on all associated duties and responsibilities. Review lines of succession on a quarterly basis and update as needed.
 4. Employees:
 - a. Follow USMS directives and take direction from their supervisors.
 - 1) Employees must obey any lawful order from someone higher in command, including instructions relayed by other employees from a superior or from a peer who is acting for the supervisor.
 - 2) Employees who receive conflicting or unlawful orders should immediately report the issue to a higher authority for resolution.
 - b. Perform their designated duties and any assignments their supervisors give them.

F. Procedures:

1. Organization Charts:
 - a. In the event of changes to a division's or staff office's organization chart, the proponent division's AD, staff office contact, or his/her designee, will provide the following to OPRM:
 - 1) An electronic draft of the division's or staff office's organization chart reflecting the proposed changes;

- 2) The division's or staff office's current organization chart; and
 - 3) A memo detailing the proposed changes to the division's or staff office's organizational structure and the rationale behind those changes.
- b. OPRM will review the draft organization chart for adherence to this policy; revise, if necessary; and return to the proponent division's AD or the staff office's contact for official approval, to be indicated on Form [USM-98](#), *Executive Correspondence Routing Slip*.
 - c. OPRM will provide a copy of the revised organization chart to the appropriate Union and Labor Relations representatives in accordance with the 1996 USMS Master Agreement.
 - d. OPRM will request a review and approval from USMS Executive Staff (to include the ADA, ADO, OGC, Chief of Staff, Deputy Director, and Director).

G. Definitions:

1. **Organization and Function Change:** Any management action which would result in a change affecting the overall structure of the division or staff office. Examples include the establishment, disestablishment, or merger of units; changes in reporting lines; or transfers and assignments of major functions.

H. References:

1. [Proposed for Approval Organization Chart Template](#).
2. [Internal Organization Chart Template](#).

- I. **Cancellation:** This policy supersedes Policy Directive 1.1, *Mission, Delegation of Authority*, and *Organization and Functions*, but does not supersede Policy Directive 1.1, *Policy Directives*.

J. Authorization and Date of Approval:

By Order of:

Effective Date:

 /S/
 Stacia A. Hylton
 Director
 U.S. Marshals Service

 05/21/2013



United States Marshals Service POLICY DIRECTIVES

GENERAL MANAGEMENT

1.1 DIRECTIVES MANAGEMENT

- A. Proponent:** Office of Policy and Records Management (OPRM), Management Support Division (MSD). Telephone: 202- 307-5188, Fax: 703- 603-2026.
- B. Purpose:** To provide instruction on creating, updating, reviewing, approving, and communicating United States Marshals Service (USMS) policy directives.
- C. Authority:** The Director of the USMS approves all directives to establish policies and procedures to achieve the mission and duties of the USMS as set forth in [28 C.F.R. § 0.111](#) and [28 U.S.C. § 561 \(g\)](#). The Director may designate another official to approve and/or cancel directives.
- D. Policy:**
1. USMS policy directives govern the conduct, performance, accountability, and responsibility of all USMS employees and are accessible to all employees through the OPRM [Policy intranet website](#).
 2. Policy directives communicate USMS regulations, requirements, policy, guidance, rules, and mandates, and remain in effect until superseded by a revision or cancellation.
 3. **All USMS policy directives must be initiated by a Policy Liaison using the Directives Approval System (DAS).**
 4. All separate guidance, provided through e-mail or memorandum, which is intended to create or modify existing policy, must be submitted to DAS within ten working days of issuance by the related Assistant Director (AD) in the form of a revised policy and/or newly created directive.
 5. OPRM submits all policy directives (including minor revisions, major revisions, and newly created policy directives) to Labor Relations (LR), Human Resources Division (HRD), for initial review and referral to the American Federation of Government Employees, Local 2272 (hereinafter referred to as the "Union"). Prior to implementation of any USMS policy directive relating to personnel policies, practices, and procedures affecting working conditions, OPRM must notify the Union and afford the Union the opportunity to bargain over such changes as required by law under procedures set forth in the [1996 Master Agreement, Article 3](#). USMS policies may not be implemented before requested and required Union negotiations are completed.
 6. On an annual basis, USMS ADs/Staff Office Heads must certify (using the Policy Directive Updates Mailbox) that the policy directives within their area of responsibility have been reviewed and are accurate, clear, concise, and comprehensive, to include any updates to existing policy and/or any new policy necessary to address open external audit recommendations in accordance with [OMB Circular No. A-50](#). Policy directives are reviewed for conformance to the format defined in this policy (refer to Section F.2.a,

Procedures: *Formatting Requirements*). Annual policy certification is a component of the *Annual Performance Plan and Rating* for senior managers.

- a. Form USM-126, *Policy Directive Certification*: This form is signed and submitted by the AD/Staff Office Head when all applicable directives are deemed current, accurate, and in compliance with the formatting requirements of this directive.
 - b. [Form USM-126A](#), *Policy Directive Action Plan*: This form is signed and submitted by the AD/Staff Office Head when a directive requires revision and/or establishment. This form serves as a corrective action plan to remedy outdated or inaccurate policy.
7. OPRM does not make substantive content-based changes to policy directives without obtaining appropriate approvals from the policy proponent.
 8. OPRM may identify and correct spelling and grammatical errors without obtaining approval from the policy proponent.
 9. OPRM may make revisions to reflect organizational restructuring without obtaining approval from the policy proponent when an official notification has been distributed by the policy proponent and/or Agency-wide.
 10. OPRM may renumber policy directives as necessary without obtaining approval from the policy proponent. OPRM will notify the policy proponent of such changes and note it in the archive process.

E. Responsibilities:

1. **AD/Staff Office Head:**
 - a. Approve all policy directives which pertain to his/her program area;
 - b. Ensure that the content of all directives under his/her area of responsibility remains current and accurate;
 - c. Initiate policy reviews and/or revisions in response to new regulations and external audit findings/recommendations;
 - d. Submit an annual Policy Certification (refer to [Section D.6.](#)); and
 - e. Designate a Policy Liaison for the Division or Staff Office to facilitate the policy development cycle and mitigate the risk of policy contradictions and misinformation.
2. **Policy Liaison:**
 - a. Serve as a division/staff office's central point of contact for all policy-related matters;
 - b. Coordinate required preliminary vetting of proposed policy among stakeholders;
 - c. Facilitate access to subject matter experts;
 - d. Ensure annual Policy Certification and Action Plan requirements are completed;

- e. Ensure that all USMS directives originated by their Staff Office Head/Assistant Director are kept current; and
- f. Obtain final AD/Staff Office Head approvals in all policy-related matters.

F. Procedures:

1. **Policy Development:** After reviewing the requirements of this policy directive and the guidance offered in the [OPRM Style Sheet](#), the proponent submits the proposed/revised policy directive to the DAS with all revisions clearly identified.
2. **Formatting Requirements:**
 - a. Uniformity is required in the organization and formatting of all policy directives. Directives consist of seven required sections and three optional sections preceded by capital letters as follows:
 - A. Proponent:** Specifies the entity responsible for the directive, including contact information.
 - B. Purpose:** States the reason or intent of a directive.
 - C. Authority:** The citation(s) or reference(s) of the program manager's authority under law.
 - D. Policy:** Covers the course of action planned to fulfill the "Purpose."
 - E. Responsibilities:** (optional) Establishes and delineates areas of accountability.
 - F. Procedures:** The steps required to accomplish the "Policy." When the number of steps is extensive (more than ten steps), provide a summary of major steps in the policy directive and include the detailed steps as a hypertext link, as well as an accompanying flowchart, highlighting the internal controls within the process.
 - G. Definitions:** (optional) States the meanings of key terms essential within the policy.
 - H. References:** (optional) Lists and/or links relevant references, including websites.
 - I. Cancellation Clause:** Cancels prior policy and links superseded directive.
 - J. Authorization and Date of Approval:** Approving official signs and dates.
 - b. The outline is standard and must be maintained for all policies. If a proponent does not have information for an optional section, use the word "None" as a placeholder. (i.e., **H. References:** None.)
3. **Preliminary Vetting of Policy:** Prior to submitting to OPRM, the proposed policy must be examined for feasibility and appropriateness by stakeholders and the Office of Inspections (OI) when open audit issues require resolution. Comments of all policy

reviewers and decisions related to the comments must be forwarded to OPRM through the DAS and should be attached to the final draft submission along with any other supporting documentation which provides background information and any discussion trails pertinent to the formulation and evolution of proposed policy.

4. **Minor/Major Policy Proposals and Maintenance Requests:**

- a. **Minor Policy Proposals:** If a policy directive is being revised for misspelled words, the reordering or clarification of content, or technical changes (updates of legal citations, new editions of forms, links to selected websites), the AD/Staff Office Head forwards his/her approved changes directly to the DAS.
- b. **New/Major Policy Proposals:** In the case of a new directive or substantive changes to an existing directive, the AD/Staff Office Head must, in addition to the revised policy, provide a completed Form USM-630, *Policy Impact Statement*; a summary statement that describes the effects, costs, benefits, and primary changes resulting from policy implementation, and revised or new Self-Assessment Guide questions.

1) **Senior Management Review and Final Approval of New/Major Policy:**

- a) After preliminary vetting and AD/Staff Office Head approval, the proposed policy directive is submitted to OPRM through the DAS. OPRM finalizes the draft, which is then submitted back to the AD/Staff Office Head for final signature. Upon approval and signature of the AD/Staff Office Head – indicated on an OPRM Routing Slip - OPRM forwards the directive for Union review as determined by LR, HRD. Following LR, HRD, Union review, the policy directive is forwarded for final comment/concurrence to the Associate Director for Administration (ADA)/Associate Director for Operations (ADO), the Executive Secretariat, the Office of General Counsel (OGC), the Chief of Staff (COS), the Deputy Director, and the Director.
- b) **If further revisions and additional approvals are required at any time during the review and approval process, the policy directive may be re-assigned in the DAS as necessary. Policy proponents and stakeholders may track policy progress at the [DAS Welcome page](#).**
- c. **Maintenance Requests:** OPRM has the authority to update expired links or form references that do not reflect a substantive change to the policy without further approval.

5. **Policy Number:** OPRM is responsible for assigning policy numbers. Policy directives are assigned policy numbers in the order which they are received. OPRM will renumber existing policies and policy sections as necessary and does not need to obtain approvals. Proponents will be notified of all changes.

6. **Policy Posting and Announcement through the USMS Intranet:** The Director reviews and approves the proposed policy directive, which is then returned to OPRM for immediate posting on [OPRM's Policy intranet website](#).

G. Definitions:

1. **USMS Policy Directive:** A governing document signed by the Director (or designee) that identifies the policy, procedures, and controls that direct appropriate actions and provide accountability required to meet organizational goals.
2. **Directives Approval System (DAS):** An automated electronic policy review and approval system that facilitates group collaboration and is used to develop, review, approve, and publish USMS policy directives.
3. **Policy:** A definite plan and course of action selected among alternatives, based upon given conditions, to guide and determine present and future decisions.
4. **Policy Liaison:** Staff Office/Division representative responsible for coordinating the policy development/revision process and the annual Policy Certification requirement with OPRM.
5. **Procedure:** A standard way of operating to accomplish stated policy through a series of steps in a specific or definite order.
6. **Guidance:** A recommended source that provides direction as to a course of action.
7. **Control:** A mechanism within procedures used to ensure accountability and regulate actions or guide operations needed to attain system goals.

H. References:

1. [1996 Master Agreement](#), DOJ, USMS.
2. [MSD, OPRM, Helpful Links](#).
3. [Policy Directives Standard Operating Procedures](#).
4. Form USM-126, *Policy Certification*.
5. [Form USM-126A](#), *Policy Directive Action Plan*.
6. Form USM-630, *Policy Impact Statement*.

I. Cancellation: Supersedes USMS Policy Directive 1.1, *General Management, Policy Directives*.

J. Authorization and Date of Approval:

By Order of:

Effective Date:

/s/

09/30/2011

Stacia A. Hylton
Director
U.S. Marshals Service



United States Marshals Service POLICY DIRECTIVES

GENERAL MANAGEMENT

1.2 LEGAL AUTHORITY

A. General: This section summarizes some of the more important references in the U.S. Code, Rules of Civil and Criminal Procedure, and the Supplemental Rules of Admiralty and Maritime that outline the authority, duties and responsibilities of the U.S. Marshal. Under 28 CFR, Part O, Subpart T, the authority to make policy and establish operational and administrative procedures for all USMS activities has been delegated by the Attorney General of the United States to the Director of the USMS.

1. **Reservation:** These guidelines are set forth solely for internal USMS guidance. They are not intended to, do not, and may not be relied upon to create any rights, substantive or procedural; enforceable by law by any party in any matter, civil or criminal, nor do they place any limitations on otherwise lawful investigative or litigative prerogatives of the DOJ.

B. Appointment, Residence and Tenure:

1. **Appointment ([28 USC 561](#)):** With the advice and consent of the Senate, the president appoints one U.S. Marshal to each federal judicial district except in the Virgin Islands, whose Marshal is appointed by the U.S. Attorney General.
 - a. Each U.S. Marshal serves for four years and continues in his or her position until removed by the president or a successor is appointed. (The U.S. Marshal for the district of the Virgin Islands serves at the discretion of the U.S. Attorney General.)
 - b. Each U.S. Marshal must live in his or her appointed district except for those in the Southern District of New York and the District of Columbia, who may reside within 20 miles of their districts. Also, the U.S. Marshal appointed for the Mariana Islands may serve concurrently in the same capacity in another district.
2. **Oath of Office ([28 USC 563](#)):** Before assuming their duties, each U.S. Marshal (Form [USM-1](#)) and deputy (Form [USM-2](#)) must take an oath or affirmation to faithfully execute the duties of that office.
3. **Vacancies ([28 USC 562](#)):** When there is a vacancy the Attorney General may appoint a U.S. Marshal to serve until the vacancy is filled.
4. **Practice of Law ([28 USC 568](#)):** A U.S. Marshal or deputy may not practice law in any U.S. court.

C. General Powers and Duties of a U.S. Marshal:

1. **Appointment of Clerical Staff and Deputy U.S. Marshals ([28 USC 561\(f\)](#)):** The Director is authorized to appoint deputies and administrative staff within a district.
2. **District Court Responsibilities: ([28 USC 566](#))**

- a. The U.S. Marshal is the designated marshal for the District Court, the U.S. Court of Appeals and the Court of International Trade when these courts are in session in his or her district.
 - b. The U.S. Marshal will execute all lawful writs, process and orders of the court issued under the authority of the United States.
 - c. The Attorney General will direct the U.S. Marshal in these and other duties as well as his or her accounting for public funds.
3. **Service of Process:**
- a. **Service of Civil Process (Rule 4(c), Rules of Civil Procedure):** The U.S. Marshal does not serve civil process for private parties except on behalf of paupers and seamen and when specially ordered by the court.
 - b. **Service of Subpoenas (Rule 45(b), Rules of Civil Procedure Rule 17(d) of Criminal Procedure):** Subpoenas may be served by the U.S. Marshal, a deputy or any person who is not a party to the action and is at least 18 years of age.
 - c. **Unservd Process (28 USC 566(g)):** Upon vacating his or her position, the U.S. Marshal will deliver all unserved process to his or her successor. When a deputy is removed, transferred or resigns, he or she will deliver all unserved process to the U.S. Marshal of the district.
4. **Arrest, Bail and Firearms:**
- a. **Firearms (18 USC 3053, 28 USC 566(d)):** U.S. Marshals and deputies may carry firearms and make arrests without a warrant for any felony committed or being committed in their presence that violates U.S. law if they have reasonable grounds to believe that the person to be arrested has committed or is committing a felony.
 - b. **Powers as Sheriff (28 USC 564):** U.S. Marshals and deputies may exercise the same powers as a sheriff of a state when they are enforcing U.S. law within that state.
 - c. **Surrender of an Offender by a Surety (18 USC 3149):** Anyone charged with an offense who is released upon the execution of an appearance bond with a surety may be apprehended by the surety and delivered to the U.S. Marshal. The U.S. Marshal will bring the arrestee before a judicial officer for arraignment.
 - d. **Execution of Warrants (Rule 4(c), Rules of Criminal Procedure):** The clerk will deliver the warrant or summons to the U.S. Marshal or other person authorized by law to execute or serve it.
 - e. **Warrant Upon Indictment or Information (Rule 9, Rules of Criminal Procedure):** The clerk will deliver the warrant or summons to the U.S. Marshal or other person authorized by law to execute or serve it.
 - f. **Arrest and Return of a Probationer or a Person on Supervised Release (18 USC 3606):** When an individual is on probation or supervised release, a probation officer may arrest him or her for violating a condition of probation or release without a warrant. The district court where the probationer or releasee is being supervised or was last supervised may issue an arrest warrant for violations of conditions of release. When this happens, the warrant will be

executed by the probation officer or the U.S. Marshal of the district in which it was issued or any district in which the probationer or releasee is found.

- g. **General Arrest Authority for Violation of Release Conditions** ([18 USC 3062](#)): The U.S. Marshal may arrest a person who is released under the *Bail Reform Act of 1984* if he or she has reason to believe that the person is violating his or her release conditions.

5. **Witness Relocation and Protection** ([18 USC 3521](#))

- a. The U.S. attorney general is authorized to arrange for the relocation and protection of government witnesses, potential government witnesses, and the families of government witnesses and potential witnesses in official proceedings concerning organized criminal activity or other serious offenses.
- b. The attorney general is authorized to take any action he or she considers necessary to protect such witnesses, including providing documents to enable them to establish new identities and providing housing, transportation, subsistence payments and employment. The attorney general's authority to administer the Witness Security Program has been delegated to the U.S. Marshals Service.

Authorization and Date of Approval:

By Order of:

Effective Date:

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

 3-19-2010



United States Marshals Service POLICY DIRECTIVES

GENERAL MANAGEMENT

1.2 CIVIL LITIGATION

A. Lawsuits: The following steps should be taken upon receipt of a summons and complaint or a comparable process in an action against the USMS or an employee:

1. Immediately fax a copy of the summons and complaint to the Office of General Counsel.
2. Immediately provide the U.S. Attorney's Office with a copy of the summons and complaint for information purposes only (not as service of process).
3. If USMS officers/employees are named as defendants in their individual capacities, fax or mail an originally signed request for Department of Justice representation to the OGC (see Form Request).
4. USMS offices should not agree to accept service of process on behalf of a named defendant USMS employee unless the employee consents to such service.

