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TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE

PART II - DEPARTMENT OF JUSTICE

CHAPTER 37 - UNITED STATES MARSHALS SERVICE

-HEAD-

Sec. 566. Powers and duties

-STATUTE-

(a) It is the primary role and mission of the United States Marshals Service to provide for the security and to obey, execute, and enforce all orders of the United States District Courts, the United States Courts of Appeals, the Court of International Trade, and the United States Tax Court, as provided by law.

(b) The United States marshal of each district is the marshal of the district court and of the court of appeals when sitting in that district, and of the Court of International Trade holding sessions in that district, and may, in the discretion of the respective courts, be required to attend any session of court.

(c) Except as otherwise provided by law or Rule of Procedure, the United States Marshals Service shall execute all lawful writs, process, and orders issued under the authority of the United States, and shall command all necessary assistance to execute its duties.

(d) Each United States marshal, deputy marshal, and any other

official of the Service as may be designated by the Director may carry firearms and make arrests without warrant for any offense against the United States committed in his or her presence, or for any felony cognizable under the laws of the United States if he or she has reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

(e) (1) The United States Marshals Service is authorized to -

(A) provide for the personal protection of Federal jurists, court officers, witnesses, and other threatened persons in the interests of justice where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding; and

(B) investigate such fugitive matters, both within and outside the United States, as directed by the Attorney General.

(2) Nothing in paragraph (1) (B) shall be construed to interfere with or supersede the authority of other Federal agencies or bureaus.

(f) In accordance with procedures established by the Director, and except for public money deposited under section 2041 of this title, each United States marshal shall deposit public moneys that the marshal collects into the Treasury, subject to disbursement by the marshal. At the end of each accounting period, the earned part of public moneys accruing to the United States shall be deposited in the Treasury to the credit of the appropriate receipt accounts.

(g) Prior to resignation, retirement, or removal from office -

(1) a United States marshal shall deliver to the marshal's successor all prisoners in his custody and all unserved process; and

(2) a deputy marshal shall deliver to the marshal all process in the custody of the deputy marshal.

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Title 28 561 a, P, g

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TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART II - DEPARTMENT OF JUSTICE
CHAPTER 37 - UNITED STATES MARSHALS SERVICE

-HEAD-

Sec. 561. United States Marshals Service

-STATUTE-

(a) There is hereby established a United States Marshals Service as a bureau within the Department of Justice under the authority and direction of the Attorney General. There shall be at the head of the United States Marshals Service (hereafter in this chapter referred to as the "Service") a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The Director of the United States Marshals Service (hereafter in this chapter referred to as the "Director") shall, in addition to the powers and duties set forth in this chapter, exercise such other functions as may be delegated by the Attorney General.

(c) The President shall appoint, by and with the advice and consent of the Senate, a United States marshal for each judicial district of the United States and for the Superior Court of the District of Columbia, except that any marshal appointed for the Northern Mariana Islands may at the same time serve as marshal in another judicial district. Each United States marshal shall be an

official of the Service and shall serve under the direction of the Director.

(d) Each marshal shall be appointed for a term of four years. A marshal shall, unless that marshal has resigned or been removed by the President, continue to perform the duties of that office after the end of that 4-year term until a successor is appointed and qualifies.

(e) The Director shall designate places within a judicial district for the official station and offices of each marshal. Each marshal shall reside within the district for which such marshal is appointed, except that -

(1) the marshal for the District of Columbia, for the Superior Court of the District of Columbia, and for the Southern District of New York may reside within 20 miles of the district for which the marshal is appointed; and

(2) any marshal appointed for the Northern Mariana Islands who at the same time is serving as marshal in another district may reside in such other district.

(f) The Director is authorized to appoint and fix the compensation of such employees as are necessary to carry out the powers and duties of the Service and may designate such employees as law enforcement officers in accordance with such policies and procedures as the Director shall establish pursuant to the applicable provisions of title 5 and regulations issued thereunder.

