



FUGITIVE INVESTIGATIONS

Criminal Investigations

8.10 FUGITIVE TASK FORCES

- A. **Purpose:** This directive sets forth the U.S. Marshals Service (USMS) policy concerning participation in task forces.
- B. **Authority:** The Director's authority to direct and supervise all activities of the USMS is set forth in 28 USC 561(g) and 28 CFR 0.111. The authority of the USMS to investigate fugitive matters as directed by the Attorney General is set forth in 28 USC 566. The authority of United States Marshals and Deputy U.S. Marshals to, "in executing the laws of the United States within a State . . . exercise the same powers which a sheriff of the State may exercise in executing the laws thereof" is set forth in 28 USC 564. Additional authority is derived from 18 USC 3053 and Office of Investigative Agency Policies Resolutions 2 & 15. See also "Memorandum for Howard M. Shapiro, General Counsel, Federal Bureau of Investigation" concerning the "Authority to Pursue Non-Federal Fugitives", issued by the U.S. Department of Justice, Office of Legal Counsel, dated February 21, 1995. See also: Memorandum concerning the Authority to Pursue Non-Federal Fugitives, issued by the USMS Office of General Counsel, dated May, 1, 1995.
- C. **Policy**
1. **Task Force Participation:** Districts are encouraged, workload permitting, to participate in task forces within their district or region.
 - a. Once a task force is established, districts shall ensure that violent federal fugitive investigations are assigned to it. Violent federal fugitives are currently defined as: The subject has a criminal history or an open case involving one of the following violent crimes:
 - (1) Homicide: defined as non-negligent homicide (FBI) excludes offense codes 0909 (negligent manslaughter vehicle) and 0910 (negligent manslaughter weapon), from the homicide category.
 - (2) Rape (sexual assault): would exclude code 1116 (statutory rape) because it lacks the use of force.
 - (3) Robbery: all codes are included in this category.
 - (4) Assault: defined as aggravated assault, excludes 1313 (simple assault) and 1316 (intimidation (including stalking))

Or, the subject is wanted on a DEA initiated warrant designated by DEA as a Class 1 and 2 offender, if applicable. Or, if DEA's G-DEP code indicates a certain serious offender, OCDE, violent, or violent gang related.
 - b. Districts should assist state and local law enforcement authorities in current fugitive task forces or, if there will be no duplication of effort, initiate a fugitive task force(s) in the district.

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- c. Districts which cannot support a fugitive task force are encouraged to seek out state and local counterparts for participation in an ad hoc fugitive task force(s). Ad hoc fugitive task forces allow authorities to refer specific fugitive cases to the local USMS office for investigation. The ad hoc fugitive task force allows districts which cannot support a dedicated continuous fugitive task force due to lack of staffing or resources to participate with their state and local communities in the apprehension of violent fugitives.
- d. USMS task force participation should generally be limited to fugitive task forces, ad hoc fugitive task forces, or task forces for which the primary role of the USMS will be the location and apprehension of fugitives. The assignment of personnel to other task forces requires the consent of the United States Marshal (USM) and the Assistant Director, Investigative Operations Division (IOD). Districts with personnel assigned to other task forces as of the effective date of this policy directive may continue to support them at the current strength; however, the assignment of additional personnel will require the consent of the Assistant Director of IOD.
- e. The USM or Chief Deputy U.S. Marshal (CDUSM) shall periodically evaluate the results of task forces in which the district participates. Based upon the evaluation, they shall determine whether continued participation the task force is beneficial to the USMS.
- f. State and local task force officers, and Federal agents participating in USMS forces, should be specially deputized.
- g. Special Deputy State and Local Task Force officers assigned to a USMS district task force or a Regional Fugitive Task Force requiring full-time unescorted access to USMS space or systems are required to go through a background investigation in compliance with Homeland Security Presidential Directive 12 (HSPD 12). Specific procedures, to include the type of background investigation, are included in the USMS directive *Security Programs Manager*, attachment B. At a minimum, the background investigation will include a National Agency Check with Inquiries conducted through the USMS Personnel Security Branch. Task force officers working part-time or less than six months may be granted escorted access to USMS space in accordance with visitor procedures. Any state and local task force officer requiring unescorted access must comply with this policy prior to being given such access.
- h. Nothing in this policy directive should be construed to limit the ability of IOD to initiate or conduct USMS Fifteen Most Wanted, Major Case, or other task forces.

