



U.S. Department of Justice

United States Marshals Service

Office of General Counsel

*CG-3, 15th Floor
Washington, DC 20530-0001*

June 13, 2025



Re: Interim Response to Freedom of Information Act Request No. 2025-USMS-001234
Subject: USMS records pertaining to a DOJ OIG Audit report



The United States Marshals Service (USMS) is providing this first interim response to your Freedom of Information Act (FOIA) request received by the USMS on May 2, 2025, seeking the following information:

- "1. From October 1, 2024 to the date this request is processed, all agency records reflecting the U.S. Marshals Service's ("USMS") implementation of the DOJ Office of Inspector General's ("OIG") recommendations outlined in report # 24-116, titled "Audit of the U.S. Marshal's Service Special Deputation Authority" (the "OIG report").*
- 2. From October 1, 2024 to the date this request is processed, all guidance from the Office of the Deputy Attorney General ("ODAG") to USMS on special deputations, as outlined in Recommendation #11 in the OIG report.*
- 3. A copy of the 1999 memorandum issued to the Deputy Attorney General by then Associate Deputy Attorney General Nicholas M. Gess ("Gess Memo"), as referenced in the OIG report.*
- 4. A copy of the following documents relied on in the OIG report, as of the date the OIG report was published:*
 - a. Policy Directive 17.11, Special Deputation Program;*
 - b. USMS's Enforcement Operations Standard Operating Procedures;*
 - c. Form USM-3C, Application for Group Special Deputation;*
 - d. Form USM-4, Oath of Office – Special Deputation; and*
 - e. Employee Authorization Letter, as referred to on page 24 of the OIG report.*

5. *A copy of the following documents, as of the date this request is received, if different from the copies provided in Request #4:*
- a. Policy Directive 17.11, Special Deputation Program, or other USMS policy directives implementing the SDP;*
 - b. USMS's Enforcement Operations Standard Operating Procedures;*
 - c. Form USM-3C, Application for Group Special Deputation, or any other form required for group special deputation;*
 - d. Form USM-4, Oath of Office – Special Deputation, or any other form outlining the oath of office; e. Employee Authorization Letter; and*
 - f. Formal training documents for SDP.*
6. *A copy of each of the records requested in Requests #4 and #5, as of the date this request is processed, if different from the copies provided in Requests #4 or #5:*
7. *From January 20, 2025, to the date this request is processed, records relating to requests, approvals, or denials for special deputation of an individual under 28 C.F.R. 0.112(d). This request includes any documents relating to the terms and conditions for any approvals for special deputation.*

Pursuant to your request, the USMS conducted a search for records responsive to your request and located 16 pages of responsive documentation within the following offices/divisions:

Judicial Security Division (JSD)
Operations Support Division - Special Deputation (OSD-SD)

To withhold a responsive record in whole or part, an agency must show both that the record falls within a FOIA exemption, 5 U.S.C. § 552(b), and that the agency “reasonably foresees that disclosure would harm an interest protected by exemption.” See § 552(a)(8)(A)(i)(I); *Machado Amadis v. U.S. Dep’t of State*, 971 F.3d 364 (D.C. Cir. 2020). As described in this correspondence, the USMS reviewed responsive records to your request and asserted FOIA exemptions as appropriate. Further, the USMS has determined it is reasonably foreseeable that disclosure of the withheld information would harm an agency interest protected by the exemption. These pages are released to you with portions of 12 page(s) withheld in part pursuant to the following Exemptions of the FOIA, 5 U.S.C. § 552(b):

(b)(7)(E), FOIA Exemption (b)(7)(E) exempts from release information that would disclose law enforcement techniques or procedures, the disclosure of which could reasonably be expected to risk circumvention of the law. Public disclosure of law enforcement techniques and procedures could allow people seeking to violate the law to take preemptive steps to counter actions taken by USMS during investigatory operations. Information pertaining to case selection, case development, and investigatory methods are law enforcement techniques and procedures that are not commonly known. The disclosure of this information serves no public benefit and would have an adverse impact on agency operations. Furthermore, public disclosure of information such as internal URLs, codes, and internal identifying numbers could assist unauthorized parties in deciphering the meaning of the codes and numbers, aid in gaining improper access to law enforcement databases, and assist in the unauthorized party’s navigation of these databases. This disclosure of techniques for navigating the databases could permit people seeking to violate the law to gain sensitive knowledge and take preemptive steps to counter actions taken by USMS during investigatory operations. The disclosure of this information serves

no public benefit and would not assist the public in understanding how the agency is carrying out its statutory responsibilities.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Please be advised that because this is an interim response to your request, any appeal rights that may apply will be provided to you in our final response. Further releases of responsive records will be made to you by the USMS FOIA Office as soon as practicable.

