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Office of The Attorney General
State of Connecticut

March 22, 2012

Peter J. Martin, Esq.,
Chairperson
State Marshal Commission
165 Capitol Avenue, Room 483
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Dear Atty. Martin:

You have asked for this Office's opinion regarding the application of the Fourth Amendment to the United States Constitution[1] to the work of State Marshals serving civil capias warrants. Specifically, your letter to this office, as amplified by discussions between your office and mine, essentially poses three questions:

1. Whether a state marshal serving a civil capias warrant may enter the home of the subject of the warrant without consent or exigent circumstances to serve the process on that person;
2. Whether and to what extent individuals' Fourth Amendment rights are implicated when a State Marshal wishes to question or seek information from those individuals who are not themselves the subject of a civil capias warrant and who are, presumably, not encountered within the home of the subject of a capias warrant;
3. Whether and under what circumstances a State Marshal is lawfully permitted to detain other individuals on the premises for the purposes

[1] The Fourth Amendment to the United States Constitution provides: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." (Emphasis added).

of further investigation, or to await the arrival of the police, while in the process of serving a civil capias warrant.

Your questions are by their nature extremely broad and constitutional law does not often lend itself to bright lines. Rather, most constitutional jurisprudence represents a balance between the government's interests and an individual's rights.

Compounding the difficulty we face in answering such broad questions is the civil nature of both of our agencies. Your questions involve the service of civil capias warrants, which as we have previously concluded are a strictly civil process. Op.Atty.Gen. No. 07-002 (Feb. 2, 2007); Op.Atty.Gen. No. 00-010 (Mar. 7, 2000). Likewise, I am the state's chief civil legal officer; Conn. Gen. Stat. § 3-125; with very limited criminal jurisdiction. To a certain extent, however, your questions could very well cross over the line and involve issues of criminal law, and in those circumstances criminal prosecutorial officers might not agree with advice this office might impart. The reasonableness of any particular search or seizure depends substantially on the facts of a given case as viewed in the light of the constantly evolving law of criminal procedure. Thus, our advice to you on issues concerning search and seizure law as they relate to situations in which a marshal departs from merely serving civil process is that your office should consult criminal authorities in the same way as other police and peace officers might.

Bearing these important caveats in mind, we will try to offer you guidance on the questions you pose, which we address individually below after a general review of a State Marshal's authority to serve capias warrants.

MARSHAL'S AUTHORITY TO SERVE CIVIL CAPIAS WARRANTS

The general statutory authority to serve a civil capias warrant[2] is found in Conn. Gen. Stat. § 52-143 (e) which provides, in relevant part, as follows:

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[2] Conn. Gen. Stat. §§ 54-1h, 54-2a, 54-2e, 54-65a and 54-66 also provide for the issuance of capias warrants under certain circumstances in criminal cases. This opinion does not address the circumstances under which a State Marshal may exercise authority to execute such capias warrants, as your inquiry focuses solely on civil capias warrants.

> If any person summoned by the State, or by the Attorney General or an assistant Attorney General, or by any public defender or assistant public defender acting in his official capacity, by a subpoena containing the statement as provided in subsection (d), or if any other person upon whom a subpoena is served to appear and testify in a cause pending before any court and to whom one day's attendance and fees for traveling to court have been tendered, fails to appear and testify, without reasonable excuse, he shall be fined not more than twenty-five dollars and pay all damages to the party aggrieved; and the court or judge . . . . may issue a capias directed to some proper officer to arrest the witness and bring him before the court to testify.

Additionally, Conn. Gen. Stat § 46b-231(m)(1) authorizes the issuance and service of a civil capias warrant in family support matters under the circumstances set forth in the statute, the relevant portion of which follows:

> A family support magistrate in IV-D support cases may compel the attendance of witnesses or the obligor under a summons issued pursuant to sections 17b-745 [enforcement of parental support orders], 46b-172 [enforceability of parental support agreements] and 46b-215 [enforcement of relatives' support obligations], a subpoena issued pursuant to section 52-143, or a citation for failure to obey an order of a family support magistrate or a judge of the Superior Court. If a person is served with any such summons, subpoena or citation issued by a family support magistrate or the assistant clerk of the Family Support Magistrate Division and fails to appear, a family support magistrate may issue a capias mittimus directed to a proper officer to arrest the obligor or the witness and bring him before a family support magistrate.

