

**MANAGEMENT****1.1 General Management****MISSION**

- A. Introduction:** Under the Judiciary Act of 1789, the offices of U.S. Marshal and Deputy U.S. Marshal were created, and those occupying them were given extensive authority to support the federal courts within their judicial districts and to carry out all lawful orders issued by judges.
- B. Mission:** Under the leadership of the Director, the United States Marshals Service (USMS) will direct and supervise all activities, including the following:
1. Execution of 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
 2. The service of all civil and criminal process issued by the federal judicial system, including the execution of lawful writs and court orders under 566(c) 28 U.S. Code
 3. Provisions for the health, safety and welfare of government witnesses and their families and issuance of necessary regulations for this purpose on behalf of the Attorney General
 4. Administration and implementation of federal courtroom security requirements
 5. Protection of federal jurists, court officers and other threatened persons when criminal intimidation impedes the federal judicial process
 6. Provision of assistance in protecting federal property and buildings
 7. Direction and supervision of training for USMS personnel
 8. Disbursement of appropriated funds to satisfy government obligations incurred in administering justice under 28 USC 566(f)
 9. Maintenance of custody, management control, and disposal 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; and administration of the DOJ asset forfeiture fund
 10. Receipt, processing and transportation of prisoners held in a Marshal's custody or transported by the USMS under cooperative or intergovernmental agreements
 11. Maintenance of custody of federal prisoners from the time a Marshal arrests them or they are remanded to a Marshal by the court until the court places them in the Attorney General's custody to serve their sentences or otherwise releases them from custody, or they are returned to the custody of the U.S. Parole Commission or the Bureau of Prisons (BOP)
 12. Coordination and direction of the relationship between U.S. Marshals' offices and other DOJ unit
 13. Approval of staffing requirements for U.S. Marshals' offices
 14. Investigation of alleged improper conduct by USMS personnel

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15. Acquisition of suitable detention space, health care, and other services and materials required to support prisoners in USMS custody who are not housed in federal facilities
 16. Approval of "other necessary expenditures in the line of duty" by U.S. Marshals and Deputy U.S. Marshals under 28 USC 567(3)
 17. Exercising the authority vested in the Attorney General under 28 USC 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.
 18. Protect the federal courts and ensure that the judicial system operates effectively
 19. Transfer title, through deed or bill of sale, of the property sold by the USMS.
 20. Execute directives issued by the US Attorney General.
- 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 suboffices to provide support functions
- D. Headquarters Divisions:** provide the following:
1. **Program Management:** establish plans for the national programs, formulates national resource requirements, and provides operational and technical guidance to district offices.
 2. **Program Support:** provide planning, financial, personnel, ADP and administrative support to district offices and headquarters divisions.

DELEGATION OF AUTHORITY (Revised 1/30/09)

- A. Purpose:** The authority and responsibilities of the U.S. Marshals Service (USMS) districts, divisions and offices are outlined in this section, including Associate Directors, U.S. Marshals, Chief Deputy U.S. Marshals (CDUSM), Assistant Directors, and Administrative Officers.
- B. Authority:** The Director of the USMS shall direct and supervise all activities to enable the agency to carry out its missions and functions as set forth in 28 CFR 0.111, and 28 USC 561 through 569. The USMS is required to have an order of succession through a minimum of four positions by Department of Justice (DOJ) Order 1900.7B, paragraph 12. The Director, Deputy Director, Associate Director for Operations (ADO), and Associate Director for Administration (ADA) comprise the Executive Staff of the USMS.
- C. Vacancies Reform Act of 1998:** The line of succession for the Director of the USMS and United States Marshals is designated by the Vacancies Reform Act (VRA). The VRA establishes the procedure to be followed when there is a vacancy in a position which is occupied by a person whose appointment to office is required to be made by the President with the advice and consent of the Senate. 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. Pursuant to the DOJ Orders 1900.5B, *National Security Emergency Preparedness Program And Responsibilities* and 1900.7B, *National Security Emergency Preparedness Program And Responsibilities*, the USMS must establish a system to fill such positions in emergency situations where the Presidential appointee and first assistant are unable to perform their duties and the President or the President's successor has not filled the position pursuant to the VRA. 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.
- D. Line of Succession:**
1. In accordance with DOJ Order 1900.7B, the USMS line of succession for the Office of the Director will have in place a line of succession through a minimum level of four positions. The

line of succession for the USMS in the absence of the Director is as follows:

- a. Deputy Director
 - b. Associate Director for Operations
 - c. Associate Director for Administration
 - d. Assistant Director for Justice Prisoner and Alien Transportation System (JPATS)
2. The line of succession for USMS headquarters divisions will be listed by position title and maintained in the agency's *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.
 3. The line of succession for District offices is the U.S. Marshal, Chief Deputy U.S. Marshal, Assistant Chief Deputy (where applicable), and a Supervisory Deputy U.S. Marshal. Supervisory Deputies 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.
 4. 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. **Associate Directors:** Provide day to day oversight and supervision of all administrative functions and operational missions of assigned organizational areas. Ensure that the management systems, budget, and infrastructure are aligned to support these functions and missions. Establish policies and procedures which comply with all applicable rules and regulations and provide direction for achieving the goals of the organization. Communicate the status of all programs, initiatives, and activities to the Director and Deputy Director. Provide authoritative advice on assigned organizational areas. Make modifications to existing goals based on changes in program emphasis or resources. Collaborate with subordinate organizational levels and integrate assigned programs to effectively ensure operational and administrative activities in support of the USMS mission. Analyze program areas to identify areas for improvement and to promote program effectiveness. Establish and maintain contacts with counterparts in other agencies in order to exchange key information and to further the interests of the USMS.

To accomplish these responsibilities, the Associate Directors are delegated the following authority, including but not limited to:

- Sign documents on behalf of the Director and Deputy Director;
- Sign Reports of Significant Incident;
- Approve, sign and publish new policy directives and changes to existing policy;
- Serve as the primary point of contact with the Department of Justice and its components and bureaus for all matters involving administrative or operational divisions or programs;
- Represent the Director or Deputy Director at senior level departmental meetings and at other executive branch agency meetings;
- Participate in the merit promotion process;
- Direct the reassignment and transfer of personnel within their respective divisions;
- Jointly direct the reassignment and transfer of personnel between the operational and administrative divisions;
- 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;

- Select employees for assignment to headquarters panels, committees and advisory boards;
- Realign functions, staffing and the supervisory chain of command within their respective divisions;
- Approve financial documents up to \$500,000, and when acting on behalf of the Deputy Director, approve those actions exceeding \$500,000;
- Realign program operating funds between and among their respective divisions, subject to DOJ, Office of Management and Budget and Congressional limitations;
- Approve cash awards up to \$5,000 per employee per year;
- Approve headquarters grade changes;
- Originate, sign and issue Memorandums of Understanding (MOU) and Memorandums of Agreement (MOA) on behalf of the USMS;
- The Associate Director for Administration shall coordinate communications with DOJ and Congress concerning appropriation matters; and
- The Association Director for Operations may require and approve operational plans prepared by districts and divisions for the conduct of significant operations.

2. **U.S. Marshals, Chief Deputy U.S. Marshals, and Assistant Directors:** Coordinate plans and activities with executives, managers and 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.
3. **Administrative Officers:** Maintain and distribute the current organizational chart for their offices, districts or divisions.
4. **Employees:**
 - a. Follow USMS directives and take direction from their supervisors. 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. 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. **Cancellation:** supersedes the section on *Delegation of Authority and Line of Succession* under Policy Directive 1.1, General Management.

ORGANIZATION AND FUNCTIONS

- A. **Purpose:** This section outlines the organization and functions of the USMS in the districts, divisions and offices.
- B. **Authority:** The Director is authorized to establish an organizational structure that will enable the agency to carry out its missions and functions as set forth in 28 CFR 0.111, and 28 USC.
- C. **Policy**
 1. **Organization**
 - a. The USMS is a bureau of the Department of Justice (DOJ) with offices in each of the 94 judicial districts, plus District of Columbia Superior Court. The president appoints the Director and U.S. Marshals with the advice and consent of the Senate.
 - b. Headquarters is composed of several law enforcement and administrative offices and divisions. 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. The Office of General Counsel advises the Director and provides legal support to the entire organization.

D. Procedures

1. The Director must approve changes to the organizational structure, mission and functions of the USMS.
2. The Deputy Director must approve any changes to the organizational structure or the transfer of program units. All requests need to describe the performance improvement and the impact the changes have on other activities or programs.