Sincerely,

/s/ TW for

Charlotte Luckstone
Assistant Deputy General Counsel FOIA/PA Officer
Office of General Counsel

Enclosure



United States Marshals Service – POLICY DIRECTIVES

17.11

SPECIAL DEPUTATION PROGRAM

PROPONENT: Tactical Operations Division (TOD), Special Deputations Branch (SDB)

PURPOSE: This policy directive establishes the policy and procedures concerning the Special Deputation Program (SDP) for the United States Marshals Service (USMS).

AUTHORITY: The authority of the USMS to supervise and administer the SDP is contained in 28 USC 566(c), 561(a), 561(f), 509, 510; 28 CFR, 0.111, 0.112, and 0.113.

CANCELLATION: This policy directive supersedes USMS Policy Directive 17.11, *Special Deputation Program*, dated September 6, 2017. This policy directive will remain in effect until updated, superseded, or canceled.

ADMINISTRATION AND LOGISTICS:

1. Records Management: This operational policy directive document is maintained in accordance with the approved Specific Records Schedule, DAA-0527-2013-0018-0001.

APPROVED BY:

_____/s/
Donald W. Washington
Director
U.S. Marshals Service

10/07/2020
Effective Date

Updated Date: 09/24/2021

A. Policy Statements:

1. Special Deputations by the USMS are 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. A Special Deputation may 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 federal, state, local, or tribal law enforcement officers to enforce Title 18 criminal offenses only. Special Deputies are not authorized to participate in federal drug investigations (Title 21) unless they are also deputized by the Drug Enforcement Administration or the Federal Bureau of Investigation.
4. Deputized individuals have Title 18 authority, as stipulated on Form (b)(7)(E) 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. (b)(7)(E) and
 - e. Carry firearms for personal protection or the protection of those covered under the federal assault statutes.
5. **Special Deputation Eligibility Requirements:** In order to be qualified for Special Deputation, an applicant must:
 - a. Be a United States citizen;
 - b. Be employed by a federal, state, local, or tribal law enforcement agency, or an agency approved by the Department of Justice (DOJ);
 - c. Have successfully completed a basic law enforcement training program. If deputation is requested to participate in a protection detail, proof of protective detail training is also required;
 - d. Possess at least 1 year of law enforcement experience with an agency that has general arrest authority;
 - 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 within 6 months of application date;
 - g. Complete Form (b)(7)(E) or Form (b)(7)(E)

(b)(7)(E)

Incomplete applications will not be processed;

- h. Have certified that they have reviewed and agreed to comply with the deadly force policy of their employing agency or the DOJ;
- i. If applicant is a federal employee, applicant must be classified in a law enforcement job series. If an applicant is not employed in a law enforcement job series but has sufficient justification to be deputized, the application and a recommendation from SDB will be submitted to the Office of the Deputy Attorney General (ODAG) for final approval;
- j. Applicants may generally not hold more than one Special Deputation at a time. However, if a scenario arises where it is justifiable for an applicant to be deputized to work under more than one task force/mission, a request for waiver of this limitation can be sent to SDB for review;
- k. Provide written authorization from their employer that they concur with their employee's participation on a task force or mission. This authorization letter must be no older than 2 months of SDB receipt of the application; and
- l. Applicants should not be under internal investigation by their employer. If an applicant is under internal investigation, a written explanation regarding the circumstances of the investigation and what caused it should be sent to SDB for review along with the application.