B. Subpoenas:

1. [28 CFR Part 16.22](#) generally prohibits all Department of Justice employees from testifying or producing documents in proceedings without prior approval of the Department of Justice. In cases where the United States is a party, instructions should be received from the assistant U.S. attorney or Department of Justice attorney assigned to the case.
2. When the United States is not a party, the following steps should be taken:
 - a. Immediately fax a copy of the subpoena to OGC and deliver a copy to the Civil Division of the U.S. Attorney's Office.
 - b. If possible, provide on this fax the name and phone number of a contact assistant U.S. attorney.
 - c. Await receipt of a letter from OGC or the U.S. Attorney's Office authorizing and/or prohibiting testimony or production of documents or other exhibits (see sample letter).

C. Defendants Traveling on Bond:

1. Transportation for Persons Who Are Arrested but Not Convicted: [18 USC 4282](#) states that if a person is arrested and held in custody for a federal criminal charge or as a material witness in a federal case, the court in the jurisdiction where the person is released may, at the court's discretion, order the marshal for the district to provide the person transportation and subsistence to the place of arrest or, at the individual's request, to his or her residence provided the cost is not greater. This statute addresses only situations where the criminal case (or the individual's obligation as a witness) has ended. If a court issues an order under [18 USC 4282](#) that requires the marshal to



United States Marshals Service POLICY DIRECTIVES

GENERAL MANAGEMENT

1.2 TORT CLAIMS

Instructions for Submitting an Administrative Tort Claim with the United States Marshals Service

A. Administrative Tort Claims: Sometimes the action of USMS employees, acting within the scope of their employment, cause tort-type damage and injury claims to be filed with the U.S. Marshals Service. Motor vehicle accidents, misplaced prisoner property, and false arrest claims, to name a few, sometimes occur during the execution of USMS law enforcement duties. District employees should inform persons, who contact them seeking compensation for damages, of the need to complete an administrative tort claim for submission to the Office of General Counsel at headquarters.

1. A copy of the [Standard Form 95 \(SF 95\)](#), *Claim for Damage, Injury, or Death*, and the *Additional Instructions* are posted on the OGC Website. The SF 95 is the prescribed form with which to file such claims. These documents may be accessed through the USMS Intranet, under **Administrative, Legal, Tort Claims** then select the type of claim involved:
 - a. Motor Vehicle Accident
 - b. Prisoner
 - c. Law Enforcement/Other
2. After providing the SF 95 and the Additional Instructions to claimants, refer them to the OGC for any future questions or assistance and send the completed claim to their address in the *Additional Instructions*.

B. Employee Claims: Occasionally, in the course of a district employee's day-to-day official duty, his or her personal property may be damaged, destroyed, or lost as a result of work-related activities. Torn clothing while chasing fugitives over fences, personal property damaged at an employee's workstation due to an unexpected hazardous condition, or which may become missing due to theft, despite being secured, are just a few of the situations which may qualify for reimbursement.

1. A copy of the [DOJ Form 110](#), *Claim for Damages to or Loss of Personal Property Incident to Service*, and [DOJ Form 110A](#), *Schedule of Property*, are posted on the OGC Website. These are the prescribed forms with which to file such claims.
2. Employees must complete items 1 through 11 and have their supervisor sign and date item 12 of the DOJ Form 110. Then employees need only complete the first four columns and the last two columns of the DOJ Form 110A.



United States Marshals Service POLICY DIRECTIVES

GENERAL MANAGEMENT

1.2 FREEDOM OF INFORMATION ACT/PRIVACY ACT

- A. General:** This section contains procedures for addressing all Freedom of Information Act and Privacy Act requests for disclosure of records maintained by the USMS.
- B. Authority :**
1. [5 USC 552](#)
 2. [5 USC 552a](#)
 3. [Department of Justice Freedom of Information Act and Privacy Act Regulations](#)
- C. [Department of Justice Freedom of Information Act Reference Guide](#)**
- D. Introduction:** Under the Freedom of Information Act, the USMS is responsible for disclosing information the public has a “right to know,” while the Privacy Act preserves individuals’ rights to personal privacy. Anyone, regardless of citizenship, can use the Freedom of Information Act to obtain access to government records that are not exempt from release. The Privacy Act establishes safeguards and protects government records on U.S. citizens and lawfully admitted permanent residents.
- E. Designation of FOI/PA Liaisons:**
1. As leaders of USMS districts and Headquarters components, each U.S. Marshal, Associate Director, Assistant Director and Staff Officer must ensure that the USMS continues to meet its statutory obligations to timely respond to Freedom of Information Act and Privacy Act requests for USMS records. In this regard, a FOI/PA Liaison is to be designated by each headquarters component and district office to ensure that all of the information and records needed to respond to requests are provided to the Office of General Counsel (OGC). OGC is to be advised of any change in personnel designated to serve in this capacity.
 2. The FOI/PA Liaison is responsible for conducting and/or coordinating document searches within the appropriate Headquarters, district, or suboffice to ensure thorough documents searches are expediently conducted and that search results, including “no records” responses, are promptly forwarded to OGC. The FOI/PA Liaison is available also to respond or direct inquiries to appropriate district/office personnel to respond to specific questions by OGC FOI/PA staff regarding the origins or significance of information contained in district/office records, if not readily identifiable, to ensure that sensitive information is sufficiently protected against disclosure.
- F. Initial Action by the Receiving Office:** Upon receiving a Freedom of Information Act (FOIA) or Privacy Act request for USMS records, the receiving office shall promptly forward it to the Office of General Counsel (OGC) at Headquarters. The OGC will respond to all requesters and inform them of any processing requirements. If desired, the receiving office may inform the requester of the referral to OGC. Any questions concerning either Act should be directed to the FOIA/PA Officer in the OGC.

G. Freedom of Information Act (FOIA) Requests:

1. The OGC will search in the appropriate district and/or Headquarters office where the records are most likely maintained or as identified by the requester. A reasonable description, one that sufficiently identifies the requested records to enable personnel to locate them with a reasonable amount of effort, must be in the FOIA request.

When district or Headquarters offices are asked to search their records, within five days the responsible personnel (e.g., FOIA/PA liaisons) are to search every file which is likely to contain the records, make two copies of each document relevant to the request and forward them to the OGC. The FOIA/PA officer will decide what documents and/or portions are to be released or withheld based on applicable FOIA exemptions. If there is a question as to what information may be released to the public, inform the FOIA/PA Officer who will work with the concerned individual to determine whether or not the information can be exempted. All document searches must be thorough once. All records related to the request must be sent to the OGC so that no employee is charged with "arbitrary and capricious" withholding by the court.

If an extensive search will be necessary to locate the requested information, the requester may be required to pay search fees in advance. In this event, the following information must be provided to the OGC within three days:

- a. Approximate number of documents to be searched
 - b. Estimated time required for search
 - c. Personnel required for a clerical (routine) search or nonroutine, non-clerical search
 - d. For a computer search, the amount of computer time necessary and if a computer specialist is needed
2. After receiving this information, the OGC will determine any fees to be charged and communicate with the requester before the search begins. If the requester agrees to the fees, the OGC will advise the district or office to initiate the search.

H. Privacy Act Disclosure Recording (Accounting) Log, Form [USM-83](#)

I. Privacy Act (PA):

1. For PA requests, the OGC will initiate a search in the district and/or Headquarters office where the requester indicates records are most likely maintained or as otherwise indicated by the request. Personnel are to retrieve all records indexed to, or retrieved by, the requester's name. If an index or other cross-reference file shows that records pertaining to the requester are contained in a file on another individual or subject matter, that file should also be searched. All documents in that file which mention or refer to the requester are to be retrieved and two copies made of them as well as all documents filed by the requester's name, then all the copies should be submitted to the OGC. The PA access provisions only apply to systems of records and records contained within them. A PA system of records is a group of records where information is retrieved by name of the individual or identifying symbol. Only these systems of records must be searched under the PA. When forwarding material, identify all documents retrieved from the file of another individual or subject matter so that appropriate exemptions may be applied when necessary to protect government interests or personal privacy. The OGC will determine what documents or portions are to be released or withheld based on applicable PA and

FOIA exemptions. Normally, search fees are not charged to individuals seeking records under the PA because these searches should entail only documents retrieved by reference to an index or a name file. If unusual circumstances exist, contact the OGC immediately.

2. **Consultation:** Depending upon the contents of the records located in response to a request, the OGC may consult with the office maintaining them or the record system manager to determine the originator(s) of information, information provided by confidential sources, and security/investigative data that would be compromised by disclosure. Offices may identify this information when forwarding documents to the OGC, particularly if knowledge of the file indicates such information is not readily identifiable.
3. **Specific Requirements Under the Privacy Act:** The PA subjects agencies to numerous requirements regarding records on individuals, many of which are satisfied at the Headquarters level in coordination with the DOJ (i.e., reports on new systems of records, publication of systems notices, rules establishing procedures for individual access to records and requests for amendment of records). But all USMS employees must protect records and adhere to the following provisions:
 - a. [5 USC 552a\(b\)](#): Except for exceptions not generally applicable to the USMS, agency employees will not disclose any record in a system of records to an individual or another agency unless the individual to whom the record pertains makes a written request or gives written consent. Disclosure of the record without the record subject's consent would be appropriate as follows:
 - 1) To those officers and employees of the agency maintaining the record who need to see it for work purposes
 - 2) For a routine use (as published in the Federal Register) for a reason compatible with the purpose for which the information was collected
 - 3) To another agency for civil or criminal law enforcement activity if the agency head makes a written request specifying the record and the activity for which it is sought
 - 4) Under court order
 - b. [5 USC 552a\(c\)](#): Offices must account for each disclosure of records from a system of records, except for disclosure within the DOJ, using Form [USM 83, Privacy Act Disclosure Recording \(Accounting\) Log](#). The form must state the name of the individual whose records are disclosed; the date, purpose and nature (type of record) of each disclosure; the system of record from which disclosure is made (e.g., Warrant Information, Prisoner Transportation); and the name and address of the person receiving the records. If the individual to whom records pertain submits a request for an accounting of these disclosures under the PA, it should be forwarded to the OGC, as should record-amendment requests.
 - c. [5 USC 552a\(e\)\(1\)](#): Records on individuals should only contain information that is relevant and necessary to accomplish an agency purpose required by statute or Executive Order of the President.
 - d. [5 USC 552a\(e\)\(2\)](#): To the greatest extent possible, collect information directly from the individual when the information may result in adverse findings about his or her rights, benefits and privileges under federal programs (law enforcement

systems of records, e.g., the Warrant Information, Witness Security and Internal Affairs system of records are exempt from this provision).

- e. [5 USC 552a\(e\)\(5\)](#): Ensure fairness to individuals by maintaining timely relevant, complete and accurate records.
- f. [5 USC 552\(e\)\(7\)](#): Do not keep a record describing how an individual exercises his or her First Amendment rights unless pertinent to and within the scope of an authorized law enforcement activity or unless authorized by statute or by the subject of the record.

4. **New Systems of Records:** Prior to establishing a new system of records or altering an existing one, including a computerized system, agencies must notify OMB and Congress. The OGC at headquarters does this in coordination with the office that requests permission to establish a new system of records. **NO NEW SYSTEMS OF RECORDS ARE TO BE ESTABLISHED BY ANY DISTRICT OR OFFICE WITHOUT PRIOR CONSULTATION WITH THE OGC.** Similarly, any new forms proposed to solicit information from individuals must be reviewed by the OGC for adherence to PA requirements.

5. **Civil Remedies and Criminal Penalties:** The PA allows individuals to sue agencies for noncompliance. Any employee who makes a disclosure knowing that it is in violation of the PA or maintains a record system without meeting the act's notice requirements will be charged with a misdemeanor and fined up to \$5,000. Also, anyone who knowingly requests or obtains a record on an individual under false pretenses is subject to the same criminal penalties.

J. Employee Standards of Conduct: DOJ regulations on employee standards of conduct under the [Privacy Act](#) as contained in 28 CFR 16.57 are as follows:

- 1. **Each division must inform its employees about the Privacy Act, including its civil and criminal penalties. Divisions also will tell employees about their duties to:**
 - a. Protect the security of records
 - b. Ensure the accuracy, relevance, timeliness and completeness of records
 - c. Avoid unauthorized disclosures of records, including verbal disclosures
 - d. Ensure that the division does not maintain a record system without public notice
- 2. **To the extent that the PA permits such activities, a DOJ employee will:**
 - a. Not collect personal information from individuals unless authorized for work purposes.
 - b. Collect from individuals only information that is necessary to accomplish DOJ tasks.
 - c. Collect information directly from the individual whenever possible.
 - d. Inform each individual from whom information is collected of the following:
 - 1) The legal authority that authorizes the department to collect the information

- 2) The principal purposes for which the information will be used
 - 3) The routine uses of the information
 - 4) The practical and legal effects on the individual if he or she does not supply the information
- e. Ensure fairness to individuals by maintaining timely relevant, complete and accurate records.
 - f. Except as to disclosures to an agency or under [5 USC 552a\(b\)\(2\)](#), make reasonable efforts to make sure that records on individuals are accurate, relevant, timely and complete before releasing them.
 - g. Do not maintain a record of an individual's religious or political beliefs or activities or membership in associations or organizations unless:
 - 1) The individual has volunteered such information.
 - 2) A statute authorizes the department to collect, maintain, use or disseminate the information.
 - 3) The individual's beliefs, activities or membership are pertinent to and within the scope of an authorized law enforcement or correctional activity.
 - h. Notify the head of the component of any record system that has not been disclosed to the public.
 - i. When required by the Act, keep an account of all verbal and written record disclosures to agencies or individuals.
 - j. Do not disclose a record to anyone except a division employee unless authorized by the Act.
 - k. Maintain and use records with care to prevent their inadvertent disclosure.
 - l. Notify the division head of any record that contains information the Act does not permit the department to maintain.
3. At least once a year, the head of each division must review its record systems to ensure that they comply with the PA.

Authorization and Date of Approval:

By Order of:

Effective Date:

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

 3-19-2010



United States Marshals Service POLICY DIRECTIVES

GENERAL MANAGEMENT

1.2 EQUAL EMPLOYMENT OPPORTUNITY

A. Proponent: Office of Equal Employment Opportunity (EEO), 202-307-9048.

B. Purpose: This policy directive implements the requirements governing equal employment opportunity in the United States Marshals Service (USMS) for all employees and applicants as authorized by statute and regulations.

C. Authority: The Director's authority to establish protocols for equal employment opportunity in the USMS workplace is derived from [42 USC 2000e et seq.](#), [29 USC 621 et seq.](#), [29 USC 206\(d\)](#), [29 USC 791 et seq.](#), [38 USC 101\(2\)](#), [5 USC 7201 et seq.](#), [42 USC 1981a](#), [5 USC 571 et seq.](#), [29 CFR 1600-1691](#), [28 CFR Part 42](#), [Executive Order 11478](#), and EEO Commission Management Directives [110](#) and [715](#).

D. Policy:

1. It is the policy of the USMS to ensure diversity within the agency and to provide equal employment opportunity for all individuals. The USMS will take effective actions to eliminate any internal policy, practice, or procedure which may result in discrimination on the basis of race, color, gender, religion, national origin, age, physical or mental disability, genetic information, reprisal for protected activity, political affiliation, sexual orientation, gender identity, marital status and/or status as a parent.
2. All employees and contractors will refrain from engaging in harassing conduct and maintain a work environment free of offensive language or conduct. Any employee who engages in harassing conduct will be subject to disciplinary action. Harassment becomes unlawful when:
 - a. The offensive conduct becomes a condition for continued employment; or
 - b. The conduct is severe or pervasive enough to create a work environment that would be considered intimidating, hostile, and/or abusive.
3. The USMS has an obligation to ensure that employees and applicants with physical and mental disabilities are given reasonable accommodations that will enable them to perform their jobs. Beyond its legal obligation, the USMS is committed to providing accommodations that will allow employees with disabilities to continue to contribute at the highest levels.

E. Procedures:

1. **Affirmative Employment:**

- a. The primary responsibility of Affirmative Employment Programs (AEP) is to ensure equal opportunity in the recruitment, hiring, development, and promotion of minorities, women, and persons with disabilities. AEP is also responsible for any other initiatives to create a diverse workforce.

- b. The Chief of AEP identifies problems and barriers in these areas (listed under section E.1.a.) and recommends actions to be taken to eliminate the barriers.
- c. The AEP develops reports and plans that are submitted to the Equal Employment Opportunity Commission (EEOC), the Office of Personnel Management (OPM), and the White House on the status of minorities, women, veterans, and persons with disabilities in the USMS.

2. **EEO Complaints Processing:**

- a. The Chief of Complaints Processing is responsible for the timely processing of complaints of discrimination and providing guidance to employees regarding their rights in the EEO complaints process.
 - 1) **EEO Complaints Procedures:** An employee, former employee, applicant, or contractor who believes that he or she has been discriminated against on the basis of race, color, gender, religion, national origin, age, physical or mental disability, reprisal for protected activity, sexual orientation, and/or status as a parent may file an EEO complaint.
 - 2) **Complainant:** The aggrieved individual must contact an EEO Counselor in the Office of EEO within 45 days of the occurrence of the alleged discrimination. For further information on the EEO complaints process, see [Publication 70](#) (June 2007), *EEO Complaints Processing*.
 - 3) **Official Time:** A complainant and his or her representative, if a USMS employee, will be granted official time when their presence is requested by the USMS during the counseling process (including Alternative Dispute Resolution), the investigation, at settlement meetings, or when the EEO Commission requests their presence at a settlement conference, hearing, or other meeting. Any questions concerning official time should be referred to the Office of EEO.
- b. Each division, staff office, and district (including sub-offices) must post in a prominent place, the USMS poster on complaints processing to advise employees and contractors of their rights in the EEO complaints process. All new employees must be given a copy of [Publication 70](#) (June 2007), *EEO Complaints Processing* within 10 days after they enter on duty.

