

OCT 10 2009



FEMA

Re: **FEMA 09-415**

This is the final response to your December 27, 2001, Freedom of Information Act (FOIA) request to the Department of Justice/United States Marshals Service (USMS). USMS forwarded a three page Memorandum of Understanding (MOU) to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) for processing the remainder of your request.

We are granting your request under the FOIA, Title 5 U.S.C. § 552, as amended, and DHS' implementing regulations, 6 C.F.R. Chapter I and Part 5. After carefully reviewing the responsive document, it is determined that the document is appropriate for full release. It is enclosed in its entirety; no deletions or exemptions have been claimed.

If you need to contact us about this request, please refer to **FEMA 09-415**. You may contact this office at 202-646-3323.

Sincerely,

A handwritten signature in black ink that reads "Alisa T. Henderson".

Alisa T. Henderson
Chief, Disclosure Branch
Office of Records Management
Management Directorate

Enclosure(s): Responsive documents, 3 pages

FEMA

**THE UNITED STATES MARSHALS SERVICE
AND
FEDERAL EMERGENCY MANAGEMENT AGENCY
OFFICE OF INSPECTOR GENERAL**

**MEMORANDUM OF UNDERSTANDING
REGARDING ADMINISTRATIVE SUPPORT FOR
NATIONAL CRIME INFORMATION CENTER ENTRIES
AND FUGITIVE APPREHENSION RESPONSIBILITIES**

I. INTENT

This memorandum of Understanding (MOU) provides general guidance with administrative support and apprehension responsibility offered by the United States Marshal Service (USMS) to the Federal Emergency Management Agency, Office of Inspector General (FEMA-OIG) in entering felony warrants into the National Crime Information Center (NCIC) and the execution of FEMA-OIG felony warrants. In larger part, it formalizes procedures that are already in general practice by the parties to this agreement

II. RESPONSIBILITIES OF THE FEMA-OIG

The FEMA-OIG will delegate administrative responsibility to the USMS with respect to NCIC entries. The FEMA-OIG may delegate apprehension authority to the USMS with respect to its felony warrants. The FEMA-OIG will provide to the USMS, at the field level, the following documents and information for all felony warrants to be entered into NCIC and investigated by the USMS:

1. The original warrant as received by the Clerk of the Court.
2. All mandatory information necessary to enter the warrant into NCIC; including, but not limited to: Name, Sex, Race, Date of Birth, Height, Weight, Eye color.
3. Photograph and fingerprints, if available
4. The name and twenty four hour contact number of a FEMA-OIG Agent who will be responsible to respond in the event the fugitive is captured by another agency.

Upon receipt of a FEMA-OIG arrest warrant, FEMA-OIG will provide all information necessary to prepare an NCIC entry (see 1-4, above), along with a cover memorandum requesting that the USMS enter the warrant into NCIC.

Upon receipt of a FEMA-OIG arrest warrant, FEMA-OIG shall have seven (7) days to determine apprehension responsibility. If the subject of the arrest warrant is not apprehended within seven (7) days after issuance of the arrest warrant, FEMA-OIG may delegate apprehension responsibility to the USMS. The delegation becomes effective upon written notification to the USMS by the FEMA-OIG.

Cases referred to the USMS for apprehension responsibility must be made within one (1) year of the issuance of the warrant, in writing. The FEMA-OIG will retain apprehension responsibility for all cases older than one (1) year.

III. RESPONSIBILITIES OF THE USMS

The USMS will assume all NCIC administrative responsibility for FEMA-OIG wanted person entries, updates, validations, and clears.

The USMS will utilize all available resources to locate and arrest the fugitive.

The USMS will provide twenty-four (24) hour "hit" confirmation.

IV. EXCEPTIONS

Exceptions to these conditions may be made on a case by case basis with the concurrence of both agencies at the local level.

The USMS may refuse to accept administrative and apprehension responsibility for a FEMA-OIG fugitive warrant if FEMA-OIG fails to provide any one of the following: the original warrant, the mandatory information necessary to enter the fugitive into NCIC, and failure to provide a twenty-four (24) hour contact number for an available FEMA-OIG agent.

Upon refusal, the USMS will provide a written explanation to the FEMA-OIG explaining why the refusal occurred.

V. POST APPREHENSION GUIDELINES

FEMA-OIG agents will respond when notified by the USMS that a FEMA-OIG fugitive has been captured by another law enforcement agency. Upon positive verification, FEMA-OIG will immediately notify the USMS so as to expediently remove the fugitive from NCIC. The FEMA-OIG will immediately notify the appropriate USMS office if FEMA-OIG agents arrest a fugitive with an associated USMS NCIC entry, or if FEMA-OIG dismisses or otherwise disposes of the case involving the fugitive.

The USMS will advise the lead FEMA-OIG agent, or his designee, of a FEMA-OIG fugitive arrest, in order to ensure timely access to the arrestee.

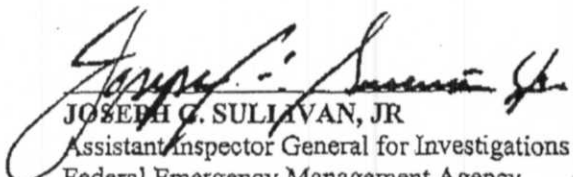
VI. USMS AND FEMA-OIG


Generally agree that no NCIC entries will be made on sealed indictments, "Last Name Unknown/John Doe" cases, or any other case for which available data does not meet minimal NCIC input requirements.

This agreement will remain in effect until terminated by written notice from either party. The written notice will be provided at least sixty days prior to the requested termination date. This agreement is effective upon approval and signature of both parties.

VII. ANNUAL REVIEW

This MOU becomes effective the date it is signed by each participating agency. It will be reviewed annually and revised as necessary. It may be revised at anytime upon agreement by both parties.


JOSEPH G. SULLIVAN, JR
Assistant Inspector General for Investigations
Federal Emergency Management Agency


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Assistant Director of Investigations
United States Marshals Service