6. **Special Deputation Employment Categories:**

- a. **Federal, State, Local, and Tribal Law Enforcement Employees:** These applicants are employed by agencies that have Full-Time Statutory Law Enforcement Authority with general arrest authority. This category also includes Civilian Security Officers employed on military reservations to enforce federal law.
- b. **Security Guards and Personal Protection Employees:** These applicants are employed by the United States Government or private agencies that provide security for a specific place or building; or personal protection for dignitary, government official, or other designated person. They do not have general arrest authority. Applicants must have general law enforcement experience of at least 1 year.
- c. **USMS Employees and Contract Employees:** These are full-time USMS employees, contract Court Security Officers (CSO), and Detention Security Officers. CSOs are deputized by a district United States Marshal (USM) according to Judicial Security Division's (JSD) procedures pursuant to JSD's contracts regarding security officers.
- d. **Physicians:** These are applicants who are typically employed by hospitals, clinics, etc., but can also have law enforcement authority and work in an emergency medical response capacity in support of task force and/or agency operations as needed and on an uncompensated basis. Applicants applying as physicians must meet special eligibility requirements to include completion of Form (b)(7)(E) and Form (b)(7)(E) (NOTE: Existing Medical support that currently hold Special Deputations, which predate this policy, will retain their Special Deputations). Further requirements include:

- 1) Maintaining a board certification in Emergency Medicine (American

Board of Emergency Medicine).

- 2) Maintaining a current/active license to practice medicine, without restriction, in the state of operation.
- 3) Maintaining an active clinical practice in a hospital emergency department, ideally in a university medical center or trauma center.
- 4) Maintaining a professional practice background without ethics violations, credentialing suspensions or terminations, revocation of privileges (subject to verification through hospital credentialing offices, state licensing boards, National Practitioner's Data Bank and others).
- 5) Providing an annual disclosure memorandum to USMS by physician of any proprietary or ownership interests in medical product, device, technology, or services companies, as well as paid teaching/speaking engagements.
- 6) Ensuring that their employing agency concurs with their Special Deputation by providing an employer authorization letter to the District/Regional Fugitive Task Force (RFTF). The letter of support from physician's employer (or medical institution) indicating support for special deputation and patient care activities in the out-of-hospital setting, specifically the law enforcement tactical environment.
- 7) Signing Form (b)(7)(E)
- 8) Demonstrating firearms proficiency, if an applicant is not a law enforcement officer with general arrest authority, by providing proof that an approved firearms training course has been completed. If the deputation expires and a renewal is requested, an updated Form (b)(7)(E) and Form (b)(7)(E) is required. (b)(7)(E)
(b)(7)(E)
- 9) (b)(7)(E)
- 10) Submitting notarized statement to the District/RFTF in which he/she will swear/affirm that he/she is not prohibited from possessing a firearm under state or federal law. This statement must also acknowledge his/her awareness of 18 U.S.C. 1001, describing the prohibition against false statements to federal law enforcement.
- 11) Completing Form (b)(7)(E) with identifying information and authorization for the USMS to conduct a suitability review. A determination of unsuitability will render an existing or future Special Deputation null and void.
- 12) (b)(7)(E)
- 13) Completing a jointly-approved firearms safety program and

demonstrating sound judgment to the satisfaction of the Chief or Commander of the District/RFTF or providing evidence of the completion of a firearms safety program to be signed off and approved by the above.

- 14) (b)(7)(E)
- Operational medical support requires a degree of on-call responsibility and he/she must be available to respond to District/RFTF operations within a reasonable period of time.
- 15) Once deputized, the physician will be issued U.S. Government credentials bearing their photograph and signature. This document is accountable property and must be maintained in their possession at all times that he/she is performing services with the District/RFTF. Misuse of the credentials or Special Deputation for personal purpose will result in their revocation.
- 16) To be eligible for the Special Deputation, the physician must agree to surrender his/her credentials and Special Deputation documents upon the termination of their services with the District/RFTF, or at any time upon the request of the District/RFTF.
- 17) The District/RFTF will prepare (b)(7)(E)
- (b)(7)(E)
- for this purpose. (b)(7)(E)
- (b)(7)(E)
- (b)(7)(E)
- 18) Furthermore, the physician must understand the following:
- a) Their Special Deputation does not provide him/her any law enforcement authority on behalf of the USMS or the U.S. Government. If any law enforcement officer requests that he/she perform a law enforcement function, he/she must state that he/she possesses no law enforcement authority and their deputation is only for personal protection.
- b) (b)(7)(E)
- c) (b)(7)(E)
- d) Physicians do not participate on entry teams or enter residences/structures unless medical attention is necessary, and it has been determined that it is safe to do so.
- e) When on-site for an enforcement operation, the physician's role will be to facilitate and provide medical care and advice.
- f) While participating in USMS operations and providing medical support, he/she will not be under the influence of any substance known to affect a person's decision-making ability.