3. **Reporting Allegations of Harassment:**

- a. Harassment is a form of employment discrimination that violates [Title VII of the Civil Rights Act of 1964](#), the [Age Discrimination in Employment Act of 1967 \(ADEA\)](#), the [Americans with Disabilities Act of 1990 \(ADA\)](#), and Executive Orders [13087](#), and [13152](#). It is unwelcome conduct that is based on race, color, gender, religion, national origin, age, physical or mental disability, reprisal for protected activity, sexual orientation, and/or status as a parent.
- b. Anti-discrimination laws also prohibit harassment against individuals in retaliation for protected EEO activity such as pursuing a complaint of discrimination, serving as a witness, or opposing alleged discriminatory practices.
 - 1) Any employee who believes that he or she has been subjected to harassment based on race, color, gender, religion, national origin, age, physical or mental disability, reprisal for protected EEO activity, sexual

orientation, and/or status as a parent should report the incident(s) to his or her supervisor for resolution, or to an EEO counselor.

- 2) The supervisor or EEO counselor will make immediate and constructive attempts to resolve the matter. A prompt, fair, and thorough investigation into a charge of harassment will be made. In addition, allegations of harassment on the above bases will be referred to the Office of Inspection (OI) for investigation as a matter of misconduct. Supervisors or managers who condone or fail to promptly correct this harassment will be subject to disciplinary action.
- c. Examples of harassing behavior in the workplace include the use of racial slurs, ethnic jokes, demeaning pictures, subjecting another employee to pressure for dates, unwelcome touching, and comments of an obscene, sexual, abusive, or insulting nature.

4. **Reasonable Accommodation Procedures:**

- a. The process for providing reasonable accommodation requires the cooperation of employees, their supervisors, and the Accommodation Coordinator to ensure that employees are given the accommodations necessary to enable them to perform their jobs effectively.
- b. Employees and supervisors should contact the Accommodation Coordinator in the Office of EEO for guidance on requests for reasonable accommodation found in the Department of Justice (DOJ) [Manual and Procedures for Providing Reasonable Accommodation](#).

5. **Responsibility:**

- a. **Managers and Supervisors:** These officials are responsible for providing all employees with the same opportunities for training, professional development and promotion, as well as for cooperating with EEO officials in the performance of their duties.
- b. **Employees:** All employees are responsible for treating each other with dignity and respect.
- c. **EEO Officer:** This official is responsible for managing the AEP and complaints processing programs, and for providing guidance and assistance to managers regarding equal employment opportunity in the USMS.
- d. **EEO Representatives:** EEO representatives work within their districts assisting the AEP and Special Emphasis Program (SEP) areas to ensure equal employment opportunities in the work place. The Office of EEO will provide guidance and training to the EEO representatives regarding their duties and responsibilities.

F. Cancellation Clause: Supersedes USMS Policy Directive 1.2, *Equal Employment Opportunity*.

G. Authorization and Date of Approval:

By Order of:

Effective Date:

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

 3-19-2010



United States Marshals Service POLICY DIRECTIVES

GENERAL MANAGEMENT

1.2 CODE OF PROFESSIONAL RESPONSIBILITY

- A. Purpose:** The integrity of the U.S. Marshals Service (USMS) is dependent upon the conduct of its individual employees. Each day the employees of the USMS demonstrate the highest standards of integrity, character, public trust and professional responsibility. The USMS seeks to maintain these standards as well as improve all aspects of professional responsibility among its employees. The attached Code of Professional Responsibility sets forth 38 standards of conduct for all employees.
- B. Authority:** The Director's authority to establish certain standards of conduct is set forth in [5 CFR 3801.106](#), Department of Justice Supplemental Standards of Ethical Conduct; [5 CFR 735](#), Employee Responsibilities and Standards of Conduct; and [28 CFR 45](#), Department of Justice Employee Responsibilities.
- C. Policy:** Each employee whose conduct on and off duty reflects upon the federal government is required to adhere to the Code of Professional Responsibility.
- D. Responsibilities:**
- USMS Employees:** Employees are required to read the Code of Professional Responsibility each year and acknowledge this through the web-based acknowledgment form found in the Office of General Counsel ethics website. The form is on the ethics website welcome page, and employees indicate they have read the Code that is published on the USMS intranet, understand its contents, and agree to abide by its provisions. Employees should go to their immediate supervisors with any questions concerning interpretation or application of a standard.
 - Headquarters/Districts:** U.S. Marshals, Chief Deputy U.S. Marshals and Assistant Directors must make sure all employees under their supervision are able to access the Code from the USMS Intranet, giving them sufficient on-duty time to read and understand it. The Office of General Counsel will maintain in a database the electronic acknowledgments submitted by all USMS employees in January of each year to document that every employee has received, reviewed and understands the USMS Code.
- E. Code of Professional Responsibility:**
- Courtesy:** Be courteous and demonstrate good manners toward the general public, members of Congress and employees. Maintain a respectful and helpful attitude in all endeavors.
 - Appearance:** Maintain a neat, clean and businesslike appearance and comply with USMS dress standards while on duty.
 - Fitness for Work:** Report to work physically fit and mentally alert. Employees who feel otherwise should notify the appropriate supervisor and request temporary relief from duty or seek instructions.

4. **Adverse Circumstances:** Before an assignment report to the immediate supervisor any circumstances that may adversely affect performance.
5. **Drug Use and Possession:** Except in an official capacity, neither possess nor use illegal drugs. Do not consume or possess alcoholic beverages while on duty. Do not report for duty in a condition that impairs the ability to perform as expected.
6. **Vehicles:** Do not operate a government vehicle in an improper manner or under the influence of intoxicants or drugs.
7. **Weapons Display:** Operational employees must conceal all weapons from view when not in use, unless otherwise authorized by management. Weapons will not be inspected, cleaned, handled or exchanged in public areas or in the presence of jury members, prisoners, witnesses, protectees, family members or the general public.
8. **Weapons Security:** When not carrying them, secure weapons in a safe place to prevent theft, tampering or misuse.
9. **Gifts:** Do not accept or solicit gifts, favors or bribes in connection with official duties.
10. **Discussion of Official DOJ or USMS Business:** Do not discuss DOJ or USMS internal matters, policies, grievances or personalities with family members. In addition, do not discuss the above or financial, personal or family matters with jury members, prisoners, witnesses, protectees, any known associates of the above, or the public.
11. **Personal Relationships:** Do not entertain, socialize or enter into business arrangements with, give legal advice or grant special favors to, or accept gifts or payments from jury members, prisoners, defendants, witnesses, protectees or family members and known associates of the above.
12. **Personal Guests:** Do not allow jury members, prisoners, witnesses, protectees or their family members and known associates into your living quarters (temporary or permanent).
13. **Visiting Detail Sites:** Do not visit a detail assignment site during non-duty hours or allow family members and friends to visit a detail site or operational area. An exception may be granted by the appropriate management official for persons employed or contracted as matrons or guards.
14. **Gambling:** Do not gamble or enter into games of chance with prisoners, witnesses, jurors or protectees or on government-owned or leased premises.
15. **Relief from Duty Post:** Stay on duty until properly relieved and remain alert at all times while on duty.
16. **News Releases and other Disclosures:** Do not disclose any official information except to USMS or other officials who need to know it, or issue any news or press release without the express permission of the appropriate management official. This does not prohibit protected whistle-blowing or union activities.
17. **Discussion of Assignments:** Refrain from discussing duty assignments--particularly staffing, weapons, security precautions or procedures--except with those who have a need to know.

18. **Investigation Conduct:** When assigned to conduct investigations or interviews, do so in an impartial and businesslike manner to ensure fairness, both to the individual being investigated and to the USMS.
19. **Investigation Techniques:** When on an investigation, do not use techniques that violate the law, such as unauthorized intrusion onto private property, unnecessary destruction of property, and unauthorized listening and/or use of recording devices.
20. **Compliance with Laws:** Comply with local, state and federal laws while performing official duties.
21. **Recording Conversations:** Do not surreptitiously record conversations between USMS employees.
22. **Identification:** Only use DOJ identification for official U.S. government purposes.
23. **Statements of Fact:** Do not knowingly give false or misleading statements or conceal material facts in connection with employment, promotion, travel voucher, any record, investigation or other proper proceeding.
24. **Discrimination:** Do not discriminate against or sexually harass an employee or job applicant or engage in any prohibited personnel activities.
25. **Personal Obligations:** Ensure that just financial obligations are met. A just financial obligation is one acknowledged by you to be valid or reduced to judgment by the court.
26. **Personal Activities:** Refrain from any activity that would adversely affect the reputation of the DOJ.
27. **Personal and Business Associations:** Avoid personal and business associations with convicted felons, persons connected with criminal felons or those connected with criminal activities. This does not apply to immediate family members.
28. **Conduct:** Avoid any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, including use of intoxicants and illicit drugs.
29. **High Standards:** Demonstrate the highest standards of personal and moral conduct expected of law enforcement officers and other government employees.
30. **Assignments:** Always perform assignments according to prescribed regulations to the best of one's ability and follow safe and secure work procedures.
31. **Reporting Civil Rights Violations:** Report to appropriate management officials violations of constitutional and statutory rights--such as prisoner abuse, unnecessary use of force, unlawful intimidation, and discrimination on the basis of race, sex, religion or national origin--in the provision of law enforcement services.
32. **False Statements:** Do not knowingly make false statements about fellow employees or officials or speak with reckless disregard of the truth.
33. **Carrying Out Orders:** Do not unnecessarily delay or refuse to carry out a proper order of a supervisor or other official overseeing your work.
34. **Government Property:** Do not possess or otherwise take government property, and make every effort to secure and use it responsibly.

35. **Marshals Sales:** Do not bid on or purchase in any manner, directly or through an agent, any items being offered at a USMS sale.
36. **Reporting Violations:** Report violations of prescribed regulations, statutes or laws to appropriate management officials.
37. **Personal Relationships with Subordinates:** You may not, through the official chain of command or by actual practice, supervise a person with whom you are having an intimate personal relationship or immediate family members of that person. Further, you may not make, influence, or have input into decisions about the pay, promotions, work assignments, or any other conditions of employment of that person or his or her immediate family members.
38. **Supervision of Relatives:** You may not, through the official chain of command or by actual practice, supervise a relative as defined by [5 USC 3110](#). Further, you may not make, influence, or have input into decisions about a relative's employment, pay, promotions, work assignments, or any other conditions of employment.



United States Marshals Service POLICY DIRECTIVES

GENERAL MANAGEMENT

1.2 EXPENDITURES FOR COMMEMORATIVE ITEMS AND TRINKETS

- A. Proponent:** Office of General Counsel (OGC). Telephone: 202-307-9054, Fax: 202-308-0588.
- B. Purpose:** This policy directive establishes policies and procedures for the United States Marshals Service (USMS) concerning expenditures for commemorative items and trinkets for USMS employees and non-USMS employees.
- C. Authority:** The Director's authority to supervise the USMS and issue written directives is set forth in [31 U.S.C. § 1301\(a\)](#).
- D. Policy:** Commemorative items or trinket purchases are strictly limited to the allowable items under Department of Justice (DOJ) Policy Statement [1400.02](#). No USMS funds may be used to procure commemorative items or trinkets unless based on these limited exceptions:
1. **Recognition/Honorary Awards:** Commemorative items and trinkets costing under \$100.00, such as plaques and framed certificates, given as honorary awards to retirees and departing employees. Trinkets of nominal value given to individuals outside the USMS for rendering a special service to the USMS, such as speaking at a USMS event. These items require the Assistant Director, Financial Services Division (FSD) approval.
 2. **Compelling Mission Need:** When special approval is granted by the Deputy Director or designee, with the concurrence of OGC and the AD, FSD, and submitted to the Assistant Attorney General for Administration or designee for final approval for a compelling mission need.
 3. **Representation Fund Purchases:** When USMS Reception and Representation funds are used pursuant to DOJ Order [2110.31B](#), as approved by the Director.
- E. Procedures:**
1. **Purchase of Commemorative Items and Trinkets:**
 - a. Districts, divisions, and staff offices wishing to purchase commemorative items or trinkets must submit a request for approval to the AD, FSD, or designee before such purchases may be made. The request must include the nature of the item(s) to be purchased, the quantity of each item to be purchased, the purpose for each such purchase, and the total cost. Approval of requests is made by the AD, FSD.
 - b. The costs of unauthorized purchases outside these guidelines are the personal responsibility of the authorizing official.
 2. **Record Keeping:** Districts, divisions, and staff offices must assign an administrative employee to maintain a log of the commemorative items and trinkets in inventory. The use of any in stock inventory item is subject to the same approval requirements set forth in E.1. above.



United States Marshals Service POLICY DIRECTIVES

GENERAL MANAGEMENT

1.2 GIFTS

A. Gifts:

1. **Purpose:** This policy directive provides policy and procedures for United States Marshals Service (USMS) employees who receive gifts valued between \$20 and \$150. This directive does not cover gifts from a foreign government or employee awards. Gifts received from foreign donors/governments are covered by [5 USC 7342](#), and must be reported by recipients on the web-based report form found at the "Foreign Gifts" webpage of the USMS Ethics website.
2. **Authority:** [DOJ Order 2400.2](#): *Solicitation and Acceptance of Gifts*; delegation of gift-acceptance authority from the Director, USMS, to General Counsel.
3. **Policy:** Employees may accept gifts worth up to \$20 in accordance with [5 CFR 2635.204](#)
4. **Procedures:**
 - a. An employee must obtain approval from General Counsel before accepting a gift from a nonfederal source valued between \$20 and \$150.
 - b. Gifts exceeding \$150 require approval from the assistant attorney general for administration and should be sent to the General Counsel.
 - c. In considering whether to approve a request to keep a gift that is to be accepted on behalf of the USMS, the General Counsel will apply the following criteria:
 - 1) Gifts solicited by employees will not be accepted.
 - 2) Gifts of services will not be accepted.
 - 3) Employees may not give gifts to the USMS or the DOJ without approval from the assistant attorney general for administration (see [DOJ Order No. 2400.2](#)).
 - 4) The donor must present proof of ownership of a gift.
 - 5) Acceptance and use of gifts must be compatible with the agency mission.
 - 6) Gifts from prohibited sources will be closely scrutinized.
 - d. All potential gifts of land, buildings, vehicles, cash or artwork to the USMS, regardless of value, must be reported to the Ethics Officer in the Office of General Counsel via a written request. The request may be e-mailed, faxed (202-307-9456) or mailed. The Director will be consulted, as appropriate.

- e. The General Counsel will assess a gift at its fair market value, not the value declared by the donor, unless a receipt accompanies the item.
- f. The General Counsel will also consider the following in determining whether a gift should be accepted:
 - 1) Any conditions a donor imposes
 - 2) Additional costs (e.g., appraisals, transportation, repair or maintenance) of accepting a gift
- g. The donor must complete a Gift Donation Form before delivering the item. If the gift is presented without any prior indication of the donation, the employee must fill out a Gift Acceptance Form.

5. **Responsibilities:**

- a. **Assistant Attorney General for Administration:** approves gifts of more than \$150 as well as those from USMS employees to the USMS or the DOJ.
- b. **General Counsel:** processes and approves gifts valued between \$20 and \$150; and processes requests for gifts exceeding \$150 and those from USMS employees to the USMS or the DOJ for consideration by the assistant attorney general for administration.
- c. **Employees:** submit gift-acceptance requests to the Ethics Officer in the Office of General Counsel.



United States Marshals Service POLICY DIRECTIVES

GENERAL MANAGEMENT

1.2 OUTSIDE EMPLOYMENT

A. Purpose: This policy directive establishes policies and procedures for United States Marshals Service (USMS) employees concerning outside employment (see [definitions](#)).

B. Proponent: Office of General Counsel, 202-307-9054, Fax 202-307-9456

C. Authority: [18 U.S.C. §§ 203, 205, 208 & 209](#); 5 C.F.R. § 2635; 5 C.F.R. § 2636, Subpart C; 5 C.F.R. § 3801.106; [DOJ Order 1200.1](#); *Supplemental Standards of Conduct for Justice Department Employees* and 48 C.F.R. § 3.601.

D. Policy:

1. It is the policy of the USMS that employees may not engage in outside employment, including self-employment that creates or appears to create a conflict of interest with their official responsibilities. USMS employees who consult with the United States Marshals Service Ethics Officer or Deputy Designated Agency Ethics Official (DDAEO) before engaging in outside employment activities are not subject to discipline if the following conditions are met: employees disclose all relevant facts, the advice given allows the employee to take outside employment, employees act upon the advice given, and employees receive written opinions.
 - a. This directive does not affect or supersede the general ethics principles and standards of conduct. All outside employment must be evaluated (by the Ethics Officer) for possible conflicts of interest and management or policy implications, if any. Supervisors and employees alike should consider requesting the Ethics Officer's advice even if prior approval is not necessary to afford them a measure of protection from those who would question the appropriateness of their outside activities.
 - b. A distinction must be made between ethics approval and approval from appropriate management officials. The role of the Ethics Officer is to review proposed outside activities in light of the Standards of Conduct, agency policies, and federal laws and regulations. This analysis does not involve a review of an office's staffing needs, the way an employee's time is spent, or a determination of whether the employment is compatible with (or interferes with) the discharge of the duties and responsibilities of the employee's government position. This determination is the responsibility of an office's management. Employees should obtain management's approval for outside employment and then seek ethics advice from the Ethics Officer, as appropriate.
2. **Principles Applicable to All Employees:** The following principles are applicable to all employees:
 - a. Employees may not contract with the federal government. If an employee has or starts a business, the business may not attempt to obtain contracts from or sell to an agency of the federal government.

