



## MANAGEMENT

### 1.2 Legal Authority

#### 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. **Unserved 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.

## 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 provide a person funds after he or she has been released on bail, call the Office of General Counsel at (202) 307-9054.
2. **Expenditure of Government Funds for Subsistence:** 18 USC 4285 states that when a federal judge or magistrate orders that an indigent person be released from custody and that he or she appear again in federal court, the judge or magistrate may direct the marshal "to arrange for that person's means of noncustodial transportation or furnish the fare for such transportation **to the**

**place where his appearance is required ...** " (emphasis added). The judge may also order the marshal "to furnish that person with an amount of money for subsistence expenses to his destination."

By its terms, 18 USC 4285 limits funds that can be expended to those required to get the defendant to the place of appearance. It does not allow funds to be provided for the defendant's trip home. In addition, the statute states that the individual may receive subsistence payments "to his destination." Upon arrival, however, those funds are cut off. If a judge or magistrate issues an order under 18 USC 4285 requiring the USMS to make round-trip payments, payments for more than one trip, or subsistence payments after the individual reaches his or her destination, call the Office of General Counsel at (202) 307-9054.

## 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 then 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.
3. After completion of both forms mail to: Office of General Counsel, 12<sup>th</sup> Floor, Building CS-3 Washington, D.C. 20530-1000

## 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. [28 CFR Part 16](#)

**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, 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.

## **EQUAL EMPLOYMENT OPPORTUNITY**

- A. **General:** One of the Director's highest priorities, as noted in his August 18, 2005, memorandum is to ensure diversity within the agency and provide equal employment opportunities for all individuals. Likewise, managers and supervisors are responsible for providing all employees with the same opportunities for training, professional development and promotion.

Discrimination of any form—based on race, color, national origin, religion, sex, age, physical or mental disability, marital and parental status, and sexual orientation will not be tolerated. All employees are responsible for treating each other with dignity and courtesy.

- B. **The Office of Equal Employment Opportunity:** Headed by the EEO Officer, the office is responsible for managing Affirmative Employment Programs and Complaints Processing.
- C. **Affirmative Employment Programs:** The primary responsibility of Affirmative Employment Programs is to ensure equal opportunity in the recruitment, hiring, development, and promotion of minorities, women and persons with disabilities and any other initiative to provide equal opportunity in employment to create diverse workforce. EEO Specialists identify problems and barriers in these areas and recommend actions to be taken to eliminate the barriers. EEO Specialists also report to the Equal Employment Opportunity Commission, the Office of Personnel Management, and the White House on the status of minorities, women, veterans and persons with disabilities within the Service.
- D. **The Centralized Student Career Experience Program (CSCEP):** CSCEP is the agency's cooperative education program used to fill DUSM positions. To qualify, students must be attending a participating accredited college or university pursuing a 4-year degree in criminal justice, political science, psychology, public administration, sociology, or social science with a concentration in the majors listed. Student applicants must maintain a GPA of 3.0 in the major and 2.75 overall and must pass a structured interview, background investigation, medical screening, drug test and fitness test.

Participating students spend 16 weeks in a district office as student trainees, observing and learning the duties and responsibilities of DUSMs. Students who receive a satisfactory rating from the district management at the completion of the 16 weeks may be converted non-competitively to full-time permanent DUSMs.

- E. **EEO Complaints Processing:** A USMS employee or applicant who believes he or she has been discriminated against based on race, color, national origin, religion, sex, age, physical or mental disability, marital status, parental status, or sexual orientation may file an EEO complaint. The employee or applicant must contact an EEO Counselor in the Office of EEO within 45 days of the occurrence of the alleged discrimination. For further information see USMS Publication Number 70 (October 2002), "EEO Complaints Processing."

F. **Sexual Harassment**

1. **Background:** The United States Marshals Service (USMS) is comprised of men and women who must be able to work together to accomplish the Service's mission. Each employee of the USMS is entitled to be treated fairly, with dignity and respect, and allowed to work in an environment free of unlawful discrimination.
2. **Definition:** Subjecting employees to unwelcome sexual conduct as a condition of their employment is a form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964.
3. **Policy:** Sexual harassment or discrimination in any form is unacceptable and will not be tolerated within the USMS work environment.
4. **Occurrence:** Sexual harassment occurs when employment decisions affecting an employee, such as hiring, firing, promotions, awards, transfers, or disciplinary action, result from submission to or rejection of unwelcome sexual conduct. Sexual harassment can also be any activity which creates an intimidating, hostile or offensive work environment for members of one sex, whether such activity is carried out by supervisors, co-workers, vendors or contract workers. This could include such workplace conduct as displaying "pin-up" calendars or sexually demeaning pictures, telling sexually oriented jokes, making sexually offensive remarks, engaging in unwanted sexual teasing, subjecting another employee to pressure for dates, sexual advances, or unwelcome touching.
5. **Disciplinary Action Concerning Sexual Harassment Conduct:** Any employee who engages in conduct of the nature described above will be subject to disciplinary action.
6. **Supervisors' Responsibilities:** Supervisors and managers must act promptly to correct

conduct of the nature described above. Supervisors or managers who condone or fail to promptly correct this type of conduct will also be subject to disciplinary action.

7. **Reporting Sexual Harassment Situations:** Any employee who believes that he or she has been subjected to sexual harassment should report the incident(s) either to his or her supervisor for resolution, or to an Equal Employment Opportunity Counselor. The supervisor or EEO counselor is to make immediate and constructive attempts to resolve the matter. A prompt, fair and thorough investigation into a charge of sexual harassment will be made. In addition, allegations of sexual harassment will be referred to the Office of Internal Affairs for investigation as a matter of misconduct.

**G. Racially and Sexually Offensive Language**

1. **Policy:** The United States Marshals Service does not tolerate the use of racial slurs, ethnic jokes, obscene, sexual, abusive or insulting comments by employees. The use of racially/sexually offensive language disrupts the operations of the workplace and undermines the integrity of the employment relationship. As USMS employees working for a law enforcement agency, we must set a positive example within the law enforcement community. All employees should refrain from using such language and maintain a work environment free of racially/sexually offensive language. The key to developing and maintaining a productive work environment is to treat each individual with mutual respect, fairness and decency.

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Note: Minor change - Code of Freedom of Information, E(1), added Associate Director. Per email dated 10/1/08 from Office of General Counsel. Archived Policy: <archive/1-2legal/121708.htm>