



U.S. Department of Justice

United States Marshals Service

District of New Mexico

Albuquerque, NM 87102

MEMORANDUM TO: State and Local Law Enforcement Agency Partners
Santa Fe County Sheriff's Office
Captain Adan Mendoza

FROM: Conrad Candelaria
United States Marshal
District of New Mexico
Southwest Investigative Fugitive Task Force

SUBJECT: Joint Law Enforcement Operations Program Guidance

I would first like to take this opportunity to thank the Directors, Sheriffs and Chiefs who have committed their valuable resources in support of the United States Marshals Service's fugitive mission. I am convinced that this collaborative effort to locate and apprehend violent fugitives drastically reduces the crime rate in New Mexico. Our combined efforts led to the arrest of over 2000 federal, state and local fugitives last fiscal year.

As part of our fugitive apprehension mission, the United States Marshals Service (USMS) administers funds through the Joint Law Enforcement Operations (JLEO) program. The JLEO is funded through revenues deposited into the Department of Justice Assets Forfeiture Fund (AFF). JLEO funding is the source of overtime reimbursements made to your agency by the USMS for operations in support of fugitive apprehension. As you are aware, for the past several years, the USMS has made overtime reimbursements available to your agency in support of this very important mission. Over this time period, we have learned some very valuable lessons regarding best practices for invoicing overtime to ensure that JLEO funds are both properly accounted for and efficiently used. In short, we need to strengthen controls over JLEO funding so that it remains available to us. The bullets listed below will assist the USMS both with getting your agency reimbursed in an efficient manner and with properly accounting for the funding. As we start Fiscal Year 2013, your agency will be required to follow the procedures below to receive reimbursement. Please share this letter with your USMS Task Force Officer, your Task Force Officer's direct supervisor and timekeeper so that everyone is aware of these important new controls.

1. Your agency must have a current four page Memorandum of Understanding (MOU) on file.
2. In the coming weeks, your agency will be provided with a form (USM-607) that needs to be signed by your agency's authorized representative. This form is an acknowledgement of the funds available to your agency for overtime reimbursement for the period of **October 9, 2012 through September 30, 2013**. No overtime funding was available

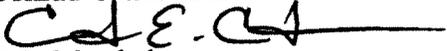
prior to October 9, and therefore no overtime hours worked between October 1 and October 9 can be reimbursed.

3. Overtime reimbursement should be invoiced on a **monthly** basis. This new, very important control will better enable the USMS to project reimbursements and ensure that JLEO funds are used as efficiently as possible. Beginning October 1, 2012, the USMS will conduct quarterly audits of available JLEO funds. If your agency has not submitted regular reimbursement requests, a portion of your funding may be pulled back and distributed elsewhere. If this occurs, you will be provided with another form (USM-607A) that details the increase or decrease in funding. We strongly encourage the monthly submission of reimbursement requests so that your agency can take advantage of these funds.
4. The USMS will no longer be able to provide fuel funding.
5. The USMS fiscal year ends September 30, 2013. All reimbursement requests for FY 2013 year must be submitted for processing by **November 15, 2013**.

Below is the breakdown of funds that the Santa Fe Sheriff's Office will be able to use for overtime reimbursement in support of the SWIFT fugitive task force. Please use this as your official notification and award letter.

The Santa Fe Sheriff's Office has been awarded this amount for overtime reimbursements obtain in supporting the SWIFT fugitive task force. The total award is for **\$6,000.00**. Thank you and we look forward to working with you.

Conrad Candelaria



U.S. Marshal

U.S. Marshals Service

District of New Mexico

Albuquerque, New Mexico

INSTRUCTIONS: See last page for detailed instructions.

SECTION 1: OBLIGATION

DOCUMENT CONTROL #: M-13-D51-O-000332

SECTION 2: PARTICIPATING AGENCIES

Notification to state and local agencies of funding provided in support of Joint Law Enforcement Operations, pursuant to the Memorandum of Understanding (MOU) between:

SANTA FE COUNTY SHERIFFS OFFICE

and

District of New Mexico (51)

All other terms and conditions of the MOU remain the same.