- g) Whether he/she is covered under the Federal Tort Claims Act (FTCA) and workers compensation laws (OWCP) will be determined on a case-by-case basis by the DOJ (for FTCA purposes) and the Department of Labor (for OWCP purposes).
 - h) He/she is not eligible for any federal employee benefits.
 - i) He/she will use their own liability insurance and medical coverage (minimum of \$1 million per occurrence) that specifically covers patient care activities in the "out-of-hospital" setting, specifically within the law enforcement tactical environment for events incident to providing medical support to USMS operations.
 - j) Each time the Special Deputation is renewed, the terms of this agreement will continue to apply.
 - k) The Special Deputation is not valid while off duty.
 - l) Physicians will be instructed on and will comply with all USMS Use of Force guidelines and policies outlined in USMS Policy Directive 2.10, *Use of Force*.
- e. **Office of the Director Sponsored Requests:** This applies to officials who may receive Special Deputation due to sponsorship from the Office of the Director. These requests must be coordinated through the Office of the Director and are granted for 2 years.
- f. **United States Military Personnel:** *The Posse Comitatus Act* precludes most military personnel from being deputized. Members of the United States Army, United States Air Force, United States Navy, United States Marine Corps, and their respective reserve components, cannot be deputized. However, United States Coast Guard and National Guard service members are exempt from this restriction.
7. **Exceptions:** Only the Deputy Attorney General (DAG); Director; Deputy Director; Associate Director for Operations; Associate Director for Administration; and Assistant Director (AD) or the Deputy Assistant Director (DAD), TOD, of the USMS can approve exceptions to this directive.
8. **Special Consideration Requests that require ODAG approval:**
- a. **Physical Security Specialist (GS-0080):** This category includes a Federal Security Administrator as identified in United States Office of Personnel Management, *Handbook of Occupational Groups and Families, Position Classification Standards*, who has also completed the Federal Law Enforcement Training Center (FLETC) Criminal Investigative Training Program, Basic Protective Investigative Training Program, or FLETC-approved equivalent, if seeking to provide protection to authorized officials or property.
 - b. **International Criminal Investigative Training Assistance Program (ICITAP):** Only applications received from the Director, ICITAP, will be processed. Applications must include a request letter stating the requirement for Special Deputation, badge, and credentials. Once the Special Deputation Unit has processed the application, the TOD Office of Security Programs (OSP), Document and Identity Security Office will be notified by email containing the request letter and approved application. Upon receipt of the approved

application, TOD OSP will coordinate the issue of Special Deputy badge and credentials through the Director, ICITAP. The process is the same for renewals.

- c. **United States Attorneys and Assistant United States Attorneys (AUSA):** Only applications received through a representative from the ODAG will be processed. If the applicant United States Attorney or AUSA requires a firearm qualification, the local USMS district office may provide the qualification upon proof that the firearms training requirement has been met. An updated firearms qualification is required if an extension to the deputation is needed. For more information, see Section C.5.c. The following websites list approved firearms training courses:

- 1) National Rifle Association; and/or
- 2) National Shooting Sports Foundation.

B. Roles and Responsibilities:

- a. **ODAG:** Approves several categories of initial requests for Special Deputation except those for USMS personnel, contract employees or law enforcement officers specifically supporting USMS missions (i.e., fugitive task force).
- b. **Authorized Official:** Administers the Oath of Office to applicants approved by SDB. The authorized official completes Form (b)(7)(E) and obtains the necessary signatures.
- c. **AD, TOD:** Oversees the SDP with the assistance of the DAD.
- d. **Chief, OSP, TOD:** Oversees the SDP and conducts periodic audits of the program.
- e. **Chief, SDB:** Supervises and administers the SDP. Approves/disapproves all Special Deputation requests supporting USMS and other federal law enforcement missions based upon the needs of the USMS and other federal agencies that can demonstrate a requirement to enforce federal law and carry a concealed weapon under Title 18 authority.
- f. **SDB:** Processes all requests for Special Deputation under the direction of the Assistant Chief, SDB.