See also, Op.Atty.Gen. No. 07-002 (Feb. 2, 2007), 2007 WL 852970 (State marshals are authorized to serve capias warrants).

Further, Conn. Gen. Stat. § 54-148e(e) authorizes the issuance and service of a civil capias warrant to enforce deposition subpoenas during the discovery phase of civil actions under the following circumstances:

> If any person to whom a lawful subpoena is issued under any provision of this section fails without just excuse to comply with any of its terms, the court before which the cause is pending, or any judge thereof, may issue a capias and cause him to be brought before such court or judge, as the case may be, and, if the person subpoenaed refuses to comply with said subpoena, such court or judge may commit him to jail until he signifies his willingness to comply with it.

Finally, several other less commonly used statutes empower courts and administrative tribunals to issue capias warrants for specific purposes apart from those set forth in detail above. *See* Conn. Gen. Stat. § 2-46 (authorizing issuance of a capias to compel testimony of witnesses in certain legislative proceedings); Conn. Gen. Stat. § 46b-133 (authorizing issuance of capias warrant to ensure appearance in court of delinquent child or custodial parent); Conn. Gen. Stat. § 51-81 (authorizing State Bar Examining Committee to secure attendance and testimony of witnesses by capias in proceedings examining fitness of applicants for admission to the bar); Conn. Gen. Stat. § 52-155 (authorizing issuance of capias warrants for enforcement of subpoenas requiring witnesses to testify in foreign proceedings in this state); Conn. Gen. Stat. § 54a-129 (authorizing courts of probate to secure attendance and testimony of witnesses by capias).

Conn. Gen. Stat. § 6-32 empowers State Marshals to "receive each process directed to such marshal when tendered, execute it promptly and make true return thereof." Accordingly, State Marshals have the authority to accept and serve civil capias warrants when lawfully directed to do so. Regardless of the source of their authority to serve a civil capias warrant, however, a State Marshal must do so in a

manner that comports with constitutional requirements.[3] *Milner v. Duncklee,* 460 F.Supp.2d 360, 366 (D.Conn. 2006). We now turn to your specific questions.

1. *May a State Marshal charged with executing a civil capias warrant enter the home of a subject, absent consent or exigent circumstances, to serve such process on the named individual?*

Our answer is that absent clear consent to enter a home, marshals should be directed not to do so.

The "arrest" of an individual by a State Marshal upon the authority of a civil capias warrant will clearly be considered a "seizure" within the meaning of the Fourth Amendment to the U.S. Constitution. *See Milner v. Dunklee, supra,* at 366-67 (citing *Terry v. Ohio,* 392 U.S. 1, 16, 88 S.Ct. 1868, 20 L. Ed. 2d 889 (1968)); *United States v. Mendenhall,* 446 U.S. 544, 554, 100 S.Ct. 1870, 64 L. Ed. 2d 497 (1980) *Michigan v. Summers,* 452 U.S. 692, 696-97, 101 S.Ct. 2587, 69 L.Ed.2d 340 (1981). Interpreting the Fourth Amendment prohibition on unreasonable searches and seizures, the United States Supreme Court has drawn a firm line at the entrance to the house. Absent exigent circumstances, that threshold may not reasonably be crossed without a warrant or consent. *Payton v. New York*, 445 U.S. 573, 586, 100 S. Ct. 1371, 63 L. Ed. 2d 639 (1980) ("It is a 'basic principle of Fourth Amendment law' that searches and seizures inside a home without a warrant are presumptively unreasonable.").