- b. Employees may not, with or without compensation, represent anyone other than the United States in a matter in which the United States is a party or has an interest. For instance, a USMS employee cannot offer to represent a neighbor with the Social Security Administration in a dispute about benefits. In addition, no employee may accept additional compensation to perform his or her federal duties. Representing another federal employee in disciplinary proceedings or acting as part of a cooperative, voluntary, professional, or similar non-profit organization, if a majority of the members are employees of the United States, are exceptions to this principle.
- c. Employees may not engage in compensated or uncompensated outside activities that involve any criminal or *habeas corpus* matters, be it federal, state, or local. For instance, an employee may not participate in activities that may involve the criminal court system at any level of government except as a member of a jury or called as a witness.
- d. No employee may engage in compensated or uncompensated outside activities that involve litigation, investigations, grants, and other matters in which the Department of Justice (and any of its components) is or represents a party, witness, litigant, investigator, or grant-maker.
- e. No employee may use non-public information in financial transactions to further his/her own private interest or that of another.
- f. An employee may not use his or her official title or position for private gain.
- g. Any outside activity, with or without compensation, **requires** the prior approval of the Ethics Officer if it involves some subject matter, policy, or program within the employee's area of responsibility. This includes teaching that relates to the employee's duties, or any other outside employment that is somehow connected to the employee's duties or the office's responsibilities. For instance, an employee with ADP responsibilities would have to receive a prior approval from the Ethics Officer before accepting outside employment involving computer assistance or advice.
- h. Any outside employment that may raise issues of conflict of interest or appearances of impropriety requires consultation with the Ethics Officer.
- i. An employee who is on sick leave or on excused absence may not engage in outside employment during the duration of this leave period.
- j. No USMS employee may engage in the following types of outside employment (compensated or uncompensated):
- bill collector or collection agent;
 - reposessor of automobiles or any other kind of merchandise;
 - bouncer in an establishment where alcoholic beverages are served or sold;
 - guard, watchman, special policeman, investigator, or security officer;
 - any employment that requires service of process;

- any employment that requires or encourages access to police information; and
- any employment that requires the use of law enforcement powers.

3. **Policy Applicable to Non-GS 1811 Employees** (see [definitions](#))

a. **Teaching, Speaking, and Writing**

- 1) Generally, employees who are not Criminal Investigators (GS-1811) receiving law enforcement availability pay may receive compensation for speaking, teaching, and writing **unless** these activities relate to their official duties. If these activities relate to their official duties, employees may not be compensated except for reimbursement of reasonable expenses (e.g., transportation and lodging).
- 2) If the teaching relates to an employee's official duties, the employee may accept compensation only under the following conditions:
 - a) The course requires multiple presentations and is offered as part of a regularly established curriculum of an institute of higher education (i.e., university or college) or of a secondary or elementary school.
 - b) The course is part of a program sponsored and funded by federal, state, or local government, but is not offered by an entity described above.
 - c) Employees in non-career positions above the GS-15 level, i.e., non-career SES, must have advance written authorization from the USMS Ethics Officer before accepting compensation for teaching.

b. **Outside Practice of Law:** Attorneys who work for the USMS in the GS-905 series who want to engage in compensated or uncompensated outside practice of law must obtain the prior approval of the Ethics Officer/DDAEO.

4. **Policy Applicable to GS-1811 Criminal Investigators Receiving Law Enforcement Availability Pay (LEAP):**

- a. **No Outside Earned Compensation:** Employees in the GS-1811 series may not engage in any compensated outside employment. This restriction is a condition of employment with the USMS if the employee receives LEAP.
 - 1) **Expenses vs. Compensation:** GS-1811 employees may accept reimbursement of expenses but not compensation for their time, efforts, or services. Reimbursement of reasonable expenses may include transportation, lodging, *per diem*, and other expenses associated with participation in non-federal activities. If it is clear that reimbursement of expenses seems excessive (i.e., appears to be compensation for services disguised as reimbursement of expenses), employees have an independent affirmative obligation to inquire further and consult with the Ethics Officer.
 - 2) **Earned vs. Non-earned Compensation:** Compensation or income that is passive, such as investment income, royalties, and rents, is

permissible. As long as the compensation is not offered in return for an employee's time, efforts, or services, it will generally be considered non-earned income.

- 3) Exceptions: Employees may receive compensation for National Guard duty and Reserve duty.
- 4) Uncompensated Outside Employment: Employees in the GS-1811 series are advised to consult with the Ethics Officer in addition to obtaining management approval if they want to engage in uncompensated outside employment.

5. **Policy Applicable to SES and PAS Employees:**

- a. Presidential appointees to full-time non-career positions, such as U. S. Marshals and other non-career SES employees, may not receive **any** outside earned income for outside employment.
- b. Non-career SES employees who are **not** appointed by the President are limited to earning up to 15 percent of the annual rate of basic pay for Level II of the Executive Schedule (under [5 U.S.C. § 5313](#)), as in effect at the beginning of the calendar year, if engaged in outside employment, in such calendar year. Further, such employees may not be compensated for serving as a member of a board or engaging in activities that involve a fiduciary relationship with or employment by a firm that provides such services. Additionally, they may not allow their names to be used by such an entity.
- c. Career SES employees are subject to the same restrictions as non-GS-1811 employees, unless the Director promulgates policies that alter this provision.

E. **Procedures:** The following procedures must be followed for requesting and granting approval for USMS employees to engage in outside employment including self-employment.

1. **Requesting Authorization:** Employees must submit a completed [Request for Approval of Outside Employment or Activities](#) to their immediate supervisor before engaging in outside employment or self-employment if it involves some subject matter, policy, or program within the employee's area of responsibility. The supervisor, in turn, will submit the request to the Ethics Officer.
2. **Granting Authorization:** Supervisors receiving [Request for Approval of Outside Employment or Activities](#) must:
 - a. Submit the completed [Request for Approval of Outside Employment or Activities](#) to the U.S. Marshal or Assistant Director to whom they report, along with their recommendation to either approve or deny the request and their justification for such.
 - b. Obtain the recommendation of the U.S. Marshal or Assistant Director, along with their decision to approve or deny the request.
 - c. Make two copies of the signed request, keep one copy in office files, submit the other to the Ethics Officer for prior approval. Once the Ethics Officer returns the request form with an approval, forward that copy to the Personnel Staffing Specialist, Human Resources Division, who services employee's District or Division, for inclusion in the employee's Official Personnel File (OPF). If the request is denied, there is no need for inclusion in the OPF.

F. Responsibilities:

1. **Employees:** Employees submitting a [Request for Approval of Outside Employment or Activities](#) are responsible for:
 - a. Refusing compensation for public speaking or writing relating to their official duties, including but not limited to: matters to which they are presently assigned or have been assigned in the last year; any ongoing or announced policy, program, or operation of the USMS; or in the case of a non-career employee, any subject matter that pertains to the programs and operations of the USMS.
 - b. Following appropriate grievance procedures including those described in the [Alternative Dispute Resolution](#) directive, as applicable, if they disagree with a denial.
 - c. Allowing supervisors and/or the Ethics Officer 10 working days to consider the request for outside employment before an approval is needed.
2. **Supervisors:** In addition to the procedures outlined above, supervisors receiving a [Request for Approval of Outside Employment or Activities](#) are responsible for:
 - a. Determining whether or not to recommend authorization with consideration being given to the following factors:
 - 1) performance ratings
 - 2) effectiveness in accomplishing work assignments
 - 3) use of sick leave
 - 4) punctuality
 - b. Reviewing approved outside employment or activities on an annual basis in conjunction with employees' annual performance ratings or upon career promotions.
 - c. Canceling a previously approved request (in consultation with the Ethics Officer) when the outside employment causes a conflict of interest or adversely affects the employee's performance.
 - d. Consulting with the Ethics Officer about an employee's request when management requests such consultation.
3. **Ethics Officer/DDAEO:** Must provide formal and informal written opinions if requested and as required by regulations, and provide advice on ethics matters.

G. Definitions:

1. **DAEO, DEO, DDAEO, and Alternate DDAEO:** The Department of Justice's Designated Agency Ethics Official (DAEO) is the Assistant Attorney General for Administration. There is also the Departmental Ethics Office (DEO) from which agency ethics officials may receive policies and advice. The USMS ethics official is the Deputy Designated Agency Ethics Official (DDAEO) who is the General Counsel. The Alternate DDAEO is the Ethics Officer who is responsible for the day-to-day advice and management of the ethics program.

2. **Outside Employment:** Any non-federal activity performed for a source (including self-employment) other than the USMS or another federal government agency involving an employee's efforts, services, or time for compensation.
3. **GS-1811 and Non-GS-1811 Employees:** Criminal investigators in the GS-1811 series receiving LEAP are GS-1811 employees; all others, including but not limited to, those in the career and non-career SES, Presidentially-appointed employees, GS-082, 1802, 1810, 301, 341, and 1102 series, etc. are non-GS-1811 employees.
4. **Outside Earned Income:** Outside employment for which an employee receives compensation in the form of wages, salaries, honoraria, commissions, professional fees, and any other form of compensation for services, efforts, or time, other than the employee's federal salary.
5. **Conflict of Interest:** Activities that are not compatible or interfere with the full, proper, and impartial discharge of the duties and responsibilities of the employee's government position present employees with a conflict of interest. Generally, conflicts will be of a financial nature (an employee's own disqualifying financial interests or financial interests that are imputed to the employee), but sometimes they involve issues of employees' impartiality (personal and business relationships). Waivers of the conflict of interest permitting the employee to remain involved in an agency matter despite the conflict may be approved by the Ethics Officer and DDAEO upon request.
6. **Appearance of Conflict/Impropriety:** Activities that do not present employees with actual, direct conflicts of interest may still raise issues of an appearance of a conflict of interest or impropriety. The efficiency of the service requires that employees not create situations calling into question their own integrity and impartiality, or the agency's integrity and impartiality. Waivers of disqualification for an appearance of a **financial** conflict of interest may be approved by the Ethics Officer and DDAEO upon a showing that the appearance raised by the employee's activity is not so substantial as to be deemed likely to affect the integrity of the employee's services. Waivers of disqualification for an appearance of **partiality** may be approved by the Ethics Officer/DDAEO upon a showing that the appearance is outweighed, in light of all relevant circumstances, by the agency's interest in continued employee participation in the matter, and a determination is made that a reasonable person would not question the integrity of the agency's programs/operations.
7. **Non-public Information:** Information that employees gain by reason of federal employment and that they know, or reasonably should know, has not been made available to the general public. For instance, information: 1) exempt from disclosure under the Freedom of Information and the Privacy Act, or otherwise protected by statute, Executive Order or regulation; 2) designated as confidential by an agency; or 3) has not actually been disseminated to the general public and is not authorized to be made available to the public on request.
8. **Representational Services:** Employees who represent another person or entity by making an appearance or by other communication in an effort to attempt to influence the federal government concerning a particular matter. An appearance occurs when the employee is physically present before the United States, i.e., a federal court or agency. A communication occurs when the employee contacts (by any means including telephone, fax, electronic mail message) or corresponds with an agent of the United States.

**APPROVAL REQUIREMENTS FOR COMPENSATED
OUTSIDE EMPLOYMENT**

TYPE OF EMPLOYMENT ¹	APPROVAL NEEDED	APPROVING OFFICIAL
Related to duties	Yes	U. S. Marshal (USM) or Assistant Director (AD), and Ethics Officer (EO)
Unrelated to duties	Yes	USM or AD
Creates conflict of interest or appearance of a conflict of interest	Yes	EO
Practice of Law	Yes	EO and Deputy Attorney General
National Guard or Reserve duty	No	
Self-employment • Related to duties • Unrelated to duties	Yes Yes	USM or AD and EO USM or AD
Teaching • Related to duties • Unrelated to duties	Yes Yes	USM or AD and EO USM or AD
Speaking/Writing • Related to duties • Unrelated to duties	Yes No	USM or AD and EO

REQUEST FOR APPROVAL OF OUTSIDE EMPLOYMENT

Date

MEMORANDUM

TO:

FROM:

SUBJECT: Request for Approval of Outside Employment/Activity that Involves Some Subject Matter, Policy, or Program within My USMS Area of Responsibility

Name of proposed employer or activity group:

Type of employment/activity: _____

Days and hours to be spent working/performing activity: _____

Annuitants only - expected salary: _____

I understand that if the requested outside employment/activity interferes with the performance of the duties of my USMS position, the needs of the Service will take precedence over those of my outside activities.

Employee's Signature

Approved: _____

Disapproved: _____

Approving Official Signature

Copy: HRD (OPF)



United States Marshals Service **POLICY DIRECTIVES**

OFFICE OF GENERAL COUNSEL

1.2 POST EMPLOYMENT

- A. Proponent:** Office of General Counsel (OGC), Telephone: 202-307-9054, Fax: 202-307-9456.
- B. Purpose:** This policy directive establishes policies and procedures for United States Marshals Service (USMS) supervisors concerning the use of former USMS employees as contractor employees or personal services contract employees.
- C. Authority:** [18 USC. § 207](#); [5 CFR Part 2641](#); and [48 CFR. § 37.104](#).
- D. Policy:**
1. Former USMS employees may not perform USMS-related work for a company that will contract with a USMS district or division, or serve as a personal services contractor at a USMS district or division, without first notifying and obtaining a post-employment opinion from USMS ethics officials.
 2. The post-employment statute, [18 U.S.C. § 207](#), establishes limitations for former government employees who are subsequently employed by private entities that will provide services to the government. Former employees are limited in representing a private entity before the USMS on specific matters with which they were involved as USMS employees, or had official responsibility over, during the last year of their tenure as USMS employees.
 3. Although [18 U.S.C. § 207](#) does not bar former employees from serving as personal services contractors, the procurement rules place limitations on the appropriate use of personal services contractors. Use of former employees as personal services contractors must be scrutinized under these rules.
 4. To determine whether a former USMS employee may work on behalf of a private entity, and represent the private entity before the USMS on specific matters, several issues must be resolved:
 - a) Will there be a “communication to or appearance before” a USMS employee;
 - b) “With the Intent to Influence;”
 - c) “On behalf of any other person;”
 - d) On a “particular matter involving a specific party;” and
 - e) Whether the former USMS employee had “personal and substantial participation” in such matter while employed with the USMS.

E. Procedures:

1. If a USMS supervisor becomes aware that a company with which the USMS contracts (district or division) intends to utilize a former USMS employee to fill a contract position in the USMS, regardless of how much time has passed since separation, the USMS supervisor must notify an OGC Ethics Team member.
2. All USMS supervisors who desire to have a former USMS employee serve as a personal services contractor in a USMS district or division, regardless of how much time has passed since separation, must notify an OGC Ethics Team member.
3. The USMS supervisor must prepare a written notification containing information about the former USMS employee's function, role, and daily duties while employed with the USMS and the new function and daily duties to be performed as an employee of a contract company or as a personal services contractor.
4. USMS supervisors must allow the OGC Ethics Team member at least 2 weeks to prepare an opinion before taking action on the contract or personal services contract. No action may be taken until an OGC opinion has been issued.
5. The OGC Ethics Team member must respond to the written request from the USMS supervisor within 2 weeks, unless the matter is particularly complex.

F. Responsibilities:

1. **USMS Supervisor:** Notifies an OGC Ethics Team member of the intent to allow a former USMS employee to serve as an employee of a contractor company that performs, or will perform services for a district or division or as a personal services contractor. The notification must occur as the Statement of Work is being prepared, or at least 2 weeks prior to the effective date of the contractual relationship with the former USMS employee.
2. **OGC Ethics Team member:**
 - a) Reviews the written request;
 - b) Determines whether sufficient information has been provided to render an opinion;
 - c) If not, request additional information from USMS Supervisor and or former USMS employee; and
 - d) Provides an opinion to the USMS Supervisor within 2 weeks of a complete written request, unless the matter is complex.

G. Cancellation Clause: This is a new USMS policy directive and remains in effect until superseded.

H. Authorization and Date of Approval:

By Order of:

Effective Date:

 /S/
Stacia A. Hylton
Director
U.S. Marshals Service

9/30/11



United States Marshals Service **POLICY DIRECTIVES**

GENERAL MANAGEMENT

1.3 PUBLIC AFFAIRS - MEDIA

- A. Proponent:** Office of Public Affairs (OPA), United States Marshals Service (USMS), (202) 307-9065.
- B. Purpose:** This directive contains USMS policy concerning the release of information, including photographs and video, by service employees to news outlets, authors, and television and film studios (hereafter referred to as media) and provides procedures for media attendance at court proceedings
- C. Authority:** The Director's authority to supervise the USMS and issue written directives is set forth in [28 C.F.R. § 0.111](#) and [28 U.S.C. § 561 \(g\)](#). Department of Justice (DOJ) policy governing the release of information relating to criminal and civil cases is set forth in [28 C.F.R. § 50.2](#) and [USAM 1-7.000](#).
- D. Policy:**
1. **Office of Public Affairs (OPA):** OPA is the focal point for media queries about the USMS and its operations. This centralization ensures a timely and consistent response, facilitates the appropriate coordination with DOJ and USMS Divisions, and ensures conformity with USMS, DOJ, and administration policies.
 2.
 - a. OPA must review and approve all USMS publications and articles employees write about the service that are intended to be released to external publications. It also handles all national print and electronic media requests and coordinates with the media on high-profile district trials and other events involving national or significant media coverage.
 - b. Headquarters employees will refer all media requests immediately to OPA. The reporter should be told to call OPA and ask to speak with a public affairs specialist (OPA specialist). Employees should not respond to media questions until OPA has been consulted as to who will represent USMS and what that individual will say. The OPA specialist will work with the employee to ensure a coordinated and timely response to media inquiries.
 - c. Incidents in a district, division, or Regional Fugitive Task Force (RFTF) that may generate regional or national media interest are to be reported to the Chief, OPA, and the appropriate Assistant Director (AD) as soon as possible. Whenever possible, contact should be made in advance so that OPA may coordinate with DOJ or United States Attorneys' offices. Prior coordination with OPA is required for news conferences.
 3. **District Offices and RFTF**

- a. United States Marshals (USMs), Chief Deputy United States Marshals (CDUSMs), and RFTF Commanders are authorized to respond to media and public inquiries concerning their districts/task force, as long as they follow the policies of this directive. The USM and CDUSM are encouraged to release information to the media about significant district accomplishments and operations. Questions regarding an issue beyond the purview of the district or task force, or about the media affairs program in general should be directed to OPA.
- b. The USM or CDUSM will assign at least one operational employee as a collateral duty Public Affairs Officer (PAO) for the district office and, if necessary, for each large sub-office in the district and each large task force. The designated district PAO(s) must be trained and certified by the USMS Training Academy within one year of assignment. The PAO must provide to OPA pertinent contact information, including work and home telephone numbers, cellular phone or pager numbers, and email addresses. The PAO is responsible for ensuring that OPA has their current contact information at all times. Information may be updated on the District Public Affairs Officers Directory webpage on the [USMS Intranet](#).
- c. The USM, CDUSM, RFTF commander, or a collateral duty PAO may serve as the district/task force spokesperson. Other employees must direct media inquiries to one of the above. If an employee is assigned media relations duties as the district/task force PAO, the USM, CDUSM, or RFTF commander will provide the name and telephone number/e-mail address to OPA and ensure that the individual is fully knowledgeable about this media policy.