C. Procedures:

- 1. **Procedures for USMS Sponsored Special Deputy United States Marshals:**
 - a. Task Force Officer's (TFO) with an executed agency Memorandum of Understanding (MOU) should be deputized. Each TFO applicant seeking deputation must follow the deputation procedures below. Quick reference can be found on the USMS Intranet under the TFO SDB Process Chart.
 - b. Special Deputy state and local officers assigned to a USMS District Fugitive Task Force or a RFTF who require full-time unescorted access to USMS space or systems are required to undergo a background investigation or have had a favorably adjudicated background investigation within the past 5 years to comply with *Homeland Security Presidential Directive-12*. Please refer to the procedures section of USMS Policy Directive 17.6.2, *Personal Identity Verification*, for instructions on requesting background investigations.
 - c. Officers assigned to a task force on a part-time basis or for a period of less than 1 year may be granted escorted access to USMS space in accordance with existing visitor procedures. It is the responsibility of the USM, Chief Deputy

United States Marshal, RFTF Commander, or Warrant Supervisor to ensure that all Special Deputy United States Marshals without a successfully completed background investigation are escorted at all times while in USMS space. Special Deputies who do not have a successfully completed background investigation are not authorized access to USMS systems.

- d. **Badge and Credentials:** At the discretion of the AD, TOD, or designee, Special Deputy United States Marshals serving on USMS task forces with an executed MOU may be issued unique credentials and/or badges. Except where otherwise noted, the USMS may only issue credentials or badges to deputized USMS employees, TFOs, and contractors. Specific procedures are included in USMS Policy Directive 17.8, *Badges and Credentials*. A badge and credential will only be issued for applicants who:

- 1) Have a successfully-completed background investigation by the TOD Background Investigations Branch;
- 2) A Form (b)(7)(E) approved by SDB;
- 3) Committed to a 1-year minimum term as a member of a task force or are sponsored by the Office of the Director;
- 4) Submits Form (b)(7)(E) to the TOD Badge and Credential Program;
- 5) Full-time TFOs with an executed MOU assigned to a USMS District Fugitive Task Force or RFTF may receive USMS Task Force Credentials; and
- 6) Special Deputation for TFOs is valid for 3 years from the date of approval. (b)(7)(E)
(b)(7)(E)
Special Deputations cannot be backdated.
- 7) Upon termination, removal, cancellation, or separation from a task force, the District and Task Force Commander are responsible for completing Form (b)(7)(E) Form (b)(7)(E) from the TFO. The collected articles and a copy of Form (b)(7)(E) must be sent via FedEx to:

**United States Marshals Service Landover Operations Center
Tactical Operations Division, Office of Security Programs
3601 Pennsy Drive
Landover, Maryland 20785 Attn: Technical Security Office**

- 8) All other individuals sponsored by the USMS for Special Deputation should upon expiration, return their badge and credentials to:

**United States Marshals Service Landover Operations Center
Tactical Operations Division, Office of Security Programs 3601
Pennsy Drive
Landover, Maryland 20785 Attn: Technical Security Office**

2. Procedures for Other Sponsoring Agencies:

- a. **Sponsoring Agency:** The Chief Administrator of the sponsoring agency has the following responsibilities:

- 1) Submits the initial and renewal requests for Special Deputation by providing supporting documentation and a completed Form (b)(7)(E) for each applicant;
- 2) Verifies that the applicant meets all qualification requirements;
- 3) Provides the applicant with a copy of the Deadly Force policy from the sponsoring agency or the DOJ; and
- 4) Notifies SDB immediately if a 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 will:
 - a) Notify SDB of the individual(s) termination;
 - b) If applicable, return the badge and credentials via FedEx to TOD OSP's Technical Security Office; and
 - c) Email Form (b)(7)(E) to the SDB.

