

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE KINGSPORT POLICE DEPARTMENT
AND
THE UNITED STATES SECRET SERVICE**

The City of Kingsport for its Kingsport Police Department (Kingsport Police Department) and the United States Secret Service (Secret Service) enter into this memorandum of understanding (MOU), which becomes effective with the signatures of both parties and remains in effect until terminated by the mutual agreement of the Kingsport Police Department and the Secret Service or upon 30 day written notice by either party to this agreement.

I. AUTHORITY

This MOU is established pursuant to Title 18, United States Code, Section 3056 and provisions of Public Law 107-56, Title I, Section 105, the Uniting and Strengthening of America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001. This act directed the Secret Service to take appropriate actions to expand the national network of Electronic Crimes Task Forces (ECTF) throughout the United States. The Secret Service has since consolidated its Financial Crimes Task Forces with its ECTFs, renaming the consolidated task forces as its Cyber Fraud Task Forces (CFTFs).

This MOU is also established pursuant to provisions of the Treasury Forfeiture Fund Act of 1992, 31 U.S.C. § 9705, as amended. This act established the Department of the Treasury Forfeiture Fund and authorized the payment of certain overtime expenditures, travel, fuel, training, equipment and other similar costs of State and Local law enforcement officers, that are involved in joint operations, with a Department of the Treasury law enforcement organization, as prescribed in 31 U.S.C. § 9705 (a)(1)(I)(hereinafter “overtime costs and other expenses”).

II. PURPOSE

This MOU establishes the procedures and responsibilities of both the Kingsport Police Department and the Secret Service for:

- (a) Information handling procedures**
- (b) Reimbursement of certain overtime costs and other expenses pursuant to 31 U.S.C. § 9705**
- (c) Deputation of law enforcement officers as Secret Service Task Force Officers (TFOs)**
- (d) Access to Secret Service systems and/or unescorted access to Secret Service facilities**

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III. DEFINITIONS

- (i) CFTFs are a partnership between the Secret Service and its members from private industry, State, local, tribal, and territorial (SLTT) and Federal law enforcement agencies, Federal and State prosecutors, and academia. The mission of the CFTFs is to prevent, detect, and mitigate complex cyber-enabled financial crimes, with the goal of arresting and convicting the most harmful perpetrators. CFTFs effectively leverage the collective expertise of a range of key stakeholders necessary to combat cybercrime.
- (ii) Digital Evidence Forensic Labs (DEFLs) are access controlled spaces within Secret Service field offices, where Secret Service Digital Forensics (DF) and partner examiners conduct forensic examinations and acquisitions of digital devices to be used for evidentiary purposes.
- (iii) Task Force Members (TFMs), both law enforcement and non-law enforcement personnel, are assigned to Secret Service CFTFs and/or DEFLs. TFMs participate in Secret Service CFTF investigative and outreach activities.
- (iv) Task Force Officers (TFOs) are law enforcement personnel assigned to Secret Service CFTFs and/or DEFLs. TFOs are certified law enforcement officers deputized by the United States Marshals Service (USMS) who are authorized to carry a firearm, have Secret Service issued Federal law enforcement credentials, and are authorized to perform federal law enforcement functions only as outlined in 18 United States Code (U.S.C.) § 3056, Powers, authorities, and duties of United States Secret Service. TFOs are assigned to a Secret Service CFTF supervisor and are subject to Secret Service Use of Force policies.
- (v) Task Force Participants (TFP) are representatives of academia who participate in joint projects (e.g., research and development) with Secret Service CFTFs, or private sector companies who participate in information sharing (e.g., tactics, techniques, and procedures, and other cybersecurity communications) with Secret Service CFTFs.
- (vi) Forensic Partners are law enforcement agency TFMs or TFOs who are either trained and equipped by the National Computer Forensics Institute (NCFI) or equivalent. Forensic Partners are assigned to Secret Service DEFLs and use Secret Service tools and resources.
- (vii) Federal Investigative Standards (FIS) established requirements for conducting background investigations to determine eligibility for logical and physical access, suitability for U.S. Government employment, fitness to perform work for, or on behalf of, the U.S. Government as a contract employee, and eligibility for access to classified information or to hold a sensitive position. FIS are governed by the U.S. Office of Personnel Management, Federal Investigative Services, and adjudicated by the Secret Service, Office of Security, Chief Security Officer. Further reference can be found on https://www.dhs.gov/sites/default/files/publications/personnel_security_contractor_fitness_fact_sheet_new.pdf.

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IV. CONDITIONS AND PROCEDURES

The parties agree to the following conditions:

(a) Information Handling Procedures

- (i) Information will be provided by the Secret Service to Kingsport Police Department in a manner consistent with the Privacy Act (5 U.S.C. § 552a) and applicable regulations and policies. Personally Identifiable Information (PII) contained in records covered by a system of records should be handled in accordance with published Privacy Act routine uses. Information in the Criminal Investigative Information System of Records is authorized, amongst other routine uses, for disclosure to:
 - Personnel assigned to Federal, SLTT, international or foreign law enforcement agencies for the purpose of developing a criminal or civil investigation.
 - Employees and officials of financial and commercial business firms, and private individuals, where such disclosure is considered reasonably necessary for the purpose of furthering Secret Service efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders.
- (ii) Information provided by Kingsport Police Department to the Secret Service may become a federal record subject to the Privacy Act and the Freedom of Information Act.