4. **Assisting the Media**

- a. It is USMS policy to cooperate fully and impartially with authorized media representatives in their efforts to gather factual, public information about service activities, as long as these individuals do not excessively interfere with USMS operations, infringe upon individual rights or violate the law. USMS recognizes authorized identification from all local, national, and international news organizations. Media personnel without proper credentials may be denied requested information or access to incident scenes.
- b. An employee may assist the media in photographing, taping, recording or televising a law enforcement activity, to promote the aims of law enforcement, including the deterrence of criminal conduct and the enhancement of public confidence. The U.S. Attorney may determine whether such assistance would unreasonably endanger any individual, prejudice the rights of any party, or otherwise be prohibited by law.
- c. During an arrest and/or search warrant situation, the safety of law enforcement officers and agents, as well as the public is of paramount concern. Without a court order, however, an employee will not prevent the lawful efforts of the media, provided they occur outside the sealed perimeter or sealed crime scene. Even so, the presence of the media during such situations should not be allowed to put the operation or any individual in jeopardy.
- d. When media representatives are photographing or videotaping a law enforcement activity, USMS employees should direct them to conceal the faces of individuals whose investigative effectiveness, safety or legal rights may be compromised. Additionally, employees are not required to appear in photographs or videotape that will be aired or printed. In any filming conducted

or sponsored by USMS, faces of subjects and third parties (e.g., family members) must be blurred to prevent recognition before the tape is released to the media or shown publicly.

- e. USMS employees will not assist the media in photographing or televising a defendant or accused person being held or transported in federal custody. Post-arrest photographs of a prisoner will not be released to the news media unless a law enforcement purpose is served. Information about extraditions or the movement of prisoners in USMS custody will not be given to the media in advance; however, it is permissible to confirm that someone is in USMS custody as well as to reveal the place of confinement, as long as revealing that information does not jeopardize security.
- f. Prisoner interview requests may only be approved upon the permission of the U.S. Attorney, the judge, the prisoner, the defense attorney, and the management of the detention facility where the prisoner is located. It is the responsibility of media representatives to obtain the approval of the aforementioned, making sure that all parties indicate their approval to the USM or CDUSM, who may require written approval.

5. **Ride-alongs**

- a. USMS does permit media ride-alongs with the advance, written approval of OPA. Requests for ride-alongs must be accompanied by a signed [Media Guidelines and Liability Agreement](#) – there are no exceptions. Copies of the Agreement can be found on the USMS Intranet.
- b. If a search or arrest warrant is to be executed, no advance information will be provided to the media about actions to be taken by law enforcement personnel, nor will media representatives be invited to attend. This DOJ prohibition also applies to operations in preparation for a warrant execution and to any multi-agency action in which USMS personnel participate.
- c. Departmental policy strictly prohibits the facilitation by DOJ personnel in what is commonly called a “perp walk” by tipping off the media prior to arrests or arranging for an individual in custody to be paraded in front of staged cameras.

6. **Release of Criminal or Civil Information**

- a. USMS recognizes the need for limited confidentiality in:
 - 1) Ongoing operations and investigations;
 - 2) Grand jury and tax matters;
 - 3) Certain investigative techniques; and
 - 4) Other matters protected by law.

If an employee has any doubt about whether a situation requires limited confidentiality, he or she should contact OPA.

- b. Employees will not supply any statements or information that they know or suspect will prejudice a legal proceeding.

- c. All photographs and video, including those captured with personal cameras, taken within USMS property or in the conduct of USMS operations are subject to screening and approval by OPA prior to release for commercial or public use. All such imagery is considered official and may not be distributed, sold, or used for marketing, nor under any circumstances, for private gain. Furthermore, the pre-release distribution of any such images or video using e-mail or commercially available, internet-based file sharing services is prohibited. OPA must also be consulted to determine if law enforcement or investigative video and still photos may be publicly released. (Refer to Policy Directive 1.3, [Imagery](#), for further guidance).
- d. Subject to specific limitations imposed by law, or by court rule or order, a USM, CDUSM, or PAO may make public the following information in any criminal case in which charges have been brought:
 - 1) The defendant's name, age, hometown, occupation, name of employer, marital status and similar background information;
 - 2) The substance of the charge, limited to that contained in the complaint, indictment or other unsealed, public court documents;
 - 3) The identity of the investigating and/or arresting agency;
 - 4) If a USMS case, the circumstances immediately surrounding an arrest, including the time and place of arrest, and whether resistance and pursuit occurred; and
 - 5) Information concerning weapons and a description of items seized at the time of arrest will be referred to the lead law enforcement agency if not USMS. Personal observations will not be disclosed.
- e. In civil cases, similar identifying material regarding defendants, the concerned government agency or program, a short statement of the claim, and the government's interest may be released in coordination with the United States Attorney's Office (USAO).
- f. Because the following information related to a defendant could prejudice a legal proceeding, it will not be provided in a public statement or released to the media:
 - 1) Observations about a defendant's character;
 - 2) Statements, confessions or alibis attributable to a defendant, or the refusal or failure of the accused to make a statement;
 - 3) References to investigative procedures, such as fingerprints, polygraph examinations, ballistic tests, and forensic or laboratory services, the defendant's refusal to submit to such tests, or results of any investigative procedure;
 - 4) Statements concerning the identity, testimony or credibility of prospective witnesses;
 - 5) Statements concerning evidence or arguments in the case; and
 - 6) Any opinion as to the defendant's guilt or the possibility of any type of guilty plea.

7. Release of Juvenile Information

- a. Juvenile records and information, including the name of the juvenile and details of the arrest, will not be released to the media except in the circumstances set forth in this section. When a person is prosecuted as a juvenile, records or information will not be disclosed to the media or unauthorized persons. Those considered authorized are outlined in [18 U.S.C. § 5038](#).
 - 1) When a judge or magistrate has approved the prosecution of a juvenile as an adult, information about the juvenile may be released to the media as it would be for an adult defendant and in accordance with this directive. However, release of information about the juvenile must be authorized by the U.S. Attorney (or appropriate representative) to ensure that the requirements for release of information have been met.
 - 2) Questions from family, friends, or relatives of a juvenile held in USMS custody should be directed to the pretrial services officer, Administrative Office of the United States Courts, (AOUSA), assigned to the case unless the juvenile has been charged as an adult.

8. Release of Investigative Information

- a. Information about an ongoing investigation (including such matters as the issuing or serving of a subpoena) will not be released prior to the public filing of the charging document(s).
- b. Information concerning a defendant's or suspect's prior criminal record, either during an investigation or pending litigation, will not be released to the media. This policy is not intended to restrict the release of information concerning a defendant who is a fugitive from justice. In fugitive or extradition cases, an employee may confirm the identity of defendants or suspects, the offenses for which they are wanted, and the nature of past convictions.
- c. When a prior conviction is an element of the current charge and when such information is part of the public record (as in the case of a felon in possession of a firearm), an employee may confirm the defendant's identity and the general nature of the prior conviction. Information about prior convictions may also be released when discussing career criminal cases. The U.S. Attorney will be consulted in these cases.
 - 1) Information concerning an investigation, arrest, release, prosecution, adjudication of charges, or correctional status is not to be disclosed if it is not currently relevant to the event. For example, if a convicted felon has served his or her sentence and resumed a place in society, it is not appropriate to release information about a prior record or incarceration without a specific law enforcement purpose.
 - 2) Booking photographs may be released only for fugitives in order to aid in their capture. Do not release post-arrest booking photos. Exceptions exist within the Sixth Judicial Circuit – call OPA for media inquiries regarding prisoners who are arrested or detained there. Prisoner bookings are confidential, and media representatives will not be advised of, or allowed to be present during, the proceedings.

9. Release of Information – Shooting Incidents

- a. The names of USMS personnel involved in a shooting are never to be released to the news media at the district/field office level. The names of USMS personnel involved in a shooting will only be released to the investigating authority with the understanding that they cannot release the names to the news media. Any release of employees' names to the media will be made by the Chief, OPA, or by DOJ.

10. **Release of Information to Media About Joint Task Force Operations**

- a. Whenever USMS is leading a joint law enforcement operation, the following guidelines should be adhered to when releasing information about the operation to any media source:
 - 1) Before distributing news releases to the media, the PAO or spokesperson should make a good faith effort to have the documents reviewed by the other agencies mentioned in the release to ensure accuracy and to avoid disclosing inappropriate details. Distributed news releases will be e-mailed to OPA at headquarters.
 - 2) Prepared news releases should be reviewed promptly by the involved agencies so that they can be sent out to the media as soon as possible (on the same day that an arrest or other significant incident occurs).
 - 3) Prepare a list of names, locations, e-mail addresses, and phone numbers of contact people who can review and approve information about each agency mentioned in prepared news releases, and provide copies of the list to each agency on the task force.
 - 4) To ensure timeliness in sending out news releases, a list should be kept of area media organizations, their phone numbers, e-mail addresses, fax numbers and their principal reporters covering law enforcement.
 - 5) Identify one individual on the task force or operation who will serve as the media contact and spokesperson. It is also advisable to designate a second individual to serve as a backup spokesperson.
 - 6) Any news coverage initiated by the task force should be coordinated ahead of time with the United States Attorney or other prosecuting officials who might be impacted by it.
 - 7) Ensure that copies of news releases prepared by the task force or other operation are available to all agencies represented on it.

11. **Entertainment Media Filming Requests**

- a. The following guidelines apply to advance requests made by national, regional, or local electronic entertainment media to film the activities of USMS or events in which its employees participate.
 - 1) If an entertainment media organization wishes to film USMS activities, it must submit a written request. Requests from national or regional media should be sent directly to OPA, ATTN: Chief, OPA, by mail, e-mail or fax (202-307-9831). Districts should forward filming requests to OPA on the day they receive them.

- 2) All requests should be submitted on business letterhead or, if by e-mail, with complete contact information for the company represented. The request should contain as much information on the purpose of the filming, the activities to be filmed, interviews planned and the nature of interview questions, the venue (nightly news show, feature show, documentary, etc.) for airing the segment, and all other relevant details as available at the time. The requested filming dates (or a range of dates) should also be stated, along with a contact person and phone number.
- 3) The Chief, OPA, or designee will review the request and call the media contact to verify the information and receive any necessary clarification. For national/regional media requests, OPA will make a notification of USMS participation to the following offices:
 - a) For national/regional entertainment media programming: Department of Justice Public Affairs (DOJPA), Director and Deputy Director (DD), General Counsel (GC), Assistant Director (AD) of the affected division(s), and the USM and CDUSM of any district offices that might be involved in the filming.
 - b) Local entertainment media programming: the USM and CDUSM for the district involved in the filming.
- 4) The Chief, OPA, will approve or disapprove national/regional entertainment media requests. The Chief, OPA, will also have the authority to approve or reject local media requests. If approval is granted, OPA will contact the media outlet, providing any restrictions or other guidelines for the filming. If the request is turned down, a notification will be sent to the requester.

b. OPA Responsibilities

- 1) An OPA specialist (GS-1035 series) will be assigned to each approved entertainment media filming request. He or she will monitor the overall project, including coordinating with district offices and/or any headquarters divisions involved, visiting the filming sites, if necessary, escorting media as required, and ensuring that established USMS media policy, as well as any special conditions for the filming are followed. This individual will also ensure that the media organization is told about applicable USMS guidelines that may apply to the filming.
- 2) The designated OPA liaison (district public affairs officer) and the Chief, OPA, or their designee, will serve as the primary USMS contacts for members of the media organization involved in the filming. They will authorize, as needed, any direct contact between these individuals and other USMS employees involved in the project.
- 3) The OPA liaison will negotiate and coordinate any proposed shooting schedule of the entertainment media organization, ensuring that the schedule does not interfere with any mission of the district office or headquarters division involved. The OPA liaison will send a message to the Chief, OPA, on the shooting schedule and any other relevant information before the production starts (a week prior to filming if possible). A courtesy copy of this memo will be provided to all USMS offices that received a copy of the original request.

- 4) Within a week prior to filming, the OPA liaison will review all appropriate ground rules with the media personnel and the district office or headquarters division involved to ensure there are no unresolved issues.
- 5) Unless it is decided that a headquarters staffer is not needed at the filming, the OPA liaison or another headquarters representative will be present.
- 6) If filming is to be done in several segments in different locations or over an extended period in one district, the OPA liaison will confer with the Chief, OPA, on a plan for an OPA or another USMS representative to be present during the filming, or have specific written guidance issued to a district or office if an OPA presence is not deemed necessary.
- 7) At the conclusion of the filming, the OPA liaison may be asked to prepare an after-action memo summarizing the activity, any problems encountered, any last-minute changes or departures from the shooting schedule, the date the program will air and other relevant information. The memo will be distributed to all individuals and offices that received a copy of the original request.
- 8) OPA will also send a notice to USMS employees notifying them of the date and time of the program and the network airing it.

12. [USMS Media Guide, Publication 77](#)

13. **DOJ Uniform Distribution of Press Releases**

- a. It is important that all news agencies covering DOJ and its component agencies on a regular basis be treated fairly and evenhandedly. On rare occasions a reporter's longtime interest and continued inquiries into a particular subject matter may warrant special attention. In other cases a promise of early disclosure may be necessary to obtain agreement from a news organization to delay the premature disclosure of law enforcement activity. These special circumstances should be discussed with the Chief, OPA in advance of any release.
- b. In all other instances it is USMS policy to give news agencies an equal and simultaneous access when we are announcing a DOJ report or action.

14. **Media and Justice Prisoner and Alien Transportation System (JPATS)**

- a. Media requests to ride on JPATS flights may be granted, subject to the following conditions:
 - 1) This policy applies to JPATS flights only. It does not affect media policies for other methods of transporting prisoners and aliens, or policy at any Bureau of Prisons (BOP) facility. Advance notice must be given to BOP Public Affairs and field operations staff. In securing a spot on a JPATS flight, no member of the media can displace a prisoner or person on government business. Media figures can only be seated next to USMS staff, not next to prisoners. Furthermore, these guests cannot be identified to prisoners, nor may they interview prisoners or aliens.

- 2) Cameras or artists can only be permitted aboard if they agree in advance, in writing, not to photograph or draw from an angle that will show any prisoner's face and not to broadcast or publish any depictions of a prisoner's face they inadvertently obtain.
- 3) [28 C.F.R. § 50.2](#)b)(7) states: "Personnel of the Justice Department should take no action to encourage or assist news media in photographing or televising a defendant or accused person being held or transported in federal custody. Departmental representatives should not make available photographs of a defendant unless a law enforcement function is served thereby." These regulations are designed to prevent the identification of prisoners, so camera shots that obscure their identities are permissible.

E. Procedures:

1. Printed and Electronic Media Issues

- a. Each district office/RFTF is required to send OPA all media releases issued and any clippings of newspaper articles about activities within the district that mention the USMS's office, Deputy Marshals or USMS operations. The article – or a link to it – may be e-mailed on the day it appears. If there is local television coverage of a district office, its employees or its activities, an effort should be made to provide the on-line link to OPA as soon as possible.
- b. The Chief, OPA, is responsible for coordinating all USMS communications with national television and film companies and commercial publishers and/or authors. Requests from producers and authors for story ideas or other assistance should be referred to OPA.
- c. Articles or papers written by an employee that pertain to USMS but are to be published outside DOJ must be approved in advance by the Chief, OPA. An employee may not accept compensation for an article or speech when the topic relates to his or her duties or concerns a USMS policy or mission.

2. Media Seating-Court Proceedings: Frequently, a courtroom will not accommodate all the media representatives seeking access; thus, consistency and fairness concerning access is critical. The following procedures apply:

- a. When it is likely that a proceeding will attract significant media coverage, the clerk of the court should be informed. The U.S. Attorney will be asked to ascertain the number of government officials who will need to attend so that available seating can be determined. OPA should be notified as soon as possible regarding details concerning the handling of the press.
- b. The district may assist the court by participating in sessions to allocate seats. The district should provide guidance regarding security issues and assist in administering the seating plan.
- c. Seats may not be reserved or otherwise set aside without the trial judge's prior approval. Multiple media organizations requiring seating should be handled on a first-come, first-served basis to the extent that they can be reasonably accommodated. This policy must be strictly enforced. Press pools should be considered if the amount of available seating is significantly less than the number of media representatives seeking to attend. In such cases, the establishment of a press room with an audio feed from the courtroom may be considered if the

trial judge approves. The media organizations covering the trial may pay the costs of setting up a press room.

- d. When preparing for a major trial that will generate substantial media coverage, a district should advise OPA of the details. If a situation threatens to overwhelm a district's ability to handle media requests, OPA can provide guidance and, in some instances, temporarily detail an OPA specialist to the district.

F. Definitions:

- a. **Media:** comprises all forms of print and electronic news media, journalists, authors, and television and motion picture companies.
- b. **News Media Representatives:** individuals who are directly employed by agencies of the electronic or print media. Free-lancers are to be regarded as other members of the general public unless otherwise designated by the Chief, OPA.

G. Cancellation: Supersedes USMS Policy Directive 1.3, *Information Dissemination, Media*.

H. Authorization and Date of Approval:

By Order of:

Effective Date:

 /S/
Stacia A. Hylton
Director
U.S. Marshals Service

 2/23/11



United States Marshals Service POLICY DIRECTIVES

GENERAL MANAGEMENT

1.3 PUBLIC AFFAIRS – UNITED STATES MARSHALS SERVICE (USMS) NAME & INSIGNIA

A. Proponent: Office of Public Affairs (OPA), USMS, (202) 307-9065.

B. Purpose: This directive contains USMS policy concerning the commercial use of the agency's protected name and insignia.

C. Authority: The Director's authority to supervise the USMS and issue written directives is set forth in [28 C.F.R. § 0.111](#) and [28 U.S.C. § 561 \(g\)](#). This policy directive is based on [18 U.S.C. § 709](#), "False advertising or misuse of name to indicate Federal agency."