SECTION 3: PERIOD OF PERFORMANCE

October 9, 2012 to September 30, 2013

SECTION 4: APPROPRIATION DATA

FISCAL YEAR	ORGANIZATION	FUND	PROJECT	SOC / PURPOSE	DOLLAR AMOUNT
2013	D51	AFF-B-OP-1	JLEOTFS4	25302 - TFO Overtime	\$6,000.00
Total Obligation Amount:					\$6,000.00

SECTION 5: DESCRIPTION OF OBLIGATION

TFO Overtime

SECTION 6: CONTACT INFORMATION

DISTRICT/RFTF CONTACT:

Name: FRED GARCIA

Phone: (505) 938-7537

E-mail: Fred.Garcia@usdoj.gov

STATE/LOCAL CONTACT:

Name: William Pacheco

Phone: (505) 986-2492

E-mail: wpacheco@CO.SANTA-FE.NM.US

SECTION 7: AUTHORIZATION

USMS Representative - Certification of Funds:

Signature: sfinley@usms.doj.gov

Dig. info signed by sfinley@usms.doj.gov
DN: cn=sfinley@usms.doj.gov
Date: 2013.09.12 14:52:40-0500

Susan R. Finley, Management and Program Analyst

Date: 10/9/2012

Chief Deputy or RFTF Commander - Obligation Approval:

Signature: ALEJANDRO RAMOS

Dig. info signed by alexramos@usms.doj.gov
DN: cn=alexramos@usms.doj.gov
Date: 2013.09.12 14:52:40-0500

Alex Ramos, CDUSM

Date: 10/9/2012

Departmental Representative - Acknowledgement:

Signature: *Adan Mendoza*

ADAN MENDOZA, CAPTAIN

Date: 3 22 13

FORM USM-607 INSTRUCTIONS

The Joint Law Enforcement Operations Task Force Obligation Document is designed to provide district and regional fugitive task forces with one standard obligating form to record new obligations in UFMS. To adjust funding in an existing obligation, please refer to Form USM-607A, Joint Law Enforcement Operations Task Force Modification Document. Funding in support of the JLEO mission is pursuant to the existing Memorandum of Understanding (MOU) between the USMS and the JLEO participant. Reimbursements are subject to the availability of funds and contingent upon the submission of proper documentation. Please note that overtime reimbursements require the submission of agency invoices and supporting documentation on a quarterly basis.

In the event that the USMS will use a payment method OTHER than reimbursement directly to the state or local agency, additional guidance will be provided by USMS Headquarters. The district or RFTF office is responsible for communicating payment procedures to their partnering agencies. All payments are made via Electronic Funds Transfer (EFT) through the U.S. Department of Treasury.

SECTION 1: Obligation Number

- A. Enter UFMS Document Control Number.

SECTION 2: Participating Agencies

- A. BOX 1: Enter name of state or local JLEO participating agency.
- B. BOX 2: Use drop down menu to select appropriate USMS District/RFTF.

SECTION 3: Period of Performance

- A. Insert valid period of performance for the obligation. Obligations created using the one-page JLEO Task Force Obligation Form may not cross fiscal years. If there is a need to cross fiscal years, please utilize a Purchase Order for the obligation.
- B. Period of performance must begin no earlier than the date of funds availability (provided by IOD and the Asset Forfeiture Division) and end no later than September 30 of the following calendar year.

SECTION 4: Appropriation Data

- A. Enter information across appropriate field for all items being obligated. All fields for a line item must be completed in order to proceed to the next step.
- B. Project Codes: District task force obligations are funded under the JLEOTFS4 project code for a JLEO obligation. RFTF project codes have been assigned by region and will be entered by Headquarters IOD staff.

SECTION 5: Description of Obligation

- A. Enter description of obligation (optional). Include any pertinent information such as number of TFO vehicles, for example.

SECTION 6: Contact Information

- A. Enter District/RFTF contact information (Box 1) and State/Local contact information (Box 2).

SECTION 7: Authorization

- A. Certification of Funds: Signature will be applied by USMS District official or IOD representative (RFTF) after the Asset Forfeiture Division has confirmed that funds have been moved into the budget.
- B. Obligation Approval: Signature will be applied by District or RFTF representative upon receipt of obligation document. To ensure sufficient internal controls and proper segregation of duties, the district/RFTF representative approving obligation forms cannot also approve invoices or reimbursements related to the same obligation. (See U.S. Office of Management and Budget (OMB) Circular A-123 and USMS Office of Finance guidance for further information regarding internal controls.)
- C. Acknowledgement: Signature will be applied by state or local agency representative. The obligation is not valid until all parties have signed. When completed, the form will be returned to the District/RFTF office. Districts are responsible for entering obligations into UFMS. RFTF obligations will be forwarded to Headquarters IOD to be entered into UFMS.