E. Functions

1. The Director is the Chief Executive Officer, while the Deputy Director is the Chief Operating Officer. These officials represent the agency to the DOJ and Congress as well as coordinate with other federal entities. They also do the following:
 - a. Promote, support and advance the agency's core mission, policy 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 EEO/Affirmative Action program.
 - e. Distribute information to the public and coordinate responses to congressional inquiries through the Congressional and Public Affairs staffs.
2. **Districts:** The operational programs at the district level are as follows:
 - a. **Judicial and Court Security**
 - b. **Prisoner Transportation and Cell Block**
 - c. **Investigations and Warrant**
 - d. **Seizure and Process**
 - e. **Business Management**
3. **Headquarters:** supervises the following programs:
 - a. **Protection of the Judicial Process:** enables the federal judicial system to be open, secure and free from corruption. The USMS maintains the integrity of the judicial security process by:
 - (1) Ensuring that each federal judicial facility is secure -- both physically safe and free of technological devices designed to subvert court proceedings.
 - (2) Protecting federal and magistrate judges, prosecutors, witnesses, jurors and other participants.
 - (3) Maintaining custody of and protecting prisoners during judicial proceedings.
 - (4) Limiting opportunities to tamper with evidence or to use intimidation, extortion, or bribery to corrupt judicial proceedings.
 - b. **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.

- c. **Special Assignments:** provide temporary supplemental resources, including additional funds and deputies 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.
- d. **Special Operations Group (SOG):** is a specially trained unit that supports districts during judicial proceedings with a high risk of threats, dangerous fugitive-apprehension missions, national emergencies, civil disorders, natural disasters, or any situation ordered by the Attorney General or USMS Director.
- e. **Prisoner Transportation:** is responsible for producing, transporting and maintaining custody of all federal detainees, which includes receiving prisoners, processing them through the cellblock, producing them for court proceedings, and transporting them to federal institutions and contract jails. If they must travel more than 250 miles, USMS prisoners are transported by Justice Prisoner and Alien Transportation System (JPATS) aircraft.
- f. **Fugitive Apprehension:** has the primary responsibility for apprehending federal fugitives. It also enforces warrants from agencies without arrest power, bench warrants issued by 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. Using electronic surveillance equipment, the USMS can enhance fugitive-apprehension capabilities. 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 American and foreign fugitives.
- g. **Asset Forfeiture Program:** manage and dispose of properties seized by federal law enforcement agencies and U.S. Attorneys. Its goals are to:
 - (1) Enforce the law
 - (2) Improve law enforcement cooperation at the federal and state levels
 - (3) Use the proceeds of forfeited assets to improve law enforcement
 - (4) Deputy Marshals execute court orders physically 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.
- h. **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 D.C. 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.
- i. **Service of Legal Process:** execute summonses, writs, mandates and other legal process for the federal courts, U.S. 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.
- j. **Training Academy:** 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.

- k. **Information Technology and Telecommunications:** provides Automated Information System (AIS) and communications management support to all USMS employees.
- (1) **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.
 - (2) **Communications Management:** installs, maintains and upgrades all telephone systems and data communications at headquarters and in the districts.
- l. **Management and Administration:** provide management and administrative functions, including personnel services, financial and business services, prisoner administration services, and congressional and public affairs support.
- (1) **Human Resource Services:** provide personnel services for all USMS employees, including the following:
 - Staffing and classification
 - Benefits and payroll
 - Employee and labor relations
 - Career programs
 - Background investigations and suitability adjudications
 - (2) **Comptroller:** provide budget and financial services, including the following:
 - Budget formulation and execution
 - Development of management, productivity improvement initiatives and strategic planning
 - Maintenance of agency financial records
 - (3) **Business Services:** provide the business service requirements for the following areas:
 - Purchase and management of the USMS vehicle fleet
 - Administration of the property management program
 - Central publishing services
 - Procurement services
 - (4) **Prisoner Administration Services** provides the following:
 - Develops and administers the USMS prisoner medical program policy
 - Administers the Cooperative Agreement Program (CAP)
 - Coordinates interagency prisoner medical care and infectious disease control

- A. **Proponent:** Office of the Director/Deputy Director, as supported by the Management Support Division (MSD)
202-307-5188.
- B. **Purpose:** To provide instruction on creating, updating, reviewing, approving and communicating U.S. Marshals Service (USMS) policy directives. (A ***Policy Impact Statement*** is provided to show the change from prior policy.)
- C. **Authority:** The Director (or Deputy Director) of the USMS approves all directives to establish policies and procedures to achieve the mission and duties of the Service as set forth in the 28 CFR 0.111 and 28 USC 561 (g). The Director may delegate another official to approve directives.
- D. **Policy:**
1. These directives are intended to govern the conduct, performance, accountability and responsibility of all USMS employees and are made accessible to all employees through the USMS intranet web-site.
 2. Policy directives are used to communicate USMS regulations, requirements, policy, guidance, rules, and mandates and remain in effect until revised or canceled. All separate guidance provided through e-mail or memoranda which is intended to create or modify existing policy must be incorporated into an updated policy directive by the issuing Assistant Director (AD) ***within ten working days of issuance***.
 3. Uniformity is required in the organization and formatting of all policy directives. Directives consist of eight sections preceded by the 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 (and links to a Policy Impact Statement if the change is significant).
 - C. **Authority:** is 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. **Procedures:** are the steps needed to accomplish the "Policy." When the number of steps is extensive (more than ten steps), only 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 (in Microsoft Visio format), highlighting the internal controls within the process.
 - F. **Definitions:** state the meanings of key terms essential within the policy.
 - G. **Cancellation Clause:** cancels prior policy and superseded directive is linked by hypertext.
 - H. **Authorization and Date of Approval:** proper authority signs and dates.