D. Policy:

1. No individual or business may use the name, badge, seal or other official insignia/indicia of the USMS in any manner for commercial or private use unless given permission and granted a license by the Chief, OPA or their designee.
2. It is not the intent of the USMS to permit the use of the name/insignia on products sold to the public.
3. The USMS name/insignia will not be used on any of the following commercial products:
 - a. weapons (to include handguns, rifles, shotguns, knives and chemical devices);
 - b. inappropriate or offensive material (to include books, booklets, videos, software, photos, and other visual or sound presentations); and
 - c. items that would bring embarrassment to the USMS or the Department of Justice (DOJ).
4. The Director must approve the use of the name/insignia on commemorative weapons.
5. All commercial manufacturers with permission to use the USMS name/insignia will not create their products in a fashion that is disparaging to the USMS or its employees or causes embarrassment to the service.
6. Supervisory approval is not required for the routine exchange among law enforcement employees of items of minimal value, such as baseball caps and cups that are commonly stocked by offices.
7. Requests for a new or altered official USMS name/insignia should be forwarded to OPA for consideration, and approval must be granted before the product is manufactured. USMS funds may not be used to purchase products that display an unauthorized name/insignia.
8. The name/insignia is approved for use by USMS employees for the following purposes:

- a. Official business cards related to their positions;
- b. Plaques or other commemorative souvenirs for employees; and
- c. Plaques or other commemorative souvenirs for non-employees who have served USMS, with prior approval from a supervisor authorized to make such presentations.

E. Responsibilities:

1. OPA

- a. Review and make decisions on requests to use the USMS name/insignia on commercial products or intellectual properties which affect more than one district. OPA will advise the districts on local requests.
- b. Distribute a list of approved vendors and approved products.
- c. Maintain a file of vendors approved to use the USMS name/insignia on specific products, as well as letters of approval and disapproval.
- d. Keep a list of USMS names, badges, seals, insignia and indicia protected under legislation and this directive.

2. Office of General Counsel (OGC)

- a. As requested by OPA, provide legal advice on carrying out this directive and the legislation pertaining to it.
- b. Prepare and send cease and desist warnings to violators of this directive or the relevant legislation.
- c. Determine if violations of [18 U.S.C. § 709](#) should be referred to the appropriate United States Attorney.

3. United States Marshals (USMs) / Assistant Directors (ADs) / Regional Fugitive Task Force (RFTF) Commanders

- a. Ensure that all items created for official or unofficial use are obtained from a vendor licensed under the terms of this directive.
- b. Report the display of unauthorized items and/or unauthorized use of the name/insignia to OPA and OGC.
- c. Request approval through the process outlined in this policy for commemorative badges, office seals, or operational logos which incorporate the service's protected name or insignia.

F. Procedures:

1. Application Process.

- a. **Written Request:** The manufacturer must submit a request to use the official USMS name/insignia to the Chief, OPA, USMS. The request should contain a full description of the product(s) on which the USMS name/insignia will be used.

- b. **Sample Product or Sketch:** Along with each request, the vendor will provide a sample product or a description of the item on which he or she intends to place the name/insignia and an accurate representation of the authorized name/insignia to be used (including size and color scheme).

2. **Approval Process.**

- a. **Record of Request:** OPA will log all requests in by the requestor's name and address, request date, contact person and phone number, the type of product(s) the vendor wants to produce, and the name/insignia to be displayed.
- b. **Review of Request:** The Chief, OPA will review the request and make a decision. On behalf of the Director, the Chief may approve or reject requests to use the USMS name/insignia. Appeals of the decision may be referred to the DD through OPA.
- c. The following factors are to be considered when reviewing a request:
 - 1) The nature of the product (such as apparel, novelty items, desktop items, business items, intellectual property);
 - 2) The vendor's business experience and quality of products;
 - 3) The utility, benefits, and appropriateness of the item for USMS and its employees and/or retirees;
 - 4) The availability of similar products and other relevant information provided in the vendor's application;
 - 5) The history, mission, needs, interests, and professional image of USMS, as well as the Code of Professional Responsibility; and,
 - 6) The specific official name/insignia to be displayed.
- c. **Intellectual Property:** A requestor who has been given approval to use the name/insignia in intellectual properties – such as movies, books, plays, and software – or in advertisements and similar publications or productions will ensure that the material does not imply endorsement of, or approval by, USMS. This requirement does not apply to material USMS has requested for training or informational purposes.
- d. **Response Letter:** After the Chief, OPA, has reviewed the request, OPA will prepare a response to the manufacturer. Disapproval may be coordinated with OGC.
- e. **License Granted:** The approval will be considered a license to use USMS name/insignia for a period of up to five years. The exact duration of the license will be established in the approval letter. Regardless of the license, which may be renewed, USMS retains all artistic rights to its name, badge, seal, or other official insignia for any purpose it deems appropriate.

- 3. **Violations:** Violations of this directive by a vendor/manufacturer will be reported to OGC.

G. Definitions:

1. **Relevant Legislation.** [18 U.S.C. § 709](#), titled "False advertising or misuse of name to indicate Federal agency."
2. **License.** Written permission from USMS to use the name, badge, seal, or other official insignia of the USMS on commercial products, or in intellectual property, for a set period of time.
3. **Name/Insignia.** USMS name, badge, seal or other official insignia/indicia (refer to list maintained by OPA).

H. Cancellation: Supersedes USMS Policy Directive 1.3, *Information Dissemination*, USMS Name & Insignia

I. Authorization and Date of Approval:

By Order of:

Effective Date:

 /S/
Stacia A. Hylton
Director
U.S. Marshals Service

 2/18/11

Appendix A: [Approved Commercial Vendors](#)



United States Marshals Service **POLICY DIRECTIVES**

GENERAL MANAGEMENT

1.3 PUBLIC AFFAIRS - IMAGERY

A. Proponent: Office of Public Affairs (OPA), United States Marshals Service (USMS), (202) 307-9065.

B. Purpose: This directive contains USMS policy concerning photographic and video images, regardless of the medium in which they are acquired, stored, or displayed, that are recorded or produced by persons acting for or on behalf of USMS activities, functions, or missions.

C. Authority: The Director's authority to supervise the USMS and issue written directives is set forth in [28 C.F.R. § 0.111](#) and [28 U.S.C. § 561 \(g\)](#).

D. Policy:

1. All photographs and video, including those taken with personal cameras, taken aboard USMS property or by USMS employees engaged in official duties are subject to screening and approval by the approval authority prior to release for commercial or public use. All such imagery is considered official and may not be sold, used for marketing or for private gain.
2. USMS photojournalists will not be used for unofficial photography, such as recording social events, which competes with commercial photographers, or providing photos for private collections, which constitutes a misappropriation of government funds. This precludes the use of OPA specialists or collateral-duty Public Affairs Officers (PAOs) using government camera equipment and film from photographing events with little or no publication potential.
3. The sale of official USMS images is strictly prohibited by federal law. There are no circumstances where a USMS employee can accept reimbursement for photographs or video taken of USMS events, or while on USMS property. This prohibition includes photos and videos taken with personal photographic or video equipment when the issue of reasonable public access is in question or when the images are taken as part of an employee's official duties.

E. Procedures:

1. **USMS Release of Photos/Video.** Before photos or video can be released, the approval authority will evaluate the materials and ensure they meet the following standards. No imagery will be released if it fails any of these standards.
 - a. USMS releases as official photography or video only images that pertain to USMS operations. USMS does not release photography or video on non-USMS operations because to do so would create competition against non-government sources.
 - b. Video or photos must not be of classified material or any information that may jeopardize security or ongoing law enforcement operations.

- c. Video or photos that depict information protected under the Privacy Act shall not be released.
- d. Under no circumstances will altered imagery be released by the USMS unless it is clearly marked as such and the reason for the alteration explained in the outline (caption).
- e. If personnel from other law enforcement agencies are depicted, or if the imagery was shot in another country, the Chief, OPA will coordinate release with the appropriate United States agency or embassy.
- f. If next-of-kin have not been notified of a death or serious accident, imagery of the incident will be withheld until notifications are complete.
- g. The imagery must be in good taste. Images of corpses, violence, graphic injuries or nudity generally will not be released.
- h. Video should not contain inappropriate language by USMS personnel. USMS employees should be in appropriate gear for the assigned task; however, the approval authority may overlook minor problems. For example, the newsworthiness of an incident captured on video may outweigh the fact that an employee is not wearing an up-to-date raid jacket.
- i. If operational guidelines do not specify a clearance process for law enforcement cases, the Chief, OPA should be consulted for coordination with the appropriate headquarters staff elements to determine if video and still photos may be released.
- j. Video or photos that might jeopardize the safety of a USMS law enforcement officer (e.g., a Deputy United States Marshal who routinely performs undercover operations), will not be released unless the identity is indistinguishable. Employees depicted in such sensitive photos may be described as “a Deputy United States Marshal engaged in a judicial security detail” or “a member of a USMS task force,” etc.

2. **Photojournalists.**

- a. USMS photojournalists staff the Imagery Branch within OPA.
- b. USMS photojournalists provide imagery documentation of significant USMS operational activities.
- c. USMS photojournalists provide imagery support to headquarters staff for events that have definite, marketable, public affairs value (e.g., newsworthy events). The Imagery Branch will provide still and video cameras for headquarters staff use to document events that do not qualify as having definite, marketable, public affairs value.
- d. USMS photojournalists provide advice on USMS imagery policies and counsel collateral-duty PAOs .
- e. USMS photojournalists maintain the USMS central repository for still and video imagery.

3. **Collateral-Duty District and Regional Fugitive Task Force (RFTF) PAOs.** Collateral-duty PAOs are responsible for:
- a. Serving, as needed, as a district or RFTF photographer.
 - b. Obtaining imagery of significant events related to their operations.
 - c. Gaining approval and making imagery available for public affairs functions.
 - d. Forwarding releasable imagery to the Imagery Branch.

F. Cancellation: This is a new policy directive.

G. Authorization and Date of Approval:

By Order of:

Effective Date:

 /S/
Stacia A. Hylton
Director
U.S. Marshals Service

 2/24/11



United States Marshals Service POLICY DIRECTIVES

GENERAL MANAGEMENT

1.3 PUBLIC AFFAIRS - COMMUNITY RELATIONS

A. Proponent: Office of Public Affairs (OPA), United States Marshals Service (USMS), (202) 307-9065.

B. Purpose: Community relations programs enable all USMS personnel to enhance agency employee morale and establish and maintain public trust and support of USMS missions. USMS personnel involved in the communities where they live and work become ambassadors for the USMS. Through a robust community relations program, the USMS can establish and strengthen partnerships in the community and enhance the agency's image as a whole.

1. Objectives of the Community Relations Program

- a. Increase public awareness and support of the USMS and its missions, policies and programs.
- b. Support USMS recruiting efforts by providing USMS personnel with information that will assist to inspire and encourage men and women to become Deputy United States Marshals.
- c. To develop an awareness that USMS personnel are dedicated, highly-trained professionals, vital to the goal of safe communities.
- d. Gain the trust and respect of members of the communities in which we live and serve. Our goal is to make sure the community sees us not as "the United States Marshals," but as "their United States Marshals."

C. Authority: The Director's authority to supervise the USMS and issue written directives is set forth in [28 C.F.R. § 0.111](#) and [28 U.S.C. § 561 \(g\)](#).

D. Policy: It is USMS policy that fostering and furthering good relations within local communities is in the best interest of the agency. Well-planned community relations programs help earn public support and understanding of the operations, missions, and requirements of the USMS. The guidelines in this directive do not apply to voluntary participation in community and civic activities by USMS personnel when they participate in a personal capacity in an off-duty status.

E. Procedures: The following procedures apply to community relations program requests, personnel participation, and approval authority:

1. Speeches and Public Appearances

- a. **USMS Speakers Program:** The objective of the speakers program is to educate the public about the missions and history of the USMS, particularly those groups or individuals that are unfamiliar with our agency. The challenge for OPA and USMS personnel is to establish and maintain a speakers program that attempts to reach a cross-section of society.

- b. Acceptance Criteria: Public appearances and speeches by USMS personnel are essential for keeping citizens informed about our agency's unique role as the enforcement arm of the federal courts. Operational and administrative personnel at all levels should make an effort to fill requests to speak or appear on behalf of USMS at appropriate venues. Apply the following criteria:
 - 1) Participation should not interfere with assigned duties.
 - 2) Remarks are confined to discussion of subjects within USMS purview.
 - 3) Views expressed are nonpartisan.
 - 4) Participation does not imply USMS sponsorship or agreement with the statements of others that may be partisan in nature or contrary to policy.
 - 5) Remarks or speeches have been reviewed (or cleared) by Headquarters (HQ) for security and policy.
 - 6) The venue or event is appropriate for USMS participation. Call OPA if there is any concern.
- c. Coordinating Speaker Request: To meet requests, Public Affairs Officers (PAOs), or others as assigned, should develop a list of potential speakers from your administrative and operational staff, who are willing to participate. When requests are received, collect points of contact and information needed to evaluate request. After engagement, the speaker may provide an after-action report and recommendations for future participation.
 - d. Speechwriting: A general USMS speech and a USMS/Black History speech are available on the OPA Intranet website at <http://intranet.usms.doj.gov/sites/hqs/OC/Pages/OPAResources.aspx>. For additional support (i.e. review of speech, assistance with historical research, appropriate policy/theme, etc.), please contact OPA at (202) 307-9065.

F. References: Other Community Relations Programs

- 1. The G.R.E.A.T (Gang Resistance Education and Training) and Badges for Baseball programs administered by OPA are mentoring programs targeting at-risk youth. Call OPA for details if you wish to become involved.
- 2. Kids' Day at the Department of Justice (DOJ) is an event sponsored by DOJ that showcases all DOJ components in a fun-filled "fair" environment. Children of DOJ employees are invited to learn about DOJ and experience exciting activities such as face painting, K-9 demo, fingerprinting, hands-on equipment demos, etc. This event usually occurs in July or August. To coordinate a similar event in your district, please contact OPA.
- 3. Distinguished Visitors/Student Group Visitors: If your office receives a visit request from a person or persons who are government officials, civic leaders, international/foreign national visitors, congressional representatives or staffers, etc., please contact OPA for assistance in coordinating the visit and providing information to the visitors (Note: Congressional visits must be coordinated through the Office of Congressional Affairs).

4. Observance of "United States Marshals Day": The USMS's anniversary is Sept. 24. Actively recognizing the agency's anniversary will inspire and strengthen Service pride, agency morale, and camaraderie among Marshals Service personnel, as well as creating events to promote recognition of the USMS within the community. Guidance from USMS/HQ will be provided for benchmark celebrations (i.e. 225th).
5. DOJ Sponsored Community Outreach Programs and city-sponsored programs: There are a number of DOJ-sponsored community outreach programs (i.e. Project Safe Neighborhood, Project Safe Childhood) that District personnel can get involved in and strengthen community relations. For DOJ programs active in your district, go to <http://www.usdoj.gov/usao/offices/index.html>. Check with local law enforcement partners to get involved with local community programs that support similar missions (i.e. reducing gang violence, cooperation with law enforcement, child safety, etc.).

G. Cancellation: This is a new policy directive.

H. Authorization and Date of Approval:

By Order of:

Effective Date:

_____/S/_____
Stacia A. Hylton
Director
U.S. Marshals Service

_____2/24/11_____



United States Marshals Service POLICY DIRECTIVES

GENERAL MANAGEMENT

1.3 PUBLIC AFFAIRS - HISTORY

A. Proponent: Office of Public Affairs (OPA), United States Marshals Service (USMS), (202) 307-9065.

B. Purpose: This directive contains USMS policy concerning the collection, preservation, interpretation, and dissemination of USMS historical information and the acquisition, inventory, storage, display and disposition of USMS historical artifacts and records.

C. Authority: The Director's authority to supervise the USMS and issue written directives is set forth in [28 C.F.R. § 0.111](#) and [28 U.S.C. § 561 \(g\)](#).

D. Policy:

1. **Artifacts.** The USMS Collections at Headquarters (HQ) are maintained and inventoried by the Historian. USMS artifacts from these collections, and from publicly-owned groupings in USMS offices, cannot be sold or traded.
 - a. All USMS artifacts are considered public property and may not to be taken for personal ownership or discarded. If display of an artifact is not desired at the district or division office, notify the Historian for consideration of inclusion in the USMS Collections. Items are displayed in the USMS History Room and other exhibits.
 - b. Guidance for artifact identification and/or loans can be obtained from the USMS Historian. Once artifacts are identified by a district or division office, the Historian should be notified at (202) 307-9114 for accountability purposes, but the artifact may remain and be inventoried in the district office unless there is a service need to display the artifact elsewhere.
2. **Gifts.** Historical artifacts may only be accepted as gifts in the USMS Collections by the recommendation of the Historian, with the approval of the Chief, OPA and in consultation with the Office of General Counsel (OGC). All potential gifts intended for USMS Collections must follow proscribed ethical procedures.
 - a. Privately-owned historical art and artifacts intended for the USMS Museum can be directly loaned by the owner. Donations of publicly-owned items or items from current USMS employees must be coordinated through the Historian's Office. USMS retirees are not required to follow this process but are encouraged to notify the Historian of their intent.
 - b. The USMS reserves all ownership rights to original USMS documents, and any potential gift of original USMS documents must be routed through the Historian.
3. **Loans.** The Historian ensures the proper educational use of agency artifacts. Artifacts may be lent for educational purposes in order to promote the public awareness of the USMS.