United States Marshals Service
Violent Offender Task Force – Memorandum of Understanding

PARTIES AND AUTHORITY:

This Memorandum of Understanding (MOU) is entered into by the
Santa Fe County Sheriff's Office

and the United States Marshals Service (USMS) pursuant to 28 U.S.C. § 566(e)(1)(B). As set forth in the Presidential Threat Protection Act of 2000 and directed by the Attorney General, the USMS has been granted authority to direct and coordinate permanent USMS Violent Offender Task Forces consisting of Federal, state, and local law enforcement authorities for the purpose of locating and apprehending fugitives. The authority of the USMS to investigate fugitive matters as directed by the Attorney General is set forth in 28 USC § 566. 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 United States Marshals and Deputy U.S. Marshals, "in executing the laws of the United States within a State . . . [to] 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. (See also) 42 U.S.C. § 16941(a)(the Attorney General shall use the resources of federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements).

MISSION:

The primary mission of the task force is to investigate and arrest, as part of joint law enforcement operations, persons who have active state and federal warrants for their arrest. The intent of the joint effort is to investigate and apprehend local, state and federal fugitives, thereby improving public safety and reducing violent crime.

Each participating agency agrees to refer cases for investigation by the VOTF (Violent Offender Task Force). Cases will be adopted by the VOTF at the discretion of the District Chief Deputy. Targeted crimes will primarily include violent crimes against persons, weapons offenses, felony drug offenses, failure to register as a sex offender, and crimes committed by subjects who have a criminal history involving violent crimes, felony drug offenses, and/or weapons offenses. Upon receipt of a written request, the VOTF may also assist non-participating law enforcement agencies in investigating, locating and arresting their fugitives. Task force personnel will be assigned federal, state, and local fugitive cases for investigation. Investigative teams will consist of personnel from different agencies whenever possible. Participating agencies retain responsibility for the cases they refer to the VOTF.

Federal fugitive cases referred to the task force for investigation by any participating agency will be entered into the National Crime Information Center (NCIC) by the USMS or originating agency, as appropriate. State or local fugitive cases will be entered into NCIC (and other applicable state or local lookout systems) as appropriate by the concerned state or local agency.

SUPERVISION:

The VOTF will consist of law enforcement and administrative personnel from federal, state, and local law enforcement agencies. Agency personnel must be approved by the District Chief Deputy prior to assignment to the VOTF. Agency personnel may be removed at any time at the discretion of the District Chief Deputy.

Direction and coordination of the VOTF shall be the responsibility of the USMS District Chief Deputy. Administrative matters which are internal to the participating agencies remain the responsibility of the respective agencies. Furthermore, each agency retains responsibility for the conduct of its personnel.

A Task Force Advisory Committee, consisting of representatives of participating agencies and USMS district personnel, may be established at the discretion of the District Chief Deputy and will meet and confer as necessary to review and address issues concerning operational matters within the VOTF.

PERSONNEL:

In accordance with Homeland Security Presidential Directive 12, personnel assigned to the task force are required to undergo background investigations in order to be provided unescorted access to USMS offices, records, and computer systems. The USMS shall bear the costs associated with those investigations. Non-USMS law enforcement officers assigned to the task force will be deputized as Special Deputy U.S. Marshals.

Task force personnel may be required to travel outside of the jurisdiction to which they are normally assigned in furtherance of task force operations. State or local task force officers traveling on official business at the direction of the USMS shall be reimbursed directly by the USMS for their travel expenses in accordance with applicable federal laws, rules, and regulations.

REIMBURSEMENT:

If the Marshals Service receives Asset Forfeiture funding for either 1) overtime incurred by state and local investigators who provide full time support to USMS VOTF joint law enforcement task forces; or 2) travel, training, purchase or lease of police vehicles, fuel, supplies or equipment for state and local investigators in direct support of state and local investigators, the USMS shall, pending availability of funds, reimburse your organization for expenses incurred, depending on which category of funding is provided.

