



FUGITIVE INVESTIGATIONS

8.14 Special Deputation Program

- A. **Proponent:** Investigative Operations Division, Special Deputation Unit, (202) 307-9110, FAX (202) 307-9337
- B. **Purpose:** to establish United States Marshals Service (USMS) policy and procedures concerning the special deputation program.
- C. **Authority:** The authority of the USMS to supervise and administer the Special Deputation program is contained in 28 USC 566(c), 561(a), 561(f), 509, 510; 28 CFR, 0.111, 0.112, and 0.113.
- D. **Policy**
1. Special deputations by the United States Marshals Service (USMS) will be authorized based upon the needs of the USMS or other agencies that can demonstrate a requirement to enforce federal law or carry a concealed weapon.
 2. Special deputations are not limited to the district of origin and are valid wherever the United States has law enforcement powers. Special deputations may, however, carry restrictions that limit authority to certain duty hours, a specific investigation, a designated location, personal protection, etc. Limits may also include conditions or restrictions for carrying concealed weapons.
 3. The USMS can deputize state and local police officers only for Title 18 criminal offenses, not Title 21 drug offenses. Special deputies are not authorized to participate in federal drug investigations unless they are also deputized by the Drug Enforcement Administration (DEA) or the FBI.
 4. Individuals with special deputation have the authority, as stipulated on Form USM-3, Special Deputation Appointment, to perform any of the following federal law enforcement functions:
 - a. Seek and execute arrest warrants and search warrants
 - b. Make arrests without a warrant if there are reasonable grounds to believe that the suspect has violated or is violating federal law
 - c. Serve subpoenas and other legal writs
 - d. Monitor Title III intercepts (electronic surveillance)
 - e. Carry firearms for personal protection or the protection of those covered under the federal assault statutes
 5. **Applicants for special deputation must meet the following requirements:**
 - a. Be a U.S. citizen
 - b. Be employed by a federal, state or local law enforcement agency, or an agency approved by the Department of Justice (DOJ)

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- c. Have successfully completed a basic law enforcement training program
- d. Have one year of law enforcement experience
- e. Have no domestic violence convictions as defined in 18 USC 922 (g)(9) (the Lautenberg Amendment)
- f. Have successfully qualified with an authorized firearm on the USMS or employing agency's approved course of fire
- g. Have completed USM-3R, *Application for Special Deputation* (INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED)
- h. Have certified that they have reviewed and agreed to comply with the deadly force policy of the employing agency or the DOJ

6. **There are three categories of individuals eligible for special deputation:**

- a. **Federal, State and Local Law Enforcement Employees:** These applicants are employed by agencies that have full-time statutory law enforcement responsibility with general arrest authority. This category also includes civilian security officers employed on military reservations to enforce federal law.
- b. **Physical Security and Personal Protection Employees:** These applicants are employed by government or private agencies that provide security for a specific place or building, or personal protection for a dignitary, government official or other designated person. They do not have general arrest authority.
- c. **USMS Employees and Contract Employees:** These are full-time USMS employees, contract court security officers and detention officers designated by the Director.

7. **Exceptions:** Only the deputy attorney general or the Director, the Deputy Director or the Assistant Director for Investigations of the USMS can approve exceptions to this directive.

8. Specially Deputized 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. The background investigation will be 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. Special Deputy U.S. Marshals that do not successfully complete the process must be escorted at all times in USMS space and they will not have access to USMS systems.

E. Procedures

1. **Application Process**

- a. **Request Letter:** The sponsoring agency submits a request letter explaining the need for special deputation, to include the name and details of the task force or special project. The letter must be accompanied by the individual applications for special deputation. Offices of the Inspector General are not required to submit request letters (unless the request for special deputation concerns a protective detail) because they have negotiated memoranda of understanding (MOU) with the DOJ and have been granted blanket authority to conduct audits and investigations into the programs and operations within their jurisdiction.
- b. **Individual Application:** Each applicant seeking special deputation must complete a USM-3R, *Application for Special Deputation*, and identify the sponsor and the reason for the request. Additionally, the individual must certify that the information provided is

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accurate.

- c. Mailing Address: The application and request letter from the sponsoring agency must be forwarded to the Special Deputation Unit, Investigative Operations Division, U.S. Marshals Service, Washington, D.C. 20530-1000.

2. Approval Process

- a. USMS Mission: The Chief of the Special Deputation Unit, Investigative Operations Division, must approve all deputations for USMS employees, contract employees and law enforcement officers specifically supporting USMS missions.
- b. Other Sponsoring Agencies: Requests for special deputation concerning non-USMS missions require the prior approval of the Office of the Deputy Attorney General. The Special Deputation Unit reviews the agency's request and applications for special deputation, and the Assistant Director for Investigations submits a recommendation to the deputy attorney general. If the application does not meet all of the requirements, it is rejected and returned to the requester.
- c. U.S. Attorneys and Assistant U.S. Attorneys: Applicants may request special deputation only for the purpose of carrying firearms for personal protection. These requests go to the Executive Office for U.S. Attorneys (EOUSA). The EOUSA asks the USMS to certify that each applicant has met firearm qualification standards with an approved weapon. After certification, the EOUSA sends the application to the deputy attorney general for approval, then notifies the USMS of the decision.
- d. Deputy Attorney General: The deputy attorney general, in accordance with a December 1999 memorandum, has approval authority for several categories of deputations. Once the deputy attorney general approves a specific activity for special deputation, the Chief, Special Deputation Unit, approves subsequent applicants.
- e. Group Deputations: In emergency circumstances, group deputations can take place using an abbreviated administrative process. The request letter and individual application are waived and the applicants are listed in a consolidated log that includes name; date of birth; Social Security number; firearms qualification date; firearms make, model and caliber; and signature. After submitting the log, the agency certifies by signature that each applicant has met all the requirements.