3. **Procedures for International Association of Chief of Police (IACP) applicants:**

- a. IACP Presidents are sponsored by the USM in the district where the applicant is employed and are sworn in for 2-year appointments by the USMS Director during the annual IACP conference. The following are requirements for deputation of the IACP President:
 - 1) A completed Form (b)(7)(E) Form (b)(7)(E) and Operational Signature Sheet (available upon request from the district Administrative Officer or the Badge and Credential Program, TOD);
 - 2) Photo (business attire required); and
 - 3) An employer authorization letter.
- b. Sponsoring District Responsibilities:
 - 1) Once the IACP President is deputized, the sponsoring district is responsible for placing credentials on the district property log.
 - 2) The district is responsible for advising the IACP President of the authorizations and limitations of Special Deputation and the Unique Federal Agency Number for Federal law enforcement officers flying armed.
 - 3) No Special Deputation extensions or renewals will be granted.
 - 4) Upon expiration of the 2-year Special Deputation term, the district is responsible for collecting the IACP President's credentials, completing Form (b)(7)(E) and returning the credentials via FedEx to TOD OSP's Technical Security Office.

4. **Application Process:**

- a. **Individual Application:** Each applicant seeking Special Deputation must complete a Form (b)(7)(E)

b. **Supporting Documentation:**

- 1)
- 2) Any other information requested by the SDB

(b)(7)(E)

(b)(7)(E)

c. **Expiration Date:** The expiration date for Special Deputation is specified on Form

(b)(7)(E)

 and on the credentials. Special Deputations can be authorized for 1, 2, or 3 years depending on the category of the deputation. The list below indicates the time period for various deputations.

- 1) **1-year Authorizations:**
 - a) Organized Crime Drug Enforcement Task Force; and
 - b) Physicians and existing medical personnel.
- 2) **2-year Authorizations:**
 - a) International Association of Chief of Police (IACP) President; and
 - b) AUSA.
- 3) **3-year Authorizations:**
 - a) Security Guards and personal protection employees;
 - b) Office of the Inspector General (OIG) Special Agents;
 - c) USMS special employees;
 - d) Federal Task Forces;
 - e) USMS Task Forces; and
 - f) United States Attorney Task Force.

To avoid disruption of Special Deputation status, renewal requests should be submitted within 60 days of the expiration date. Special Deputations cannot be backdated. Each time a Special Deputation is authorized the applicant must renew their Oath of Office.

d. **Submission:** The sponsoring agency must submit Form

(b)(7)(E)

 and supporting documentation to the SDB.

5. **Approval Process:**

- a. Chief of SDB, TOD, or designee, must approve all deputations for USMS employees, contract employees, and law enforcement officers, specifically those supporting the USMS mission.
- b. **Other Sponsoring Agencies:** Requests for Special Deputation to support non-USMS missions require the approval of the ODAG. The steps of the approval process are:
 - 1) SDB reviews the agency's request and applications for Special Deputation. Incomplete applications are returned;
 - 2) The Chief, OSP, submits a recommendation to the ODAG; and
 - 3) The ODAG directs the USMS to approve or disapprove the request.
- c. **United States Attorneys and AUSAs:** Applicants may request Special Deputation only for the purpose of carrying a firearm for personal protection. Applications are initially submitted to the EOUSA, and not SDB. When requested by the EOUSA, the USMS will verify that each applicant has met firearm qualification standards with an approved weapon. After verification, the EOUSA sends the application to the ODAG for approval. Once a decision has been made, the application is sent to the USMS for processing.
 - 1) Each applicant must complete (b)(7)(E) of firearms training to include Basic Marksmanship and Defensive Pistol training and provide proof of successful completion of this requirement. The following websites list approved firearms training courses:
 - a) National Rifle Association; and/or
 - b) National Shooting Sports Foundation.
 - 2) (b)(7)(E)
 - 3) The USMS, as a courtesy, may qualify the AUSA on their approved course of fire. (b)(7)(E)
- d. **ODAG:** The DAG, in accordance with a December 1999 memorandum signed by Associate Deputy Attorney General Nicholas M. Gess, has complete authority for several categories of deputations. The categories reserved for the DAG's approval are as follows:
 - 1) **Category 2:** Where the deputation is sought for the purpose of providing protective services, (i.e., an OIG Special Agent who is a member of the protective detail of the Cabinet official).
 - 2) **Category 3:** Where the deputation is sought for a law enforcement officer by a United States Attorney. In which case, the application should be submitted with the approval of the EOUSA.
 - 3) **Category 4:** Where 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) **Category 5:** Where the deputation is sought for a federal employee who

does not have other federal law enforcement authority, such as an AUSA or an OIG Special Agent.

- 5) **Category 6:** Where 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) **Category 7:** Where 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.