2. **State and Local Fugitives**

- a. U.S. Marshals and Deputy U.S. Marshals may investigate and apprehend fugitives wanted under state and local warrants whenever an operation is undertaken pursuant to a special apprehension program approved by the Attorney General.
- b. Since the authority to approve special apprehension programs was delegated by the Attorney General to the United States Attorneys (USA) pursuant to the National Anti-Violent Crime Initiative (NAVCI), USMS districts must obtain the approval of the local USA in order to (a) initiate a fugitive task force or ad hoc fugitive task force which targets state or local fugitives, or (b) participate in an existing one.
- c. When participating in task forces which target state or local fugitives, the USMS should operate in conjunction with the state or local authority with primary warrant responsibility. However, the USMS may use its Federal structure and resources in apprehending state and local fugitives.

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

D. **Procedures**

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1. **Task Force Initiation and Participation**

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

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

- a. Information concerning subjects and warrants must be entered into the Warrant Information Network (WIN) as investigations are opened within one business day. All state and local warrant entered into WIN in this manner must be properly entered with the code "LOC" in the agency field. The suffix letter for these warrants will be "S."
- b. All task force arrests and clears shall be entered into WIN no later than the fourth business day of the month following the arrest or clear.
- c. Districts and task forces are not required to transmit statistical reports to IOD unless specifically requested to do so by IOD. Statistics will generally be retrieved by IOD through WIN.
- d. Investigation, in accordance with normal USMS reporting procedures. USMS personnel assigned to a task force investigating another agency's case will utilize that agency's reporting procedures. Duplicate reports to the local USMS office on non-USMS cases are not necessary. If the other agency does not require a specific reporting procedure, a USM-11 will be used.
- e. Task forces which receive funding from sources outside of the USMS' may be required to submit quarterly case summaries and other information to IOD. This information will be used by IOD to report to the provider of the funds the manner in which the funds were used as well as other purposes.

3. **Collateral Lead**

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

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E. Definitions

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

CREDENTIALS FOR TASK FORCE OFFICERS

A. **Purpose:** To establish United States Marshals Service (USMS) policy and procedures concerning the issuance of Task Force Officer (TFO) credentials. For the purpose of this policy, credentials refer to both the document and badge.

B. Policy

1. Requirements

- a. Officer must be a member of a USMS district sponsored fugitive task force or a Regional Fugitive Task Force (RFTF). (**NOTE:** This excludes Ad Hoc Fugitive Task Forces.)
- b. Officer must be a full-time member, permanently assigned to the USMS led task force for a minimum of one year, and directly supervised by a USMS operational employee. (**NOTE:** TFOs will be issued credentials at the beginning of their assignment to the task force.)
- c. The U.S. Marshal, Chief Deputy U.S. Marshal, or Regional Fugitive Task Force Commander will determine if the officer meets the requirements.
- d. Officer must have been approved by the Investigative Operations Division (IOD), according to USMS directive *Special Deputation Program*, and granted a Special Deputation.
- e. As indicated in the Special Deputation Program Policy, State and Local Task Force Officers (TFOs) assigned to a USMS district task force or a Regional Fugitive Task Force requiring full-time unescorted access to USMS space or systems are required to go through a background investigation in compliance with *Homeland Security Presidential Directive 12 (HSPD 12)*. Specific procedures, to include the type of background investigation, are included in the USMS directive *Security Programs Manager*, attachment B. At a minimum, the background investigation will include a National Agency Check with Inquiries conducted through the USMS Personnel Security Branch (PSB). Task force officers working part-time or less than six months may be granted escorted access to USMS space in accordance with visitor procedures. Task force officers currently employed by another federal law enforcement agency will have their clearances verified by the USMS Personnel Security Branch.

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- f. All TFO's will be required to provide two original forms of identification in compliance with *Homeland Security Presidential Directive 12*, and submit to a background investigation at the direction of the USMS Personnel Security Branch prior to being approved for unescorted access to USMS facilities or information systems. See below for procedures.