- a. The loan of historical artifacts must be approved by the Historian and the Chief, OPA, although the loan process can be initiated by a United States Marshal (USM) or Assistant Director (AD) if the artifact is under the district or division's sole care. HQ Divisions, District Offices, task forces and other field or HQ entities cannot loan USMS artifacts without this approval, and any district or division in receipt of an object from USMS Collections may not further loan the artifact.
 - b. Loan requests must be routed through the Historian to the Chief, OPA.
 - c. Museums displaying USMS artifacts must obtain USMS authorization to execute any further loan of USMS artifacts to a third party.
 - d. All borrowers of USMS artifacts must sign the proper loan documentation and paperwork, and agree to inventory and sign hand receipts as needed.
 - e. The Director of the USMS or the Chief, OPA, with the recommendation of the Historian, reserve the right to reclaim USMS-owned artifacts with reasonable notification (usually 30 days) to the borrowing institution. If there is the unlikely danger of bankruptcy or lien, objects must be returned immediately. There is no alternative process.
 - f. No object in the USMS collections or loaned items are considered permanent, and every five years, at a minimum, the institution borrowing the item is required to write a formal request to keep the items on loan for re-approval. The Historian will make the recommendation, and send for approval to the Chief, OPA.
 - g. Artifacts cannot be lent for purposes of profit, commercial promotion or decoration of private property. They will likewise not be lent for consumptive use (no flying historical banners or wearing of historical clothing lent, etc.)
 - h. Loans can be denied to institutions who have lost, damaged, destroyed or otherwise mismanaged artifacts in the past, unless tangible evidence of a change in management is provided.
 - i. The Historian, with the approval of the Chief, OPA, maintains the right to inspect artifact loans on-site with as few as 24 hours notice to the borrower.
 - j. Artifacts on loan to district offices and divisions will be handled by use of hand receipts and inspections as needed by the Historian, to be carried out by a designee of the borrowing office.
 - k. A current replacement or market value must be assigned to artifacts by loan agreement to outside institutions. If appraisals are required, the borrowing institution is responsible for hiring said appraisers unless required internally by the USMS.
4. **Formal Records.** Historical records or possibly relevant historical material, or a copy of such, should be brought to the attention of the Historian to check for a needs analysis prior to turnover of such records to the Records Officer. Records are periodically turned over to the National Archives, which is the official repository for federal government records.
 5. **Informal Records.** There is no requirement for an annual history report. However, the Historian has an interest in items beyond the scope of a formal record such as finding aids, phone books, personnel lists, etc.

- a. District, divisional, and other units should send copies of general-interest internal publications to the Historian's Office. These are valuable in building the agency's historical files.
- b. Check with the Historian before disposing of old or obsolete publications to see if they are needed for the reference collection.
- c. Contact the Historian if there are questions on the disposal or transfer of any USMS-related historical item.
- d. USMS accepts from individuals – including USMS retirees – willed or donated privately-owned documents, photographs, artifacts and artwork that help tell the story of the USMS.

E. Responsibilities:

1. OPA

- a. The Chief, OPA, manages the Historian and the USMS History Program.
- b. The Chief, OPA, or another designee as determined by the Director, USMS, serves on the USMS Museum Board of Directors.

2. Historian

- a. The Historian collects, preserves, manages and interprets documentary USMS history;
- b. The Historian documents significant operations through a combination of document preservation, field work, special events, oral history interviews, historical research, proofing and official historical writings;
- c. The Historian sets standards for the protection and care of cultural resources in the USMS, maintains official historical liaison status to all museums, repositories, and exhibits, maintains responsibility for USMS historical artifacts and records under the temporary or permanent care of such institutions and oversees official dissemination of historical information;
- d. The Historian serves as historical representative to the USMS Association, the USMS Museum, the ceremonial USMS Posses (with first point of contact at the district-level) and other such organizations officially recognized by the USMS;
- e. The Historian maintains the official history files on each line of duty death and prepares submissions for the National Law Enforcement Officer's Memorial and the official USMS Roll Call of Honor;
- f. The Historian maintains and provides tours of the USMS history room at USMS HQ;
- g. The Historian serves on the USMS Museum Board of Directors; and
- h. The Historian presents USMS history by responding to research inquiries, preparing publications and papers, public speaking engagements, representing the USMS on internal and external boards, meetings and conferences, and researching material for exhibitions.

3. **USMs / ADs**
 - a. USMs and ADs must ensure all historical items in their possession are collected, stored, maintained and presented under the terms of this directive.

F. Definitions:

1. **Documents.** Documents are official, unofficial, or private papers that record USMS operations, functions, equipment, and people. Documents do not have to be old to be considered historical. Documents recording today's USMS are tomorrow's history. If not collected, that history could be lost.
2. **Photographs.** Photographic documentation, while not always yielding significant information, is an important graphic record. Besides providing positive evidence of events or scenes, photographic images are especially important to researchers wishing to publish their works. Historic photographs are used in USMS publications and presentations and are sought by correspondents, private citizens, and museum institutions.
3. **Artifacts.** Historical artifacts are defined as historically significant items that have been designated historical artifacts by the Historian. Buildings and structures are not considered artifacts. Some items may not have been so designated but, because of their age or obvious historical significance, are inherently historical artifacts. Such items help illustrate the social and cultural history of the USMS. In addition to revealing much about the USMS's past, they are often ideal for public exhibition. For further guidance, contact the Historian at (202) 307-9114.
4. **Art.** Paintings, drawings, sketches, cartoons, statuary and other visual evidence of USMS history are also important documentation. Recent focus on their preservation differed from the past, as there is much in private collections or discarded. It is imperative that contemporary art be considered a part of agency history.
5. **Oral History Interviews.** Oral histories are the spoken remembrances of participants in significant operations. They are recorded, transcribed and archived as a primary source of historical data. They are a vital aspect of preserving the experience of the USMS. Oral histories of participants in operations of national significance can both augment and supplant the more traditional sources of historical documentation.
6. **Field Work & Historical Research.** Research in libraries, archives and repositories, travel for oral histories and site work, presentations, participation at conferences of historical organizations, and other related functions and institutions are considered vital to verify accuracy and obtain new sources of information to be used in a manner of methods—including publications and exhibits.
7. **Special Events.** Presentations, symposia, historical representative at conferences, special historical functions related to the official museum or other museums, discussions, historical ceremonies, and other related historical functions representing the agency.
8. **Proofing.** Ensuring the accuracy of historical facts or events in writings and other forms of media.
9. **Official Historical Writings.** Books, journals, articles, historical news stories, columns, web content, tapes, and other forms expressing the agency's official historical viewpoint

and sanctioned by the OPA. The objective is attain the widest attainable audience, but may be found in media markets of various sizes.

10. **USMS History Room.** A collection of artifacts, equipment, and artwork, complete with related information, set aside in its own secured space for tours, special filming, and events. The Historian should be the steward of this room, as he or she is responsible for the contents.
11. **Reference Collections.** Sometimes informally referred to as the “United States Marshals Collections” or “United States Marshals Service Archive,” the Historian creates reference files, photograph, and book collections from a variety of sources to aid him or her in researching agency history. Materials are filed or grouped in broad categories.
12. **History Timeline.** The [History](#) section on the USMS Web Site at usmarshals.gov contains a comprehensive history and timeline of USMS. The information for this section must be provided to or sent through the Historian, and then to the Chief, OPA, prior to posting. Limited bibliography is available, but the number of subjects will never allow a complete listing. Photography and other material is added to accommodate the needs of the public. Occasionally, articles or other publications will be provided to the web site of the USMS Association.

G. Cancellation: This is a new policy directive.

H. Authorization and Date of Approval:

By Order of:

Effective Date:

 /S/
Stacia A. Hylton
Director
U.S. Marshals Service

 2/24/11



United States Marshals Service POLICY DIRECTIVES

GENERAL MANAGEMENT

1.3 CONGRESSIONAL AFFAIRS

- A. Proponent:** Office of Congressional Affairs. Telephone: 202-307-9220, Fax: 202-307-5228.
- B. Purpose:** This policy directive explains what United States Marshals Service (USMS) employees may and may not do when contacting Members of Congress and/or their respective staff members. It does not change [Article 9, Section 11](#), of the [1996 Master Agreement](#). The union has the right to communicate with Congress.
- C. Authority:** The Director's authority to establish protocols for congressional affairs is derived from [18 U.S.C. § 1913](#); [September 28, 1989, memorandum of the Department of Justice \(DOJ\), Office of Legal Counsel](#), re: Constraints Imposed by [18 U.S.C. § 1916](#) on Lobbying Efforts.
- D. Policy:** The Office of Congressional Affairs (OCA) is the only office authorized to communicate with Members of Congress and their staffs on behalf of the USMS. Only the Director, Deputy Director, Chief of Staff, Associate Director for Administration, Associate Director for Operations, or the OCA may authorize exceptions to this directive. If an exception is authorized, the employee meeting with the Member or Staff will submit a written report of the meeting to the OCA within five business days of such meeting.

Employees are also forbidden from engaging in campaigns that urge the public to contact Members of Congress about a legislative or appropriations matter on behalf of the USMS.

Employees may contact Members of Congress and their staffs to express their personal views on legislation, obtain a copy of introduced legislation, or seek personal assistance on issues of concern. Employees may not represent their personal views as the official position of the USMS without the approval of OCA, and may not use agency letterhead for these purposes unless employees are communicating official agency views/matters.

Employees who are members of and/or serve in a leadership capacity (e.g., board of directors or officer) for a federal employee or law enforcement association do so strictly in their individual capacity and must be careful not to violate federal conflict-of-interest statutes. See [18 U.S.C. § 205](#). Employees should contact OCA and the Office of General Counsel with questions regarding permissible activities covered by this directive.

Legislative matters involving the DOJ Office of Legislative Affairs (OLA), or other executive branch agencies and departments are to be coordinated with OCA. Legislative matters involving USMS law enforcement stakeholders and/or national organizations are to be coordinated with OCA.

This directive applies to USMS employees who are on or off duty.

E. Responsibilities:

- a. **Office of Congressional Affairs (OCA):** OCA performs the following activities on behalf of the USMS:

- 1) Coordinates congressional matters among the offices within the USMS and the DOJ so that lawmakers receive information that is complete and consistent with USMS, departmental and executive branch policies.
- 2) Coordinates the United States Marshal nomination process.
- 3) Serves as the point-of-contact for DOJ OLA. OCA coordinates with USMS program offices on legislation and responds to OLA inquiries.
- 4) Receives verbal and written inquiries from Congress for proper tracking and response. OCA makes referrals and coordinates responses with the appropriate USMS division or district office before replying to the congressional office. For written inquiries, OCA reviews, signs, and transmits the response to the congressional office, or to OLA as appropriate.
- 5) Works with division and district offices to prepare the Director and senior managers for congressional hearings.
- 6) Receives subpoenas from Congress, then tracks and refers them to the districts.
- 7) Reviews, edits, approves, and transmits material written by USMS employees to inform Congress and congressional constituents about USMS missions, programs and the budget.

b. **District Offices:** The district offices perform the following functions:

- 1) Advise the OCA of any significant event or issue that may generate congressional interest.
- 2) Notify OCA of contacts with Members of Congress and/or their staffs, especially if the contact is in regard to legislation or the USMS budget, if it involves a congressional subpoena, or if it is a writ to produce a prisoner before a congressional committee. If a congressional committee sends a subpoena directly to a district, the district must notify OCA. See Section F of this policy directive for further information.
- 3) Consult with the OCA when coordinating briefings, site visits, ride-alongs, public speeches, and appearances involving lawmakers and/or their staffs.

c. **Headquarters Divisions:** The headquarters divisions perform the following functions:

- 1) Advise OCA of any significant event or issue that may generate congressional interest.
- 2) Notify OCA of contact with Members of Congress and/or their staffs.
- 3) Notify OCA if requests for information from DOJ or other entities are being generated because of a congressional inquiry.
- 4) Consult with OCA when coordinating briefings, site visits, ride-alongs, public speeches, and appearances involving lawmakers and/or their staffs.

F. Congressional Subpoenas: OCA coordinates the service of congressional subpoenas. OCA immediately notifies a district office if a congressional subpoena is to be issued for service in that district.

[Procedural Guidelines for service of congressional subpoenas are available on the OCA Intranet page.](#)

Cancellation: Supersedes USMS Policy Directive 1.3, *Congressional Affairs*.

Authorization and Date of Approval:

By Order of:

Effective Date:

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

 5-01-09



United States Marshals Service POLICY DIRECTIVES

GENERAL MANAGEMENT

1.3 CORRESPONDENCE

- A. Proponent:** Executive Secretariat, Office of the Director. Telephone: 202-307-9473; Fax: 202-307-5040.
- B. Purpose:** To establish procedures and protocol for managing the flow of USMS executive correspondence and paperwork for the Office of the Director.
- C. Authority:** The USMS Executive Secretariat controls and manages correspondence for the Director and Deputy Director of the United States Marshals Service, in coordination with the Department of Justice Executive Secretariat and under guidance in the [Departmental Correspondence Policy, Procedures, and Style Manual](#).
- D. Policy:** The Executive Secretariat establishes guidance for the proper handling of executive correspondence by facilitating quality document management and control. All USMS offices with executive-level correspondence and paperwork will follow the procedures and protocols in this directive for written communications, electronic documents and congressional correspondence.
- E. Procedures:**
1. **Response Timetable:** Divisions will provide the Executive Secretariat (Exec. Sec.) Administrator with a fully coordinated, proposed response for the Director's or Deputy Director's signature within *two weeks/ten business days* from the date of assignment, unless a due date is contained in the incoming correspondence.
Exception: Proposed responses to Judicial correspondence pertaining to a judge's concerns must be provided within *five business days* from date of assignment.
 2. **Executive Secretariat:** Items signed by the Director or Deputy Director are highly visible, public documents and must be fully coordinated, timely, and of high quality. The Exec. Sec. manages and controls the USMS executive correspondence document process for the Office of the Director by:
 - a. Using an electronic document tracking and reporting system to monitor the document flow from receipt to response as well as the current status of correspondence in process.
 - b. Analyzing, managing and tracking executive correspondence to control and ensure timely and accurate responses.
 - c. Establishing agency-wide procedures and policies for formatting external and internal correspondence.
 - d. Maintaining files to quickly provide status information to USMS officials.
 - e. Providing guidance regarding grammar, protocol, extensions and exceptions.

3. **Divisions/Districts:** Correspondence/documents prepared for the Director or Deputy Director must be responsive to concerns expressed in the incoming correspondence, be clearly and concisely written, and accurately reflect USMS policy. Responses to these documents must be respectful, succinct, fully coordinated, timely, and of high quality. Divisions/Districts initiating correspondence must fulfill the following before sending materials to the USMS Exec. Sec. for processing.
 - a. USMS Routing Slip: The [USM-98](#) form contains a due date, date of the correspondence document, and a brief description of the attached correspondence or background material. The Routing Slip must have the following appropriate levels of concurrence:
 - 1) Assistant Director or his/her designee; and
 - 2) Associate Director for Administration or Associate Director for Operations.
 - b. Explanation/synopsis: When entering or adding new workflow to the correspondence management system, there must be an adequate explanation provided concerning the subject matter to ensure that the signatories understand what is being asked and why it is necessary.
 - c. Correspondence: Will follow Exec. Sec. agency-wide procedures and policies for formatting external and internal correspondence. Office will use appropriate official USMS letterhead and undated when forwarded to the Exec. Sec. allowing an appropriate time for a complete review prior to the Deputy Director's or Director's signature.
 - d. Background material: Information relevant to the document for signature must be attached on the left side of the folder. PLEASE DO NOT STAPLE DOCUMENTS TO THE FOLDER.
 - e. Enclosures/Attachments: Enclosures (for letters) or attachments (for memos) should accompany the document when submitted to the Exec. Sec.
4. Responses to Executive Correspondence should be returned to the Exec. Sec. on or before the due date.
5. Request extension: Notify the Exec. Sec. via e-mail if there is a legitimate reason for an extension request.
6. Questions regarding grammar, protocol, etc. should be directed to the Exec. Sec. prior to preparing a response.
7. Documents not having appropriate background materials attached or which lack appropriate signatures/initials will be returned to the submitting division without action.

Cancellation: This is a new policy directive.

Authorization and Date of Approval:

By Order of:

Effective Date:

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

 8/07/08

Appendix A: [USMS Routing Slip, Form USM-98](#)

Appendix B: [Executive Secretariat Format](#)

Appendix C: [Electronic Letterhead with Letter Format for External Correspondence](#)

Appendix D: [Electronic Letterhead with Memorandum Format for DOJ/USMS Internal Correspondence](#)



United States Marshals Service POLICY DIRECTIVES

ADMINISTRATION

1.4 RECORDS MANAGEMENT

A. Proponent: Records Management Program (RMP), Office of Policy and Records Management (OPRM), Management Support Division (MSD). Telephone: 202-353-0658, Fax: 202-307-8794.

B. Purpose: This policy directive establishes principals, procedures, and requirements for managing United States Marshals Service (USMS) records; ensures the USMS is in compliance with federal laws and regulations for managing records; and provides the framework for the creation, maintenance, use, and disposition of records which apply to all USMS staff, including but not limited to employees, contractors, interns, and volunteers.

C. Authority:

1. The [Federal Records Act of 1950](#), as amended, requires all federal agencies to make and preserve records containing adequate and proper documentation of their organization, function, policies, procedures, decisions, and essential transactions. These records are public property and must be managed according to applicable laws and regulations as set forth by [National Archives and Records Administration \(NARA\)](#).
2. The [Federal Records Act](#) also requires that the head of each agency establish a RMP for the coordination and management of its records information, and set policies, procedures, and guidance for their agency in regards to records and information management.
3. [44 U.S.C. §§ 3101-3107](#), *Records Management by Federal Agencies (The Federal Records Act)*.
4. [44 U.S.C. §§ 3301-3324](#), *Disposal of Records*.
5. [44 U.S.C. §§ 3501-3549](#), *Coordination of Federal Information Policy*.
6. [36 C.F.R. §§ 1220.1-1220.34](#), *Records Management*.
7. [36 C.F.R. § 1223](#), *Managing Vital Records*.
8. [18 U.S.C. § 2071](#), *Records and Reports; Concealment, Removal, or Mutilation Generally*.

D. Policy: This policy directive establishes specific requirements under which USMS records are effectively and efficiently managed throughout their lifecycle. Records management facilitates the accomplishment of USMS's programmatic and administrative missions, preserves official USMS records in accordance with applicable statutory and regulatory requirements, and promotes access to information by USMS staff, USMS partners, and the public, as appropriate.

1. The USMS will:
 - a. Create, receive, and maintain official records providing adequate and proper documentation as evidence of USMS activities and transactions.