(g) The Director shall supervise and direct the United States Marshals Service in the performance of its duties.

(h) The Director may administer oaths and may take affirmations of officials and employees of the Service, but shall not demand or accept any fee or compensation therefor.

(i) Each marshal appointed under this section should have -

(1) a minimum of 4 years of command-level law enforcement management duties, including personnel, budget, and accountable property issues, in a police department, sheriff's office or Federal law enforcement agency;

(2) experience in coordinating with other law enforcement agencies, particularly at the State and local level;

(3) college-level academic experience; and

(4) experience in or with county, State, and Federal court systems or experience with protection of court personnel, jurors, and witnesses.

-SOURCE-

(Added Pub. L. 100-690, title VII, Sec. 7608(a)(1), Nov. 18, 1988, 102 Stat. 4512; amended Pub. L. 107-273, div. A, title III, Sec. 301(b), Nov. 2, 2002, 116 Stat. 1781; Pub. L. 109-177, title V, Sec. 505, Mar. 9, 2006, 120 Stat. 247.)

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PRIOR PROVISIONS

A prior section 561, added Pub. L. 89-554, Sec. 4(c), Sept. 6, 1966, 80 Stat. 619; amended Pub. L. 95-530, Sec. 2, Oct. 27, 1978, 92 Stat. 2028, related to appointment, term, and residence of United States marshals, prior to repeal by Pub. L. 100-690, Sec. 7608(a)(1).

AMENDMENTS

2006 - Subsec. (i). Pub. L. 109-177 added subsec. (i).

2002 - Subsec. (i). Pub. L. 107-273 struck out subsec. (i) which read as follows: "There are authorized to be appropriated such sums as may be necessary to carry out the functions of the Service."



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§0.107 Representation on committee for visit-exchange.

The Commissioner of Immigration and Naturalization shall be a member of the committee which represents the Department of Justice in the development and implementation of plans for exchanging visits between the Iron Curtain countries and the United States and shall have authority to designate an alternate to serve on such committee.

§0.108 Redelegation of authority.

The Commissioner of the Immigration and Naturalization Services may redelegate to any employee of the Service or the Department of Justice any of the powers, privileges, or duties conferred or imposed on the Commissioner by §0.105. The Commissioner is authorized to confer or impose upon any employee of the United States, with the consent of the head of the Department or other independent establishment under whose jurisdiction the employee is serving, any of the powers, privileges, or duties conferred or imposed on the Commissioner by §0.105. Existing redelegations by the Commissioner shall continue in force and effect until modified or revoked.

[Order No. 1150-86, 51 FR 31939, Sept. 8, 1986]

§0.109 Implementation of the Treaty of Friendship and General Relations Between the United States and Spain.

The Commissioner of Immigration and Naturalization and immigration officers (as defined in 8 CFR 103.1(i)) are hereby designated as "competent national authorities" on the part of the United States within the meaning of Article XXIV of the Treaty of Friendship and General Relations Between the United States and Spain (33 Stat. 2105, 2117), and shall fulfill the obligations assumed by the United States pursuant to that Article in the manner and form prescribed.

§0.110 Implementation of the Convention Between the United States and Greece.

The Commissioner of Immigration and Naturalization and immigration officers (as defined in 8 CFR 103.1(i)) are hereby designated as "local au-

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thorities" and "competent officers" on the part of the United States within the meaning of Article XIII of the Convention Between the United States and Greece (33 Stat. 2122, 2131), and shall fulfill the obligations assumed by the United States pursuant to that Article in the manner and form prescribed.

Subpart T—United States Marshals Service

§0.111 General functions.

The Director of the United States Marshals Service shall direct and supervise all activities of the U.S. Marshals Service including:

(a) Execution of Federal arrest warrants pursuant to rule 4 of the Federal Rules of Criminal Procedure, Federal parole violator warrants pursuant to section 4206 of title 18 U.S. Code, and Federal custodial and extradition warrants as directed.