6. **Group Deputations:** In cases where a large group of applicants require Special Deputation, such as special operations or high-profile events, it is possible to deputize using Form (b)(7)(E). In some circumstances, group deputations may take place using an abbreviated administrative process. The request letter and individual applications are waived, and the applicants are listed on a consolidated log that includes their name; the last four of their social security number; date of birth; firearms qualification date; firearms make, model and caliber; and applicant's signature. After submitting the log, the agency certifies, by signature, that the applicant has met the requirements.

a. **Emergency Support Function-13 (ESF #13):** ESF #13 activations occur pursuant to presidential disaster declarations under 42 USC 5121, the *Robert T. Stafford Disaster Relief and Emergency Assistance Act*. Per the MOU between the USMS and the Bureau of Alcohol, Tobacco, Firearms and Explosives, SDB will process Special Deputation requests for partner agencies that possess a valid Mission Assignment number and are deploying to a disaster area. These requests will be processed on an expedited basis and do not require that an employer's authorization letter be included with the application at that time. However, the employer's letter will be accepted 5 business days after submission of the applicant log and must include the following items:

- 1) Agency endorsement of USMS Special Deputation;
- 2) Wording that applicant is not involved in any internal investigations or facing disciplinary action; and
- 3) Verification that the applicant possesses no Lautenberg Amendment violations.

7. **Special Deputation Appointment/Oath of Office:**

a. (b)(7)(E) SDB issues Form (b)(7)(E) to the District/RFTF where the swearing-in will occur prior to appointment. Form (b)(7)(E) has a dual purpose – it serves as the authorization for USMS District/RFTF to issue the deputation and it serves as the appointment document that identifies that an individual is a Special Deputy.

b. **Oath of Office:** After Form (b)(7)(E) is administered by an authorized official, a copy of Form (b)(7)(E) must be returned to the SDB for final processing. The

(b)(7)(E)

c. **Authorized Officials:** Any operational employee with the rank of GS-14, Supervisory Deputy United States Marshal, or above is authorized to administer the Oath of Office. This responsibility may be delegated only in the absence of the aforementioned officials.

- d. **Termination/Cancellation:** If an applicant will not be deputized or if a current Special Deputation is no longer required, a copy of Form (b)(7)(E) is returned to the SDB with the words "canceled" or "terminated" on it.
- e. **Records:** The District/RFTF is responsible for delivering the appointee their deputation appointment. The original Form (b)(7)(E) is provided to the appointee. The sponsoring agency/District/RFTF keeps a copy and another copy is emailed to SDB. All copies of Special Deputation records must be kept for no less than 5 years from the date of expiration of the most recent deputation.

D. Definitions:

- 1. **Authorized Official:** A person authorized to administer the Oath of Office.
- 2. **Special Deputation:** Approved by DOJ 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.

E. References:

- 1. 18 U.S.C. 922, [Unlawful Acts](#)
- 2. 18 U.S.C. 1385, [Posse Comitatus Act](#)
- 3. 28 U.S.C. 509, [Functions of the Attorney General](#)
- 4. 28 U.S.C. 510, [Delegation of Authority](#)
- 5. 28 U.S.C. 561, [United States Marshals Service](#)
- 6. 28 U.S.C. 566, [Powers and Duties](#)
- 7. 42 U.S.C. 5121, [Robert T. Stafford Disaster Relief and Emergency Assistance Act](#)
- 8. 28 C.F.R. 0.111, [General Functions](#)
- 9. 28 C.F.R. 0.112, [Special Deputation](#)
- 10. 28 C.F.R. 0.113, [Redelegation of Authority](#)
- 11. Title 18, [Crimes and Criminal Procedure](#)
- 12. Title 21, [Food and Drugs](#)
- 13. Title 26, [Internal Revenue Code](#)
- 14. [National Rifle Association](#)
- 15. [National Shooting Sports Foundation](#)
- 16. Homeland Security Presidential Directive-12, [Policy for a Common Identification Standard for Federal Employees and Contractors](#)
- 17. USMS Policy Directive 2.10, [Use of Force](#)
- 18. USMS Policy Directive 17.6.2, [Personal Identity Verification](#)
- 19. USMS Policy Directive 17.8, [Badges and Credentials](#)

