



## FUGITIVE INVESTIGATIONS

### *Criminal Investigations*

#### 8.8 Investigative Expenses and Rewards for Recapture

##### INVESTIGATIVE EXPENSES

- A. **Proponent:** Investigative Operations Division, 202-307-9110, Fax 202-307-9337. This policy directive sets forth the U.S. Marshals Service (USMS) policy concerning the management and use of investigative expenses.
- B. **Authority:** The Director's authority to direct and supervise all activities of the USMS is set forth in 28 USC 561(g) and 28 CFR 0.111, to investigate fugitive matters, effect arrests, protect the judiciary, and execute lawful writs, court orders, and process is set forth in 28 USC 566.
- C. **Policy:** Subject to the conditions outlined in this policy directive, USMS criminal investigators may incur reimbursable investigative expenses in furtherance of any USMS fugitive, criminal, internal, background, protective, including investigations concerning state and local fugitives. Notwithstanding any other provision of this policy directive, a supervisor, at his or her discretion, may restrict an employee's use of investigative expenses.
1. **Types of Authorized Investigative Expenses**
    - a. **Confidential Expenses:**
      - (1) Confidential expenses may be paid only to a confidential source or source of information for food, lodging, transportation, communication, or miscellaneous expenses associated with travel. Expenses of this type may be used to enable a confidential source or source of information to meet or communicate with USMS personnel, or to enable the source to travel or communicate with others in an effort to obtain information for the USMS.
      - (2) All payments of confidential expenses shall be witnessed by at least one other law enforcement officer.
      - (3) Confidential expenses are not intended to be used as a replacement for payments to confidential sources pursuant to USMS directive, *Confidential Sources*. They are intended to provide flexibility to USMS investigators regarding the payment (or reimbursement) of confidential sources or sources of information for minor expenses incurred, or expected to be incurred, while providing information or assistance to the USMS.
    - b. **Foreign Official Expenses:** All foreign official expenses require the prior approval of the U.S. Marshal (USM) or Chief Deputy U.S. Marshal (CDUSM) for district expenditures or the Chief Inspector, Investigative Operations Division (IOD), for headquarters-reimbursed expenditures. Foreign official expenses are limited to expenses of a foreign government official, paid by a criminal investigator, which are related to food, lodging, transportation, communication, or miscellaneous expenses associated with travel. Foreign official expenses must be incurred in furtherance of official USMS business.

ba

2. **Record Fees:** Criminal investigators may incur expenses during the course of an investigation for the purpose of obtaining records or other information from a commercial, government, or private organization pursuant to a subpoena, court order, or written request.
3. **Miscellaneous Investigative Expenses:** Criminal investigators may incur miscellaneous investigative expenses for items or services including, but not limited to, maps, batteries, film, film developing, surveillance equipment, magnetic or optical media, equipment repairs (including parts), rental of undercover vehicles, rental of hotel rooms for surveillance, and other equipment or services reasonably necessary to further an investigation. Under exigent circumstances, miscellaneous investigative expenses may be incurred without prior authorization.
4. **Expense Limits and Reporting Requirements:** An individual investigative expense may not exceed \$100. Criminal investigators are limited to a maximum of \$100 of investigative expenses per day. The following exceptions apply:
  - a. On a case-by-case basis, the USM or CDUSM may authorize higher individual and/or daily limits, not to exceed \$400 per expense. These expenditures will not be reimbursed by headquarters unless they have been approved, in advance, by an IOD Chief Inspector, or his or her designee.
  - b. An IOD Chief Inspector, or his or her designee, may authorize individual and/or daily limits that exceed \$400 per expense.

#### D. Procedures

1. **Expenses Claimed on Voucher:** Investigative expenses shall be treated as non-confidential expenditures and will be claimed by the investigator on his or her monthly voucher. A Standard Form 1164, *Claim for Reimbursement*, shall be used for all expenditures.
  - a. All investigative expenses must be reported to the incurring employee's supervisor, in writing, no later than one business day after the expenditure has been made.
  - b. Each investigative expense shall be itemized on the Standard Form 1164, and include the date, type, and amount of the expense, and a case number (FID#). Receipts are not required for expenses of \$100 or less.
  - c. Due to the sensitive nature of confidential expenses, no information other than the date, type, and amount of the expense, case number, and name of law enforcement officer(s) witnessing the payment shall be included on the employee's voucher or supporting documents. Receipts are not required for any confidential expense.
2. **Authorization of Advances:** When authorized by a Chief Deputy or Supervisory Deputy an employee may use his or her government-issued travel card to obtain an advance of funds for investigative expenses.
3. **Appropriations, Object Classes, and Headquarters Reimbursements:** All district investigative expenses should be charged against Financial Object Class 2532, and are payable from the U.S. Marshals Salaries and Expenses Appropriation (15-0324). Investigative expenses should be charged against the district work plan. These expenses will not be reimbursed by IOD unless reimbursement has been approved, in advance, by an IOD Chief Inspector or his or her designee.