(b) The service of all civil and criminal process emanating from the Federal judicial system including the execution of lawful writs and court orders pursuant to section 569(b), title 28, U.S. Code.

(c) Provisions for the health, safety, and welfare of Government witnesses and their families, including the psychological well-being and social adjustment of such persons, pursuant to 18 U.S.C. 3521, *et seq.*, and issuance of necessary regulations for this purpose on behalf of the Attorney General.

(d) Administration and implementation of courtroom security requirements for the Federal judiciary.

(e) Protection of Federal jurists, court officers, and other threatened persons in the interests of justice where criminal intimidation impedes the functioning of the Federal judicial process.

(f) Provision of assistance in the protection of Federal property and buildings.

(g) Direction and supervision of a training school for United States Marshals Service personnel.

(h) Disbursement of appropriated funds to satisfy Government obligations incurred in the administration of justice pursuant to 28 U.S.C. 571.

(i) Maintenance of custody, management control, and disposal of property

Department of Justice

§0.111B

and money seized or forfeited pursuant to any law enforced or administered by the Department of Justice, when the property is seized by the U.S. Marshals Service or delivered to the U.S. Marshals Service in accordance with regulations; and administer the Department of Justice Asset Forfeiture Fund.

(j) Receipt, processing and transportation of prisoners held in the custody of a marshal or transported by the U.S. Marshals Service under cooperative or intergovernmental agreements.

(k) Sustention of custody of Federal prisoners from the time of their arrest by a marshal or their remand to a marshal by the court, until the prisoner is committed by order of the court to the custody of the Attorney General for the service of sentence, otherwise released from custody by the court, or returned to the custody of the U.S. Parole Commission or the Bureau of Prisons.

(l) Coordination and direction of the relationship of the offices of U.S. Marshals with the other organizational units of the Department of Justice.

(m) Approval of staffing requirements of the offices of U.S. Marshals.

(n) Investigation of alleged improper conduct on the part of U.S. Marshals Service personnel.

(o) Acquisition of adequate and suitable detention space, health care and other services and materials required to support prisoners under the custody of the U.S. Marshal who are not housed in Federal facilities.

(p) Approval of "other necessary expenditures in the line of duty" of U.S. Marshals and Deputy U.S. Marshals under 28 U.S.C. 567(3).

(q) Exercising the power and authority vested in the Attorney General under 28 U.S.C. 510 to conduct and investigate fugitive matters, domestic and foreign, involving escaped federal prisoners, probation, parole, mandatory release, and bond default violators.

[Order No. 516-73, 38 FR 12917, May 17, 1973, as amended by Order No. 905-80, 45 FR 52145, Aug. 6, 1980; Order No. 960-81, 46 FR 52348, Oct. 27, 1981; Order No. 1108-85, 50 FR 40197, Oct. 2, 1985; Order No. 1131-86, 51 FR 15612, Apr. 25, 1986; Order No. 1376-89, 54 FR 47353, Nov. 14, 1989]

§0.111a Temporary prisoner-witness transfers.

The Director of the United States Marshals Service and officers of the United States Marshals Service designated by him are authorized to exercise the power and authority vested in the Attorney General under 18 U.S.C. 3508 to receive custody from foreign authorities of prisoner-witnesses whose temporary transfer to the United States has been requested; to transport such persons in custody from the cooperating foreign country to the place in the United States at which the criminal proceedings in which they are to testify are pending; to maintain such persons in custody while they are in the United States, subject to any agreement entered into by the Assistant Attorney General for the Criminal Division or his or her delegee with the transferring country regarding the terms or conditions of the transfer; and to return such persons, in custody, to the foreign country when and in the manner designated by the Assistant Attorney General for the Criminal Division or his or her delegee. The Director of the United States Marshals Service and officers of the United States Marshals Service designated by him shall also be authorized to transport, surrender, receive and maintain custody of prisoner-witnesses temporarily transferred from or to the United States pursuant to a treaty, executive agreement, or other legal authority, and accept reimbursement from foreign authorities when appropriate.