2. **Issuance of Credentials**

- a. The IOD Domestic Branch Chief or Special Deputation Branch Chief will recommend the issuance of all task force credentials.
- b. Upon final approval by the Assistant Director of IOD, the Human Resources Division (HRD) will produce the credentials.

C. Procedures

1. The new TFO will report to the district or task force to complete the USM 3R (Special Deputation Form) and the USM 394 (Personal Identity Verification and Request for Government Identity Card).
2. District management will verify two forms of identification in accordance with at least one document being a valid state or federal government issued photo ID. (Acceptable forms of ID are listed on the OMB Form I-9). These forms of identification must be copied and scanned. Districts that are not able to scan the documents are instructed to maintain hard copies.
3. District management will complete part 2 of the USM 394 – "District Verification" and take the Task Force Officer's photo (digital) and fingerprints. The USM 394 will be digitally signed by the district verifying official.
4. The district will send the USM 394, digital photo, copies identification via e-mail to PSB-Contractor@usdoj.gov. The e-mail should include the TFO's name as it appears on birth records (including full middle name), social security number, date of birth, place of birth (including city, county, and state), and e-mail address. Fingerprints are to be sent to USMS Personnel Security Branch via government mail. If the district was unable to scan the identification documents they can be mailed with the fingerprint cards.
5. Once the USMS Personnel Security Branch receives the USM 394, they will begin to process the applicant task force officer. The USMS PSB office will forward an e-mail to the TFO or district representative with instructions for completing security forms. The TFO will be able to complete the forms on-line. In the event the TFO does not have an e-mail address, contact the PSB for an alternative means of completing the security forms. Please note that mailing the information will increase the time to complete the process.
6. After the security forms are completed by the TFO, PSB will initiate a background investigation (BI) with the Office of Personnel Management. The applicant and district office do not need to contact the PSB to advise the security forms have been completed. However, to ensure the process is expedited, an e-mail can be sent to PSB advising the form has been completed.
7. Once PSB receives and adjudicates the BI, they will send a memo to the district outlining the adjudication. If adjudicated favorably, the district may request credentials through IOD. When requesting credentials for a task force officer, a copy of the PSB suitability approval memorandum indicating favorable adjudication should be attached. If the applicant is not adjudicated favorably, a decision will need to be made to revoke the Special Deputation or have the TFO escorted at all times while in USMS space.
8. The request for TFO credentials should include the following:
 - a. A memorandum signed by the marshal or chief to HRD requesting Special Deputy Credentials for an individual Task Force Officer. The memorandum must be on letterhead and include a return address, phone number and a point of contact for the credentials.

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- b. A signed Department of Justice/U.S. Marshals Signature Sheet. These can be obtained by contacting the Badge and Credentials Program, Human Resources Division (HRD) at (202) 307-9560. The signature sheet must be signed by the individual to whom the credential will be issued exactly as his or her name will appear on the credential. Full names must be used, no nicknames. The card must be signed with black ink and the individual's name must be printed across the top of the sheet.
- c. Two passport size photos. The TFO must wear a white shirt, tie and dark jacket for men or a conservative blouse, suit or dress for women. The background color of the photograph must be white or cream. All photos must have a name on the back.
- d. A copy of the Personnel Security Branch (PSB) suitability approval memo indicating favorable adjudication on the background investigation as directed by *Homeland Security Presidential Directive 12* (HSPD 12).
- e. The above should be sent to:

**Human Resources Division
Badges and Credential Office
USMS, CS-3, Room 217
Washington, DC 20530-1000**

- 9. HRD will issue the credentials and mail them to the district's point of contact. The completed Special Deputy Credential will be accompanied by a USM-288, *Hand Receipt* that must be signed by the TFO and returned to the HRD Badge and Credentials Office.
- 10. Replacement USMS Special Deputy Credentials may be requested using the same procedures outlined for new credentials. Replacement may be requested only for the following reasons:
 - a. Loss of Special Deputy Credentials;
 - b. Change of name of the individual to whom the credential is issued (a copy of the decree must be provided);
 - c. Significant change in appearance of the individual to whom the credential is issued;
 - d. Error in the name or title of the credential originally provided to the individual.
- 11. **Safeguarding USMS Credentials:** It is the responsibility of each TFO to safeguard USMS credentials. Credentials, when not in the individual's personal possession, must be stored in a secure location affording reasonable protection against theft or loss.