Subsequent holdings have reiterated this principle and "made clear that any physical invasion of the structure of the home, by even a fraction of an inch, is too much to be tolerated.'" *Loria v. Gorman*, 306 F.3d 1271, 1284 (2d Cir. 2002) (quoting *Kyllo v. United States*, 533 U.S. 27, 37, 121 S.Ct. 2038, 150 L. Ed. 2d 94 (2001)). A pre-seizure judicial determination of probable cause is required for an arrest in the home because of the heightened privacy interests in the home. *See Payton, supra,* at 584-856. Thus, courts have developed a relatively bright-line rule requiring a facially valid warrant to justify the seizure of a person in the home. *Welsh v. Wisconsin*, 466 U.S. 740, 749, 104 S.Ct. 2091, 80 L. Ed. 2d 732 (1984). Accordingly, it is well-settled that "an arrest of an individual in his own

[3] Courts have held that the Fourth Amendment applies to seizures made in the civil context as well as in the criminal context. *Glass v. Mayas*, 984 F.2d 55, 58 (2d Cir. 1993) (citing *Soldal v. Cook County, Illinois*, 506 U.S. 56, 67 n.11, 113 S. Ct. 538, 121 L. Ed. 2d 450 (1992)).

home is reasonable only if it is supported by a valid arrest warrant, exigent circumstances, or consent." *Milner v. Dunklee*, *supra,* at 367; *see also Payton*, *supra,* at 586-87, 590; *Welsh*, *supra,* at 749-55.

A good deal of authority supports the proposition that an intrusion into a home to seize an individual to effect civil process has less justification than an intrusion into a home to effect criminal process. In fact, the court in *Milner v. Dunklee, supra, at 368,* discussed whether the Fourth Amendment imposed a wholesale bar on warrantless home arrests for minor offenses (which would include civil offenses), but ultimately declined to decide the case on this point. Rather, the court in *Milner* focused on whether the capias warrant that supported the in-home seizure in that case met well-established Fourth Amendment requirements. After an exhaustive review of the applicable requirements, it determined that it did not.

Thus, we cannot counsel you that any sort of "exigency" might exist that would permit a marshal to enter a home arrest an individual pursuant to a civil capias.[4] *See Welsh, supra,* at 750 n.1, 751 (suggesting, without deciding, an absolute ban on warrantless home arrests for certain minor offenses). Rather, absent consent, the question of a marshal's authority to enter a subject's home to affect an arrest comes down to whether the civil capias warrant is the functional equivalent of a Fourth Amendment "warrant." Thus, we turn to whether a civil capias warrant is in fact the functional equivalent of a criminal arrest warrant.

The court in *Milner* reasoned that a document purporting to be a warrant – whatever its title – must comply with the strictures of the Fourth Amendment to

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[4] I can say it no more eloquently than Justice Jackson who, in writing about whether exigency could justify a warrantless search of a tenement house where an officer suspected illegal gambling, observed: "Whether there is reasonable necessity for a search without waiting to obtain a warrant certainly depends somewhat upon the gravity of the offense thought to be in progress as well as the hazards of the method of attempting to reach it. . . . It is to me a shocking proposition that private homes, even quarters in a tenement, may be indiscriminately invaded at the discretion of any suspicious police officer engaged in following up offenses that involve no violence or threats of it . . . . While the enterprise of parting fools from their money by the 'numbers' lottery is one that ought to be suppressed, I do not think its suppression is more important to society than the security of the people against unreasonable searches and seizures. When an officer undertakes to act as his own magistrate, he ought to be in a position to justify it by pointing to some real immediate and serious consequences if he postponed action to get a warrant." *McDonald v. United States*, 335 U.S. 451, 459-60 (1948) (*Jackson, J., concurring*).

support an in-home seizure.[5] A warrant that complies with the Fourth Amendment has four essential attributes. It must: (1) be supported by probable cause; (2) be issued upon a probable cause determination based on oath, affirmation, or sworn testimony setting forth the underlying facts and circumstances giving rise to probable cause; (3) describe the persons or things to be seized with particularity; and (4) be issued by a neutral and detached magistrate. *Milner, supra,* at 369. Only a warrant that meets each of the Fourth Amendment requirements will suffice to authorize the seizure of an individual in his home.