- b. Manage records, in any format or media, in accordance with applicable statutes and regulations as directed by USMS and NARA policies and guidance.
 - c. Maintain records according to the USMS file plan allowing for timely access and retrieval.
 - d. Ensure instructions are followed for disposition of records as specified in accordance with the approved retention schedules. USMS [Specific Records Schedules](#) (SRS) are media neutral. Refer to [SRS/General Records Schedules](#) (GRS) for approved schedules from NARA.
 - e. Secure records to protect the legal and financial rights of the government and persons affected by government activities.
 - f. Maintain and control classified records in accordance with Policy Directive 17.6.3, [Document Security](#).
 - g. Identify, select, preserve, and protect records, including temporary records, permanent records, and vital records, against loss, theft, unauthorized release and/or change, as well as dangers posed by military attack, natural or human-made disasters, and/or other emergencies.
 - h. Store permanent records on archival quality media and in containers and facilities to ensure appropriate long-term preservation. Offices must arrange records in storage media with same schedules and disposition dates.
2. Vital records are critical for continuation of functions during and after an emergency and cannot be lost. These records enable the USMS to respond to and recover from emergencies, and protect USMS personnel and assets. These types of records must be duplicated and stored offsite. The USMS will establish a Vital Records Program. The Vital Records Program is coordinated and consistent with requirements of the Continuation of Operations Plan (COOP). Refer to USMS Policy Directive 17.19, [National Response Framework and Domestic Incident Management](#).
3. Electronic records are managed throughout their life cycle and should be able to capture metadata (e.g., creation date, content, sender, and recipient) about the records which are generated by a computer, email system, automated processing system, VHS tapes, CDs, audio surveillance, and/or any other electronic equipment.
 - a. USMS will maintain electronic records, including email records, in an enterprise-wide electronic content management system when available, and migrate legacy systems when feasible.
 - b. USMS employees will print and file electronic records in a paper recordkeeping file system in accordance with the USMS file plan when an enterprise-wide electronic content management system is not available.
 - c. Electronic records should be filed in accordance with the approved retention schedules ([SRS/GRS](#)) and USMS file plan.
4. Social Media records are managed in accordance with all applicable records management laws and regulations including, but not limited to, the Federal Records Act and NARA regulations.
5. Divisions, districts, and staff offices are subject to periodic records management audits to ensure compliance with approved retention schedules ([SRS/GRS](#)) and the USMS file plan. Divisions, districts, and staff offices are notified in advance of an audit.

6. Waiver Process: The Records Officer (RO) in consultation with the Office of General Counsel (OGC) may grant waivers to provisions of this policy directive where appropriate for sufficient cause.
 - a. Applications for waivers to specific provisions must contain:
 - 1) Identification of the policy directive provision;
 - 2) A listing of reasons why the policy directive cannot be applied or maintained;
 - 3) An assessment of impact resulting from non-compliance; and
 - 4) The signature of the appropriate Executive Management official.
 - b. The USMS RO will notify the requesting office in writing of the disposition of the decision on the waiver request within 60 days of receipt of the request.
7. Permanent records must go to NARA based on the disposition authority in the applicable records retention schedule. At NARA's discretion, permanent records of historical value may be returned to the USMS and kept by the historian.

E. Responsibilities:

1. **USMS Director:** Create and preserve records that adequately and properly document the organization, functions, policies, decisions, procedures, and essential transactions of USMS. These records are designed to furnish the information necessary to protect the legal and financial rights of the government and of persons directly affected by USMS activities. This responsibility is delegated to the Assistant Director (AD) for MSD through the OPRM. The AD, MSD, will designate a USMS RO.
2. **OPRM, MSD:** Provide leadership, planning, policy, guidance, and general oversight of the USMS RMP, and its incorporation into the broader information management framework.
3. **USMS RO:**
 - a. Serve as the primary USMS official coordinating records management matters with NARA and other oversight agencies;
 - b. Ensure the USMS has an up-to-date records management policy directive;
 - c. Create and maintain a network of Records Liaisons (RLs) responsible for overseeing the program in their division, district, or staff office;
 - d. Ensure all records are properly scheduled for retention and disposition with NARA;
 - e. Ensuring that recordkeeping requirements are established, implemented, and periodically updated for all offices at all levels and for all types of media, including electronic and other record formats;
 - f. Oversee the transfer of permanent records to NARA;
 - g. Ensure adequate records management training is provided to all USMS staff;

- h. Ensure a plan is implemented to protect vital records and recover records affected by an emergency or disaster to the continuation of designated COOP essential functions; and
- i. Ensure vital records are properly updated at the designated COOP locations.

4. Records Liaison:

- a. Serve as the point of contact and records management coordinator by overseeing the daily records management duties within a district, division, and/or staff offices, to include training;
- b. Periodically review records and ensure that policies for storage or destruction are followed;
- c. Ensure permanent and/or temporary records are accessioned to NARA based on an approved schedule;
- d. Identify unscheduled records in which a disposition schedule has not been approved by NARA. The RL coordinates the development of all schedules with the RO; and
- e. Attain required USMS RL training in order to function in this collateral duty position properly and to access NARA-directed electronic records management systems (e.g., Archives and Records Center Information System (ARCIS) and Electronic Records Archive (ERA)).

5. Senior Management (includes all Political Appointees):

- a. Create records necessary to document your actions on behalf of the USMS. Refer to USMS's Records Tips for Senior Management posted on the Records Management website for further guidance.
- b. Ensure that records created by divisions, districts, and/or staff offices are maintained according to applicable records management policies and procedures.
- c. Retain or destroying records in accordance with approved retention schedules to ensure records are not removed from USMS custody without proper authority.
- d. Inform all employees of their specific records management responsibilities.
- e. Appoint an employee as the RL for his/her district, division, or staff office.
- f. Identify and transfer records prior to separation from the USMS. All records generated during your tenure belong to the USMS.

6. Chief Information Officer or designee:

- a. Serve as the USMS official responsible for managing information resources, including information itself and related resources or assets, such as personnel, equipment, funds, and information technology to accomplish USMS missions.
- b. Coordinate with the USMS RO to ensure that the design and implementation of information systems incorporate federal and USMS records management requirements.

7. **OGC:**
 - a. Provide legal advice and assistance to USMS officials and staff regarding records management in support of litigation and/or court cases; and
 - b. Provide advice to the USMS RO and USMS staff regarding the legal value of USMS records and the issue of public access to them.
8. **Historian:**
 - a. Serve as the official responsible for providing a records inventory of historical artifacts and documents of record and providing the inventory of historical records to the USMS RMP.
 - b. Provide advice to the USMS RO on which records are likely to have historical or permanent value.
9. **USMS Staff:**
 - a. Create and manage records necessary to document official activities and actions, which include records generated by the USMS contractors and interns;
 - b. Destroy records in accordance with approved records schedules with guidance from the RL and/or RO;
 - c. File records for safe storage and efficient retrieval. Maintain personal papers and non-record materials separately from the USMS official records;
 - d. Obtain basic records management training and guidance from the RO and/or RL;
 - e. Identify records within their office and submitting inventories and filing schemes through their division, district, or staff office RL; and
 - f. Review and ensure records are in compliance with the [SRS](#) and other applicable policies and procedures.

F. Procedures:

1. **Identify Records:** USMS staff must determine the record status of all of their documentary materials. Federal records, as defined in the [Federal Records Act](#), must be distinguished from non-records and personal papers, and must be managed according to the [SRS/GRS](#). A record will correctly reflect what was communicated or decided, or what action was taken. It should be able to support the needs of the business to which it relates and should document USMS actions for the public, provide evidence for Congress, or supply information for litigation. Records may also be the basis for, or object of, Freedom of Information Act (FOIA) requests.
2. **Life Cycle:** The life cycle of a record is the sequence (creation, maintenance/use, and final disposition) which should be followed by any information that generates a record.
 - a. **Creation:**
 - 1) Distinguish between a record and non-record material.
 - 2) Match each record to the applicable records retention schedule ([SRS/GRS](#)).

- 3) Assign and file your records according to the [USMS file plan](#). A file plan lists the records in your office and describes how they are organized and maintained.
- b. **Maintenance and Use:**
 - 1) Conduct a [records inventory](#) of the records in your office.
 - 2) File all records on a regular basis (e.g., weekly).
 - 3) Protect records containing confidential business information or personal information in accordance with Privacy Act of 1974 ([5 U.S.C. § 552\(a\)](#)).
 - 4) Establish a tracking or check-out system to monitor the location of your records.
- c. **Final Disposition:**
 - 1) Recycle or shred superseded or obsolete reference records.
 - 2) Transfer eligible records to a Federal Records Center (FRC) and agency holding areas using ARCIS.
 - 3) Dispose of temporary records when their retention periods expire.
 - 4) Transfer permanent records to the National Archives using ERA.
 - 5) Transfer records to another federal agency.
 - 6) Dispose of temporary records no longer needed to conduct USMS business, usually by destruction or occasionally by donation after receiving NARA's approval.
3. **Schedule Records:** Describes USMS records; identifies records as either temporary or permanent; and provides specific, mandatory instructions for the disposition of records when they are no longer needed for current USMS business. Records disposition is a critical element of records management and is the final action taken in the records lifecycle.
 - a. NARA regulations ([36 C.F.R. § 1227.12](#)) require that the USMS first applies the [GRS](#) to eligible records needing disposal or retention. If the [SRS/GRS](#) does not apply, then request disposition authority through ERA.
 - b. A RL must review USMS records schedules annually and update schedules as necessary.
4. **Schedule Electronic Records:** The USMS is required to maintain accessibility to and usability of any record for the entire span of its approved retention period.
 - a. Electronic records are often stored on erasable, reusable media which are easy to revise and update, and are relatively fragile. For these reasons, inventorying and scheduling should be determined as early as possible in the life cycle of these records.

- b. Schedules must be revised if an electronic information system is being discontinued or incorporated into new systems, electronic signatures are being incorporated, or a new system is being implemented.
- c. **Handling Email Records:** Information that is communicated through email and meets the statutory definition of a record as defined in the Federal Records Act must be preserved through the scheduled retention period for that information in a recordkeeping system that meets the criteria provided for in USMS/NARA guidance. The exact length of time for email retention will vary depending on the business transaction/activity.
 - 1) Emails requiring retention longer than 180 days: If the email system in use does not meet approved USMS criteria for electronic recordkeeping or the information is not already retained in an existing paper recordkeeping system, then the sender must print the email to paper, along with all contextual information, and file it in a paper recordkeeping system. Contextual information includes all available transmission information, and all sender and recipient information generated by the email transaction that provides context for the message.
 - 2) Emails requiring retention less than 180 days: Transitory email records have a retention period of 180 days or less (as provided by [GRS 23](#), Item 7, or by a NARA-approved agency records schedule). Components may elect to manage transitory electronic mail records on the email system (even if that system does not meet NARA criteria for an electronic recordkeeping system) without the need to copy the record to a paper or electronic recordkeeping system.
- 5. **Secure Records:** Sensitive/classified records are safeguarded using the established procedures described in USMS Policy Directive 17.6.3, [Document Security](#).
- 6. **File Plans:** A file plan lists the records in an office and describes how they are organized according to the file type, use, and disposition. It should include identifying information about the records. Refer to the USMS File Plan.
- 7. **Prepare for Storage:** Active records are stored onsite and transferred to an offsite federal storage facility when records are inactive, retired, and/or have passed their approved retention. The RO or designee must include the completed NARA Form [SF-135](#) or through application in ARCIS with attached inventory of the stored records. Refer to USMS instruction on packing and sending records to FRC.
- 8. **Archive Paper Records:** NARA operates a system of FRCs for the economical storage of and access to non-current federal records. This government-wide program is authorized by [44 U.S.C. § 2903](#), [44 U.S.C. § 2907](#), and [44 U.S.C. § 3103](#) and is also known as the Washington National Records Center. Refer to [FRC](#) or RO for additional guidance for archiving records.
- 9. **Archive Electronic Records:** Permanent electronic records that are transferred to NARA must be on either open-reel magnetic tapes, tape cartridges or CDs, based on the NARA requirements outlined in [36 C.F.R. § 1228.188](#). Additional transfer guidance for special formats (e.g., email, PDF, and GIS files) are available from [NARA](#).
- 10. **Dispose of Electronic Records:** The disposition of electronic records is scheduled by applying the USMS [SRS/GRS](#), or by acquiring the appropriate approvals from NARA through the Headquarters' Records Manager/Officer.

- a. Electronic records authorized for destruction are approved on Form [SF-115](#) or ERA and must be disposed of in a manner that ensures protection of any sensitive, proprietary, or national security information.
 - b. Magnetic recording media used for electronic records containing sensitive, proprietary, or national security information are not to be reused.
 - c. Unscheduled electronic records, along with related programs, system documentation, and indexes shall be retained until NARA approves the disposition of the records through ERA.
11. **Destruction:** All records must be destroyed in accordance with NARA-approved disposition schedules. Refer to [SRS/GRS](#).

G. Definitions:

1. **Records Management:** Planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, maintenance, use, and disposition in order to achieve adequate and proper documentation of the policies and transactions of the organization and effective and economical management of organization operations. ([5 U.S.C. § 2901\(2\)](#))
2. **Records or Federal Records:** “All books, papers, maps, photographs, machine-readable, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States government under federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or activities of the Government or because of the informational value of date in them,” as defined in the [Federal Records Act](#). Examples include, but are not limited to, the following:
 - a. Business records (e.g., litigation case files, correspondence, agreements, studies)
 - b. Action records (e.g., FOIA requests, correspondence, invoices, formal responses to requests)
 - c. Records that document USMS activities (e.g., calendars, meeting minutes, reports)
 - d. Records mandated by statutes or regulations (e.g., case files, decisions)
 - e. Records of financial or legal claims (e.g., litigation case files, contracts, personnel, and payroll)
3. **Permanent Records:** Records appraised by NARA as having sufficient historical or other value to warrant continued preservation by the Federal Government beyond the time they are needed for administrative, legal, or fiscal purposes.
4. **Temporary Records:** Records approved by NARA for disposal, either immediately or after a specified retention period.
5. **Vital Records:** Records essential to the continued functioning or reconstitution of an organization during and after an emergency and also those records essential to protecting the legal and financial rights of that organization and of the individuals directly affected by its activities. They include both emergency operating and rights and interests

records and are sometimes called essential records. Vital records considerations are part of an agency's records disaster prevention and recovery program.

6. **Records Schedule:** Also called records disposition schedule, records control schedule, records retention schedule, records retention and disposition schedule, or schedule. A document that describes agency records, establishes a retention period, and provides mandatory instructions for what to do with the records when they are no longer needed for government business.
7. **Specific Records Schedule:** An approved records retention schedule that specifies how long to keep agency records and what to do with them after that point. NARA must approve a SRS through ERA to obtain disposition authority for records to which the [GRS](#) are not applicable.
8. **General Records Schedule:** Issued by the Archivist of the United States to provide disposition authorization for records common to several or all agencies of the federal government. They cover records relating to civilian personnel, fiscal accounting, procurement, communications, printing, and other common functions; and certain non-textual records. They also cover records relating to temporary commissions, boards, councils, and committees. These records comprise an estimated one-third of all of records created by federal agencies.
9. **Unscheduled Records:** Records for which final disposition has not been approved by NARA.
10. **Records Life Cycle:** The management concept that records pass through three stages: creation, maintenance and use, and disposition. Refer to the records life cycle on the USMS Intranet to see phases through which a record must transition before it is disposed.
11. **Metadata:** Data about the data; that is, the description of the data resources, including its characteristics, location, and usage. Metadata is used to identify, describe, and define user data.
12. **Non-Records:** U.S. Government-owned documentary materials excluded from the legal definition of records or not meeting the requirements of that definition. Includes extra copies of documents kept only for convenience of reference, stocks of publications and processed documents, and library or museum materials intended solely for reference or exhibition.
 - a. Personal papers not related to USMS (e.g., sports schedules, shopping lists);
 - b. Reference materials (e.g., professional journals, vendor catalogs); and
 - c. Convenience copies (e.g., duplicates of publications, extra copies of record documentation).
13. **Other Media Formats of Records:**
 - a. **Electronic Records:** Records that are stored in a form that only a computer can process. Electronic records may be the products of office automation or larger transactional automated applications. As with all records systems, those containing electronic records must be designed so that adequate maintenance and disposition procedures are planned during the system's design phase.

- b. **Audiovisual Records:** Records in pictorial or audio form. They include still and motion pictures, graphic material (such as posters and original art), audio and video recordings, multimedia presentations (such as slide-tape productions), digital photography (still and motion), and negatives, all of which have special handling requirements.
 - c. **Micrographic Records:** Records in any form containing greatly reduced images on microfiche and other micrographic formats.
 - d. **Scanned Records:** Digital images of existing source documentary material. Textual scanned records that have been processed with optical character recognition technology may also be searched (as opposed to simply viewed) by a computer.
- 14. **Senior Management (and Political Appointees):** Includes the Director, United States Marshals, Chief Deputy United States Marshals, Associate Directors, ADs, Deputy Assistant Directors, staff office heads, Division Chiefs, and political appointees.
 - 15. **Social Media:** Any online tool or application that goes beyond simply providing information, instead allowing collaboration, interaction, and sharing. Examples of social media include blogs, microblogs, wikis, photo and video sharing, podcasts, virtual worlds, social networking, social news and bookmarking, web conferencing, and webcasting.
 - 16. **Transitory:** Transitory documents are documents of short-term interest which have no documentary or evidential value. They are disposable because they clearly do not pertain to the official activities of the USMS.
 - 17. **Archives and Records Centers Information System:** ARCIS is the web-based IT system of the FRCs. The system is the online portal through which federal agencies may conduct business with the FRCs to transfer temporary records, instead of using the paper [SF-135](#) form.
 - 18. **Electronic Records Archives:** ERA is NARA's system that allows federal agencies to perform critical records management transactions with NARA online. USMS records management staff will use ERA to draft new records retention schedules for records in any format, officially submit those schedules for approval by NARA, request the transfer of records in any format to the National Archives for accessioning or pre-accessioning, and submit electronic records for storage in the ERA electronic records repository.
 - 19. **Media Neutral:** Indicates that the record would be handled the same regardless of its form (e.g., electronic, paper, film, etc.) or characteristics.
 - 20. **Accessioning:** The process by which NARA takes legal and physical custody of records.

H. References:

- a. [National Archives Records Administration \(NARA\)](#)
- b. [General Records Schedule \(GRS\)](#)
- c. [USMS Specific Records Schedule \(SRS\)](#)
- d. [OMB Circular A-123 – Management's Responsibility for Internal Control](#)

- e. [OMB Circular A-130 – Management of Federal Information Resources](#)
- f. [USMS Records Tips for Senior Management.](#)

I. Cancellation: This policy directive supersedes USMS Policy Directive 1.4, *Records Management* (Effective 2/11/09).

J. Authorization and Date of Approval:

By Order of:

Effective Date:

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 2/13/2013

Stacia A. Hylton
Director
U.S. Marshals Service