E. Loss of Credentials

- 1. The individual to whom a USMS credential is issued is responsible for immediately reporting its loss to the U.S. Marshal, Chief Deputy U.S. Marshal, or USMS Regional Fugitive Task Force Commander. The individual must also immediately notify the local police and the USMS Communications Center. Loss consists of theft, destruction, misplacement or other circumstance that results in the employee no longer having physical possession of the credential.
- 2. When the loss of a USMS credential is reported, the U.S. Marshal, Chief Deputy U.S. Marshal, or USMS Regional Fugitive Task Force Commander must immediately make the loss known to the Office of the Assistant Director for Investigative Services and the HRD. These offices are to be immediately notified by telephone, fax or e-mail, followed by a USM-134, *Internal Investigation Affidavit*. The original of the USM-134 must be sent to the Office of the Assistant Director for Investigative Operations Division and a copy to the HRD. A copy of the local police report must accompany the original USM-134 to the Office of the Assistant Director for Investigative Operations Division.
- 3. Replacement of lost USMS credentials should be requested on a USM-287 using the procedures outlined for new credentials.



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F. Accountability

1. USMS credentials are issued directly to TFOs by the HRD and are maintained on its accountability records. Credentials are also to be recorded on USMS accountability records at the local district offices or at the RFTF offices.
2. When a TFO is no longer actively assigned to the Marshals Service, (pursuant to 8.70 B.1.), the credential card must be returned to the task force with which the TFO last worked. The credential card must be voided by HRD and presented to the TFO at the discretion of IOD Domestic Investigations Branch, Chief Inspector or Task Force Commander. If the credential is not voided and presented to the TFO, it will be destroyed. The TFO's name, social security number, and date of separation from the taskforce will be sent via e-mail to PSB-Contractor@usdoj.gov.
3. The credentials are revocable by the USMS at anytime for reasons as may be determined by the USMS in its sole discretion.

G. Credentials Description

1. **Special Deputation Identification Card:** This card will appear in the upper half of the credential case and read as follows:

**DEPARTMENT OF JUSTICE
UNITED STATES MARSHALS SERVICE**

**FIRST MIDDLE LAST NAME
SPECIAL DEPUTY U. S. MARSHAL**

IS A DULY SWORN LAW ENFORCEMENT OFFICER DEPUTIZED TO SERVE ON A U.S. MARSHALS SERVICE FUGITIVE TASK FORCE AND IS AUTHORIZED TO CARRY FIREARMS, MAKE ARRESTS, SERVE WARRANTS, AND CONDUCT OTHER BUSINESS AS DIRECTED BY THE U.S. MARSHALS SERVICE.

2. **Photograph and Signature Card:** This card will be in the lower half of the credential case.
 - a. The upper left corner will be the credential number.
 - b. The center left will consist of the USMS seal.
 - c. The lower left will be the signature of the USMS Director.
 - d. The right side of the card will have the TFO's photograph.
 - e. Underneath the photograph will be the TFO's signature.
3. **Special Deputy Badge:** Each task force officer who qualifies under this policy will have credentials which include a badge which reads "SPECIAL DEPUTY" across the top, and "UNITED STATES MARSHAL" across the bottom. The badge will be contained within a credential case, so that it is visible on the exterior of the case.

H. Task Force Officers Flying Armed

1. All task force officers are required to complete training in accordance with the Department of Transportation – Federal Aviation Administration, 14 CFR 108 (Regulations Covering Carriage of Weapons).
2. All task force officers are required to complete the training materials and guidance necessary to comply with the TSA and FAA standards. The materials are provided by the United States Marshals Service Training Academy.
3. All task force officers will complete the FAA Law Enforcement Officers Flying Armed Training Certificate.

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4. Task Force Officers are only approved to fly armed when conducting official business for the USMS as a Special Deputy U.S. Marshal.

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