The very purpose of the warrant requirement -- especially as it relates to entering a home -- is to take the probable cause decision away from law enforcement officials and put that decision in the hands of a neutral and detached magistrate. *Welsh, supra,* at 749 n.10. Although it is sufficient for a law enforcement official to make a probable cause determination when a person is arrested in public, the Supreme Court has determined that the sanctity of the home

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[5] *See also United States v. Kone*, 591 F. Supp. 2d 593, 609 (S.D.N.Y. 2008)(explaining that, as in Milner, nomenclature is not dispositive and an Order obtained from a federal district judge authorizing the search of the home of an individual on supervised release was insufficient to satisfy the requirements of the Fourth Amendment because it lacked a probable cause determination); *Larrew v. Barnes*, 2006 WL 2354954, *3 (N.D. Tex. 2006) (a civil capias warrant must meet the requirements of Fourth Amendment, which the particular capias did because it stated "name of the state . . . , order[ed] any Texas peace officer to arrest Larrew for failure to appear at a hearing, display[ed] a clerk's certificate, identifie[d] two signatories (including the clerk of court), state[d] that it is certified upon a showing of personal knowledge that the defendant had failed to appear at a hearing, and properly describe[d] the court of issuance and place of return"); *State v. Ruden*, 245 Kan. 95, 774 P.2d 972 (Kan. 1989)(bench warrant issued for failure to appear in a civil case does not allow law enforcement officers, absent consent or exigent circumstances, to enter and search the named individual's home when they believe that the individual is present because the civil warrant did not meet the requirements of the Fourth Amendment); *State v. Vaught*, 256 P.3d 897 (Kan. App. 2011)(same); *Jordan v. State*, 1998 WL 70455 *5 (Tex. App. 1998) ("[A] capias did not have to be signed by a magistrate but may be signed by a clerk at the direction of the court after a determination of probable cause by a detached, neutral magistrate); *State v. Thompson*, 151 Wash. 2d 793, 801-02, 92 P.3d 228 (Wash. 2004) ("In the present case, there was a bench warrant for Thompson's arrest for failure to appear at a show cause hearing regarding his failure to pay child support. This warrant was issued under RCW 26.18.050, which provides that a civil bench warrant may be issued in such circumstances. . . . In light of our holding today, the deputies erred in forcibly opening the trailer door when executing the civil warrant. The 'knock and wait' statute does not encompass the execution of civil arrest warrants.").

necessitates heightened protections, and specifically requires that a neutral and detached magistrate make the probable cause determination to justify such an intrusion. Thus, when a person is arrested in his home, it is not enough that there is probable cause to arrest -- even undisputed probable cause to arrest. Rather, a neutral and detached magistrate must actually make a finding that probable cause exists. *Milner, supra,* at 371.

The Court in *Milner* explained that for a civil capias warrant to meet Fourth Amendment requirements, the face of the warrant itself must manifest an explicit finding of probable cause establishing that the issuing judicial authority either (a) personally witnessed the events recited in the warrant or (b) personally reviewed the official records of the court, thus ensuring that the validity of the data in the court records was adequately scrutinized. *Milner, supra,* at 373-74. The rationale and holding of *Milner* make clear that this is a high threshold. Although we do not have a particular capias warrant to review, the court in *Milner* looked for evidence on the face of the warrant that the issuing judge or magistrate had personal knowledge of the individual's "failure to appear and the events leading up to it," either by personally witnessing the events or by personally reviewing the court records, and thereby personally made an "independent finding of probable cause." *Id.* at 373-74.