20. Form (b)(7)(E) [redacted]
(b)(7)(E) [redacted]
21. Form (b)(7)(E) [redacted]
22. Form (b)(7)(E) [redacted]
23. Form (b)(7)(E) [redacted]
(b)(7)(E) [redacted]
24. Form (b)(7)(E) [redacted]
25. Form (b)(7)(E) [redacted]
26. Form (b)(7)(E) [redacted]

OATH OF OFFICE SPECIAL DEPUTATION

(For Special Deputation of Contract Court Security Officers and/or Special Security Officers ONLY)

District/Division:



"I, _____, do solemnly swear (or affirm) that I will faithfully execute all lawful precepts directed to the United States Marshal under the authority of the United States, make true returns, take only lawful fees, and in all things well and truly, and without malice or partiality, perform the duties of the Office of Special Deputy United States Marshal during my continuance in office. So help me God.

I fully understand that the purpose of this Special Deputation is to enable me to enforce federal law while in the performance of assigned duties under government contract, and shall authorize me to transport government equipment and assigned weapons to and from temporary duty stations in such manner and at such times specifically authorized by the Director or Deputy Director of the United States Marshals Service, or by a United States Marshal.

I further understand that this Special Deputation will remain in effect until one of the following elements occurs: five years elapsed from the date below, the deputation is revoked by the Director, Deputy Director, or U.S. Marshal, or my employment with the contractor is terminated for any reason.

(Signature)

Subscribed and sworn to before me this _____ day of _____, _____

at _____, _____.

(City)

(State)

(Signature of officer administering oath)

(Title)

SEE NEXT PAGE FOR TERMS OF SPECIAL DEPUTATION AND INSTRUCTIONS

*RESTRICTIONS: This Special Deputation is effective only when the contract Court Security Officer and/or Special Security Officer is performing in an official contract capacity at the designated site authorized by the Government.

NOT VALID UNLESS CERTIFIED BELOW BY DIRECTOR OR DEPUTY DIRECTOR OF THE UNITED STATES MARSHALS SERVICE, OR BY A UNITED STATES MARSHAL:

I certify that the above-named individual, having taken the Oath of Office, is authorized to perform the duties of a contract Court Security Officer and/or Special Security Officer under this special deputation on the _____ day of _____, _____.

This Special Deputation shall expire five years from this date on the _____ day of _____, _____.

(Authorized Certifying Official)

TERMS OF SPECIAL DEPUTATION

The individual named herein is authorized, under the authority of the Attorney General, to exercise the authority of a Special Deputy United States Marshal in fulfilling the responsibilities of a contract Court Security Officer and/or Special Security Officer under the terms and conditions specified by the United States Marshals Service contract.

This authorization does not constitute appointment or employment by the United States Marshals Service, the United States Department of Justice, or the United States Government. The contract Court Security Officer and/or Special Security Officer agrees to perform the duties required under this Special Deputation with the knowledge that he or she is neither entering into an employment agreement with the Federal Government or any element thereof, nor being appointed to any position in the Federal Service by virtue of this Special Deputation. The contract Court Security Officer and/or Special Security Officer understands and acknowledges that the authorities vested in him or her by this Special Deputation can only be exercised in furtherance of the mission for which he or she has been specifically deputized and extend only so far as may be necessary to faithfully complete that mission. Moreover, those authorities terminate at the expiration of the term of the Special Deputation.

INSTRUCTIONS

Authorized Certifying Officials: The Director, United States Marshals Service, pursuant to 28 C.F.R. 0.151, hereby designates the Deputy Director and United States Marshals as Authorized Certifying Officials.

Officer Administering the Oath: The oath of office must be subscribed and sworn to before an officer authorized to administer oaths generally, such as a justice, judge, clerk for a United States court, a United States Magistrate, or a notary public or other state or local official authorized to administer oaths, or before an officer or employee of the Department of Justice who has been designated in writing by the Attorney General, the Deputy Attorney General, or the Assistant Attorney General for administering the oath of office required by Section 1757 of the Revised Statutes, as amended (5 U. S.C Section 16), and to administer any other oath required by law in connection with employment in the executive branch of the Federal Government (although the oath itself does not constitute employment, appointment, or related commitment on the part of the Federal Government.) The Director, United States Marshals Service, pursuant to 28 C.F.R. 0.151, hereby designates the United States Marshal as such an official.