Necessary subsections within any above area will be preceded with "numbers," and if there is another subcategory layer, it should be preceded by "small letters" in an outline format.
 4. When standard operational "procedures" (see Section E) within a policy directive are extensive, that is ***more than ten steps***, managers must reassess the description of the overall process and only provide a broad outline of steps within the policy directive, and then use hypertext format to provide a fully detailed description of sub-steps. This will serve to clarify the overall process within the directive without losing the greater detail.
 5. When standard operational procedures are extensive (as described above), the narrative description must be supplemented with an illustration by ***flowcharting*** the steps, the key decision points, and the internal controls within the process. This will further aid understanding of procedures and processes. The standard software format to be used for flowcharts is Microsoft Visio and the hypertext link to the flowcharts will appear next to the title of "Section E,

Procedures.”

6. On an **annual basis**, all ADs/Office Heads must acknowledge (using the “Policy Directive Update” mailbox) that the policy directives under their responsibility have been reviewed and are comprehensive, accurate, clear and concise, and conform to the format defined above. The Human Resources Division (HRD) will use this information as part of the annual performance evaluations for senior managers.
7. When there are **new or significant changes** to an existing directive being proposed, the AD/Office Head must also provide a **Policy Impact Statement**, which is a one- or two-page summary statement that describes the effects, costs, benefits, and primary changes of implementing the new policy. This statement is placed as a hypertext link within “Section B, Purpose.”

E. Procedures:

1. Proponent develops proposed policy directive. (This is done by using Microsoft Word, with revisions using Microsoft Tools (Track Changes) so that modifications are easily observed. This begins the paperless process of updating policy by way of e-mailed attachments.)
When there are major substantive changes to existing policy, the proponent’s AD/Office Head meets with the Associate Director(s) and Director/Deputy Director (DD) as appropriate, for review and approval of the proposed new policy directive.
2. After AD/Office Head approval, the proposed policy directive is e-mailed to the Office of General Counsel (OGC) and the HRD, Employee and Labor Relations Office for submission to the Union, if warranted, for comment or concurrence.
3. Once the proponent receives the edits or concurrence from the OGC and the Union, if applicable, the AD/Office Head prepares the revised draft and forwards it to MSD along with the level and status of the reviews, via e-mail to the “Policy Directive Update” mailbox. (Note: The MSD Policy Office is available for specialized support at any point in this process.)
4. MSD finalizes the policy package and submits the final proposed directive to the applicable Associate Director, OGC, Chief of Staff and DD for final comment or concurrence.
5. The Director reviews, makes any changes needed, and approves proposed policy directive, which is returned to MSD for immediate posting on the USMS intranet web-site.

NOTE: If a policy directive is only being revised for minor changes (misspelled words, the reorganizing and reordering of presentation, etc.) or technical changes (updates of legal citations, new editions of forms, links to selected web sites, etc.), the AD/Office Head can forward changes directly to the “Policy Directive Update” mailbox (using Word/Tools to make the revision). The Policy Office/MSD will review and post on the intranet within a few days.

F. Definitions: In order to ensure a common understanding, the following definitions are provided:

- **USMS Policy Directive:** a governing document signed by the Director (or Deputy Director) that identifies the policy, procedures, and controls that direct appropriate actions to meet organizational goals.
- **Policy:** a definite plan and course of action selected among alternatives, based upon given conditions, to guide and determine present and future decisions.
- **Procedure:** a standard way of operating to accomplish stated policy through a series of steps in a specific or definite order.
- **Control:** a mechanism within procedures used to ensure accountability and regulate the actions or guide operations needed to attain system goals.

G. Cancellation: supersedes USMS Policy Directive 1.3, *Information Dissemination, Web-Based Directives*.

H. Authorization and Date of Approval:

By Order of:

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

Effective Date:

 2-11-2009