(b) Reimbursement of Overtime and Other Expenses

- (i) The Kingsport Police Department may request reimbursement of payment of overtime costs and other expenses directly related to work performed by its officer(s) assigned to assist the Secret Service CFTF in conducting official investigations. The Kingsport Police Department will submit all requests for reimbursement payments, together with appropriate documentation, to the Secret Service CFTF supervisor. Request for reimbursement will be based solely upon overtime worked and other expenses performed on behalf of the Secret Service CFTF.
- (ii) All reimbursement hours of overtime costs and all other expenses covered under this MOU must be approved and certified by the Secret Service CFTF supervisor. The reimbursable overtime payments will be based upon the actual hourly overtime rate, exclusive of matching employer contributions for any taxes or benefits.
- (iii) The Secret Service CFTF supervisor will forward all approved reimbursement requests through the Special Agent in Charge (SAIC) of the Criminal Investigative Division, Office of Field Operations, to the Treasury Forfeiture Fund's payment agent, the U.S. Customs National Finance Center (NFC).
- (iv) During the period of assignment to the Secret Service CFTF, the Kingsport Police Department will remain responsible for establishing the salary and benefits, including overtime of the officer(s) assigned to the CFTF and making all payments due them.

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Reimbursement under this MOU is contingent upon the availability of mandatory funds allocated to the Secret Service through the Department of the Treasury Forfeiture Fund.

- (v) The Kingsport Police Department shall permit and have readily available for examination and auditing by the Secret Service, the U.S. Department of Treasury, the Comptroller of the United States, and any of their duly authorized agents and representatives, any and all records, documents, accounts, invoices, receipts, or expenditures relating to this agreement. They shall maintain all such records and reports until all audits and examinations are completed and resolved, or for a period of three (3) years, whichever is sooner.
- (vi) Payments may be made to the extent they are included in the Secret Service Fiscal Year Plan and the monies are available within the Department of Treasury Forfeiture Fund to satisfy the request(s) for reimbursable expenses. It should also be understood that the total amount(s) made available to the Secret Service through the Department of the Treasury Forfeiture Fund, for reimbursement to the Kingsport Police Department could change at any time.
- (vii) Pursuant to the Treasury Executive Office for Asset Forfeiture (TEOAF) directive number 18, the maximum reimbursement entitlement for overtime costs to any one law enforcement official cannot exceed fifteen thousand (\$15,000.00) dollars during the fiscal year.
- (viii) This document does not obligate funds. Funding authority will be provided through other documents.
- (ix) The Kingsport Police Department shall provide the Secret Service within 10 days of the signing of this MOU, with their agency's mailing address, contact name, telephone number and tax identification number. Further, this agency must provide the name, account number and ABA routing number of the financial institution where Kingsport Police Department wants the Electronic Funds transfer (EFT) payment deposited for the reimbursement of overtime salary costs. Failure to provide this information within the prescribed period of time will nullify this MOU agreement.

(c) Special Deputy Status (TFO)

SLTT law enforcement personnel assigned to Secret Service CFTFs and/or DEFLs may be eligible to receive a Special Deputy status. The Special Deputy status is sponsored by the Secret Service and granted by the USMS to authorize TFOs to carry a firearm, have Secret Service issued Federal law enforcement credentials, and to perform federal law enforcement functions on behalf of the Secret Service and only as outlined in 18 U.S.C. § 3056.

TFOs are assigned to a Secret Service CFTF supervisor and are subject to Secret Service Use of Force and other applicable policies.

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To receive Special Deputy status as a Secret Service CFTF TFO, Kingsport Police Department Aaron Crawford must:

- (i) Be employed by a law enforcement agency with full-time statutory law enforcement responsibility with general arrest authority (this includes civilian security officers employed on military installations and assigned the responsibility to enforce federal law).
- (ii) Be United States citizen.
- (iii) Possess at least one year of law enforcement experience with Kingsport Police Department and must have successfully completed a basic law enforcement training program.
- (iv) Not have been "convicted in any court of a misdemeanor crime of domestic violence," as per 18 U.S.C. § 922(g)(9) (also known as the Lautenberg Amendment).
- (v) Have successfully qualified with an authorized firearm on an approved course of fire within six months of date of application.
- (vi) Be subject to Secret Service Use of Force policies.
- (vii) Must have copy of a National Law Enforcement Telecommunications System (NLETS) message submitted by Kingsport Police Department to the Transportation Security Administration (TSA) on their behalf and receives an eight-character Unique Alphanumeric Identifier (UAI) from TSA to be able to travel armed on commercial airlines provided. Must also carry their USMS deputation forms and present them to TSA along with the UAI message.
- (viii) Must sign Appendix A: Task Force Officer Acknowledgement

(d) Access to Secret Service Systems and/or Unescorted Access to Secret Service Facilities

- (i) TFOs and TFOs can access Secret Service facilities unescorted, provided they first successfully attain FIS Tier 1 clearance authorized by the Secret Service Chief Security Officer.
- (ii) TFOs and TFOs can access Secret Service systems, provided they first successfully attain FIS Tier 4 clearance authorized by the Secret Service Chief Security Officer.
- (iii) TFOs and TFOs with access to Secret Service systems and/or unescorted access to Secret Service facilities are subject to applicable Secret Service policies.
- (iv) TFOs and TFOs with access to Secret Service systems and/or unescorted access to Secret Service facilities must be listed in Appendix B: Task Force Members/Task Force Officers with Access to Systems and/or Facilities.

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V. REVISIONS

The terms of this MOU may be amended upon the written approval of both the Kingsport Police Department and the Secret Service. Such amendment is effective upon the date of approval.

U. S. Secret Service
(Knoxville Resident Office)

City of Kingsport for its Kingsport Police
Department

RAIC Katherine Pierce

Paul W. Montgomery, Mayor

Jason Bellamy, Chief of Police

Date

Date

Attest:

Angela Marshall, Deputy City Recorder

Approved as to form:

Rodney B. Rowlett, III, City Attorney

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