3. Oath of Office

- a. Authorized Official: After granting final approval of the request, the Special Deputation Unit authorizes the appropriate official to administer the oath of office. Authorized officials are the Director, Deputy Director, Assistant Director for Investigations, U.S. Marshal, Chief Deputy U.S. Marshal, incident commander of the Emergency Response Team, and any Chief Inspector of the Investigative Operations Division.
- b. Oath of Office: The official who administers the oath of office must prepare a USM-3, stating all restrictions on the holder's scope of authority. Examples of limitations are "not authorized to carry firearms" and "solely for personal protection." State and local officers are not permitted to participate in federal drug investigations unless they are also deputized by the DEA or the FBI.
- c. Records: The original USM-3 is provided to the appointee. The authorized official sends copy 2 to the sponsoring agency and keeps copy 3 in the district files. The Special Deputation Unit maintains the USMS special deputation records. The Special Deputation Unit maintains the USMS special deputation records and a copy of the USM-3 is to be forwarded to the Special Deputation Unit after it is completed.

4. Identification and Credentials

- a. Identification: The USM-3 is the only identification provided to individuals who receive

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special deputation. The sponsoring agency is required to issue agency credentials and/or badges. Except as otherwise provided, the USMS may issue additional credentials or badges only to specially deputized USMS employees and contractors.

b. **USMS Task Force Credentials:** At the discretion of the Assistant Director for Investigations or a designee, Special Deputy U.S. Marshals serving on USMS task forces may be issued unique credentials and/or badges.

5. **Expiration Date:** The expiration date for special deputation is specified on the USM-3. Deputation lasts one to three years, as outlined below:

a. **Annual Renewal**

- (1) U.S. Attorneys Task Force
- (2) U.S. Attorneys and Assistant U.S. Attorneys
- (3) Organized Crime Drug Enforcement Task Force (OCDETF)

b. **Renewal After Two Years**

- (1) Federal task forces
- (2) USMS task forces

c. **Renewal After Three Years**

- (1) Inspector general special agents
- (2) USMS special employees
- (3) Physical security and personal protection employees

6. **Renewal:** The Special Deputation Unit reviews and, when appropriate, approves all requests for renewal, which must be submitted at least 30 days before the expiration date to ensure timely processing. Requests for renewal undergo the same process used for initial requests, however, the Chief of the Special Deputation Unit may approve these requests. Additionally, if renewal requests are approved before the existing deputation expires, the oath of office doesn't have to be administered.

F. Responsibilities

1. **Deputy Attorney General:** approves several categories of initial requests for special deputation except those for USMS personnel, contract employees or law enforcement officers specifically supporting USMS missions (a fugitive task force, for example).

a. **Categories for the Deputy Attorney General's Approval**

- (1) When the deputation is sought for the purpose of providing protective services—e.g., an inspector general special agent who is a member of the protective detail of a Cabinet official
- (2) When the deputation is sought by a United States Attorney for a law enforcement officer, in which case the application should be submitted with the approval of the Executive Office for United States Attorneys
- (3) When the deputation is sought for the purpose of providing extraterritorial law enforcement authority in which case the application should be submitted with the approval of the affected agencies and components
- (4) When the deputation is sought for a federal employee who does not have other

federal law enforcement authority, such as an Assistant United States Attorney or an inspector general special agent

- (5) When the deputation is sought for the purpose of reviewing tax information under Title 26, in which case the application should be submitted with the concurrence of the tax division
 - (6) When the Director of the USMS determines that the request is sufficiently controversial or subject to sufficient policy concerns that it should be reviewed by a higher authority
2. **Authorized Official:** administers the oath of office to approved applicants for special deputation. The official completes the USM-3 and obtains the necessary signatures.
 3. **Assistant Director for Investigations:** oversees the Special Deputation program and, with the assistance of the Chief of Investigative Programs, conducts periodic audits of the program.
 4. **Chief, Special Deputation Unit:** approves deputations for USMS employees, contract employees and law enforcement officers directly supporting USMS missions. This official also approves renewals for candidates previously approved by the deputy attorney general.
 5. **Special Deputation Unit:** processes all requests for special deputation under the direction of the Chief, Domestic Investigations Branch.
 6. **Investigative Operations Division:** oversees special deputies assigned to the regional fugitive task forces.
 7. **Sponsoring Agency:** The chief administrator of the sponsoring agency has the following responsibilities:
 - a. Submits the initial and renewal requests for deputation by providing a request letter and attaching the completed USM-3R, *Application for Special Deputation*, for each applicant.
 - b. Verifies the qualification requirements and includes a statement of verification in the request letter.
 - c. Provides the applicant a copy of the deadly force policy from the sponsoring agency or the DOJ.
 - d. Notifies the Special Deputation Unit immediately if the special deputy is charged with a criminal offense, abuse of special deputation authority, or misuse of a firearm. In addition, when a special deputy is no longer employed or assigned or no longer requires special deputation, the chief administrator retrieves the form and returns it to the Special Deputation Unit.

G. Definitions

1. **Special Deputation:** Approved by the Department of Justice and conferred by the USMS, it grants an individual authority to perform federal law enforcement functions to support USMS missions or to achieve law enforcement objectives.
2. **Authorized Official:** a person authorized to administer the oath of office.

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