Reimbursement of overtime work shall be consistent with the Fair Labor Standards Act. Annual overtime for each state or local law enforcement officer is capped at the equivalent of 25% of a GS-1811-12, Step 1, of the general pay scale for the RUS. Reimbursement for all types of qualified expenses shall be contingent upon availability of funds and the submission of a proper request for reimbursement which shall be submitted quarterly on a fiscal year basis, and which provides the names of the investigators who incurred overtime for the VOTF during the quarter; the number of overtime hours incurred, the hourly regular and overtime rates in effect for each investigator, and the total quarterly cost.

The request for reimbursement must be submitted to the District Chief Deputy, who will review the request for reimbursement, stamp and sign indicating that services were received and that the request for reimbursement is approved for payment. Supporting documentation must accompany requests for reimbursement for equipment, supplies, training, fuel, and vehicle leases.

VEHICLES AND EQUIPMENT:

Notwithstanding the above, pending the availability of asset forfeiture funding and approval by the USMS in advance of any purchase, the USMS may reimburse the undersigned state or local agency for vehicles and equipment purchased in support of full time state and local investigators assigned to the VOTF involved in joint law enforcement operations. Such vehicle and equipment purchases are to be contracted for and titled in the name of the state or local law enforcement agency and must comply with requirements prescribed by the USMS pursuant to this MOU and applicable policies of the United States Department of Justice. Vehicles and equipment purchased by state and local law enforcement agencies with asset forfeiture monies provided by the USMS must remain available for exclusive use of the task force officers assigned to the VOTF by the undersigned participant agency for the duration of the task force. Upon termination of the agreement, usage and disposition of such vehicles are at the discretion of the undersigned state or local law enforcement agency.

Pending the availability of funds and equipment, the USMS will issue USMS radios, telephones, and other communication devices to each task force officer to be used for official VOTF business. All equipment used by or assigned to task force officers by the USMS or an agency will remain the property of the agency issuing the equipment and will be returned to that agency upon termination of the task force, or upon agency request.

RECORDS AND REPORTS:

Original reports of investigation, evidence, and other investigative materials generated, seized, or collected by the VOTF shall be retained by the agency in the VOTF responsible for the case. However, evidence may be turned over to other law enforcement agencies as appropriate. Copies of investigative reports and other materials may be provided to other agencies in accordance with applicable laws, rules, and regulations. Task force statistics will be maintained in the USMS Justice Detainee Information System (JDIS) - Warrant Information Network (WIN). Statistics will be made available to any participating agency upon request.

INFORMANTS:

Pending the availability of funds, the USMS may provide funding for the payment of informants. However, all payments of informants utilizing USMS funding shall comply with USMS policy.

USE OF FORCE:

All members of the VOTF shall comply with their agencies' guidelines concerning the use of firearms, deadly force, and less-lethal devices. Copies of all applicable firearms, deadly force, and less-lethal policies shall be provided to the District Chief Deputy and each concerned task force officer. In the event of a shooting involving task force personnel, the incident will be investigated by the appropriate agency(s).

NEWS MEDIA

Media inquiries will be referred to the District Chief Deputy. A press release may be issued and press conference held, upon agreement and through coordination with participant agencies' representatives. All press releases will exclusively make reference to the task force.

RELEASE OF LIABILITY:

Each agency shall be responsible for the acts or omissions of its employees. Participating agencies or their employees shall not be considered as the agents of any other participating agency. Nothing herein waives or limits sovereign immunity under federal or state statutory or constitutional law.

EFFECTIVE DATE AND TERMINATION:

This MOU is in effect once signed by a law enforcement participant agency. Participating agencies may withdraw their participation after providing 30 days advanced written notice to the District Chief Deputy U.S. Marshal.

District: New Mexico

United States Marshal:

Charles E. Cameron [Signature] 3-1-12
Print Name Signature Date

Participant Agency:

Name: Santa Fe County Sheriff's Office
Location (City & State): Santa Fe, NM
Phone: 505-986-2455

Participant Agency Representative:

Katherine Miller
KATHERINE MILLER, Santa Fe County Manager
Robert A. Garcia Sheriff [Signature] 2-16-12
Print Name & Title Signature Date

Assistant Director, Investigative Operations Division:

David L. Garcia
Geoffrey S. Shank [Signature] 4/4/12
Print Name Signature Date

Approved as to form
Santa Fe County Attorney
By: [Signature]
Date: Apr 7, 2013
[Signature] 4/29/13