[Order No. 1913-94, 59 FR 46551, Sept. 9, 1994]

§0.111B Witness Security Program.

(a) In connection with the protection of a witness, a potential witness, or an immediate family member or close associate of a witness or potential witness, the Director of the United States Marshals Service and officers of the United States Marshals Service designated by the Director may:

- (1) Provide suitable documents to enable the person to establish a new identity or otherwise protect the person;
- (2) Provide housing for the person;
- (3) Provide for the transportation of household furniture and other personal

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property to a new residence of the person;

(4) Provide to the person a payment to meet basic living expenses in a sum established in accordance with regulations issued by the Director, for such time as the Attorney General determines to be warranted;

(5) Assist the person in obtaining employment;

(6) Provide other services necessary to assist the person in becoming self-sustaining;

(7) Protect the confidentiality of the identity and location of persons subject to registration requirements as convicted offenders under Federal or State law, including prescribing alternative procedures to those otherwise provided by Federal or State law for registration and tracking of such persons; and

(8) Exempt procurement for services, materials, and supplies, and the renovation and construction of safe sites within existing buildings from other provision of law as may be required to maintain the security of protective witnesses and the integrity of the Witness Security Program.

(b) The identity or location or any other information concerning a person receiving protection under 18 U.S.C. 3521 et seq., or any other matter concerning the person or the Program, shall not be disclosed except at the direction of the Attorney General, the Assistant Attorney General in charge of the Criminal Division, or the Director of the Witness Security Program. However, upon request of State or local law enforcement officials, the Director shall, without undue delay, disclose to such officials the identity, location, criminal records, and fingerprints relating to the person relocated or protected when the Director knows or the request indicates that the person is under investigation for or has been arrested for or charged with an offense that is punishable by more than one year in prison or that is a crime of violence.

[Order No. 2511-2001, 66 FR 47383, Sept. 12, 2001]

§0.112 Special deputation.

The Director, United States Marshals Service, is authorized to deputize the following persons to perform the func-

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tions of a Deputy U.S. Marshal in any district designated by the Director:

(a) Selected officers or employees of the Department of Justice;

(b) Selected federal, state, or local law enforcement officers whenever the law enforcement needs of the U.S. Marshals Service so require;

(c) Selected employees of private security companies in providing courtroom security for the Federal judiciary;

(d) Other persons designated by the Associate Attorney General pursuant to 28 CFR 0.19(a)(3).

All such deputations shall expire on a date certain which shall be stated on the face of the deputation.

[Order No. 1047-84, 49 FR 6485, Feb. 22, 1984, as amended at 61 FR 33657, June 28, 1996]

§0.113 Redelegation of authority.

The Director, U.S. Marshals Service, is authorized to redelegate to any of his subordinates any of the powers and functions vested in him by this subpart, except that the authority to approve "other necessary expenditures in the line of duty" of U.S. Marshals and Deputy U.S. Marshals may not be delegated below the Assistant Director level.

[Order No. 905-80, 45 FR 52145, Aug. 6, 1980]

§0.114 Fees for services.

(a) The United States Marshals Service shall routinely collect fees according to the following schedule:

(1) For process forwarded for service from one U.S. Marshals Service Office or suboffice to another—\$8 per item forwarded;

(2) For process served by mail—\$8 per item mailed;

(3) For process served or executed personally—\$55 per hour (or portion thereof) for each item served by one U.S. Marshals Service employee, agent, or contractor, plus travel costs and any other out-of-pocket expenses. For each additional U.S. Marshals Service employee, agent, or contractor who is needed to serve process—\$55 per person per hour for each item served, plus travel costs and any other out-of-pocket expenses.

(4) For copies at the request of any party—\$.10 per page;



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

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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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