#### E. Definitions

1. **Confidential Source:** See USMS directive *Confidential Sources*.
2. **Source of Information:** An individual who provides information concerning criminal or other unlawful activity to a designated representative of a federal law enforcement agency and who is not paid more than \$2,500 within a one-year period, as that period is defined by the federal law enforcement agency.

602

3. **Investigative Expenses:** Expenditures charged against financial object class 2532 and payable from the U.S. Marshals Salaries and Expenses Appropriation (15-0324) and consisting of *Confidential Expenses, Foreign Official Expenses, Record Fees, and Miscellaneous Investigative Expenses*.
  - a. **Confidential Expenses:** Expenditures of a minor nature incurred by a USMS criminal investigator for use by a confidential source or source of information for food, lodging, transportation, communication, or miscellaneous expenses associated with travel.
  - b. **Foreign Official Expenses:** Expenditures of a minor nature incurred by a criminal investigator (1) on behalf of a foreign government official while escorting the foreign government official within the United States on, or in furtherance of, official business, or (2) while attempting to obtain information, assistance, or cooperation from a foreign government official in furtherance of official USMS business outside of the United States.
  - c. **Record Fees:** Expenditures of a minor nature incurred by a USMS employee during the course of an investigation for the purpose of obtaining records or other information from a commercial, government, or private organization pursuant to a subpoena, court order, or written request.
  - d. **Miscellaneous Investigative Expenses:** Expenditures of a minor nature incurred by a USMS criminal investigator on an emergency basis for the purchase of equipment, parts, supplies, or services for use in furtherance of a USMS investigation.
4. **Case number:** The Warrant Information Network (WIN) Fugitive Identification (FID) number, WIN warrant number, or other unique number which identifies the case for which an investigative expense was incurred.
5. **Criminal investigator:** Includes all operational employees assigned to the 1811 job series and U.S. Marshals.

## REWARDS FOR RECAPTURE

- A. **Authority:** 28 CFR 7, which governs rewards for the recapture of Federal prisoners, provides as follows:
  1. **Standing Offer of Reward:** A standing offer of reward is made for the capture, or for assisting in or furnishing information leading to the capture of an escaped Federal prisoner
  2. **Amount of Reward:** Within the discretion of the warden of U.S. Marshal concerned, a reward not to exceed \$200 may be granted for each capture of a prisoner, and to more than one claimant, as determined applicable and appropriate. The Director of the Bureau of Prisons may, in exceptional circumstances at his or her discretion grant rewards in excess of \$200. Bodily harm, damage, violence, intimidation, terrorism, risks, etc., will be considered in determining the appropriate amount of the reward.
  3. **Eligibility for Reward:** A reward may be paid to any person, except an official or employee of the Department of Justice or other Federal, state, or local law enforcement officer, who personally captures and surrenders and escaped Federal prisoner to proper officials or who assists in the capture of an escaped Federal prisoner.
  4. **Procedure for Claiming Reward:** A person claiming a reward shall present his or her claim to the warden or U.S. Marshal concerned within six months from the date of the capture in the form of a letter stating the claim. The letter shall state fully the facts and circumstances on which the claim is based, and shall include the name of each escapee captured, the time and place of the capture, and the details of the circumstances of the arrest or the nature of the assistance rendered by the claimant to the arresting officials
  5. **Certification:** The claim letter required under 28 CFR 7 shall contain the following certification immediately preceding the signature of the claimant:

b2

*"I am not an officer or employee of the Department of Justice or of any law enforcement agency of the United States Government."*

**B. Payment:** Rewards will be charged to:

1. financial object class 2554
2. payable from the Support of U.S. Prisoners appropriation (15 1020)
3. U.S. Marshal is responsible for payment of the reward.

b2