In our experience – as in *Milner* – capias warrants are not often that explicit on their face. Nor do we believe it is prudent to expect a marshal to perform the sort of analysis the federal judge undertook in *Milner* to determine the Fourth Amendment sufficiency of the capias warrant. Therefore, bearing in mind the caution necessitated by a review of the authorities discussed above, we believe the better practice is for State Marshals not to undertake to determine the Fourth Amendment sufficiency of the warrant and not to consider entry into a home without consent.[6]

This is not to say that a civil capias that does not, on its face, meet Fourth Amendment requirements is invalid. The court in *Milner* made clear that, armed

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[6] Nor should the marshal under any circumstances – even with a valid warrant that meets Fourth Amendment standards – seek to enter a third party's home to serve the warrant. *Steagald v. United States*, 451 U.S. 204, 101 S.Ct., 68 L. Ed. 2d 38 (1981). *See also United States v. Hill,* 2005 WL 354002, *8 (N.D.W. Va. 2005) ("permitting 'the police, acting alone and in the absence of exigent circumstances' to decide when there is sufficient justification for search the home of a third party for the subject of an arrest warrant – would create a significant potential for abuse.'").

with a civil capias issued by a court of competent jurisdiction, but that fell short of the aforementioned Fourth Amendment requirements, a State Marshal could lawfully seize the subject of the capias in a public place. The *Milner* court further clarified that, armed with such a capias warrant, a State Marshal could knock on a subject's door and obtain the subject's valid consent to execute the capias. However, the *Milner* court cautioned that, what a State Marshal could not do, even with a capias in hand, is enter a subject's home without consent to seize him unless the capias satisfies Fourth Amendment requirements as articulated above. *Id.,* at 375.

It warrants emphasis that State Marshals serving capias warrants under any circumstances may encounter difficult circumstances, including hostile and recalcitrant subjects. Entering a subject's home, even with consent, is obviously one such circumstance, and one in which the conditions a marshal will face are often unknown. I am certain that the Commission appreciates these safety concerns better than I. I therefore urge the Commission to continue providing State Marshals with training for these contingencies and to give close consideration to enlisting the assistance of local law enforcement in situations in which entry into a home could present safety risks.

2. *May State Marshals question or seek information from individuals who are not themselves the subject of a civil capias warrant and who are encountered outside the home of the subject of a capias warrant?*

To the extent your question concerns whether State Marshals may detain, for investigative purposes short of an arrest, individuals who are not subject to the capias warrant but who are encountered on the premises of the subject named in a capias warrant, you present a somewhat difficult question. We assume for purposes of addressing this question that the "investigative purposes" the marshal would be engaged in would involve determining the whereabouts of the subject of the capias warrant.[7]

"There is nothing in the Constitution which prevents a policeman from addressing questions to anyone on the streets." *Terry v. Ohio*, 392 U.S. 1, 34, 88

[7] To the extent that the "investigative purposes" you refer to concern other "law enforcement" duties, see the answer to question number 3 below.

S.Ct. 1868, 20 L. Ed. 2d 889 (1968) (White J., concurring). For example, in *Florida v. Royer,* 460 U.S. 491, 103 S.Ct. 1319, 75 L. Ed. 2d 229 (1983), the Supreme Court, referring to a long line of previous opinions, clarified that police officers do not violate the Fourth Amendment "by merely approaching an individual on the street or in another public place, by asking him if he is willing to answer some questions, by putting questions to him if the person is willing to listen, or by offering in evidence in a criminal prosecution his voluntary answers to such questions." *Id.* at 497 (plurality) (citations omitted). "Nor would the fact that the officer identifies himself as a police officer, without more, convert an otherwise consensual encounter into a seizure requiring some level of objective justification." *Id; see also State v. Burroughs*, 288 Conn. 836, 853-54 (2008).

"The person approached, however, need not answer any question put to him; indeed, he may decline to listen to the questions at all and may go on his way. He may not be detained even momentarily without reasonable, objective grounds for doing so; and his refusal to listen or answer does not, without more, furnish those grounds." *Royer, supra,* at 497 (citations omitted). Thus, what may begin as a consensual encounter becomes a Fourth Amendment "seizure" if, on a basis of a show of authority by the officer, a reasonable person in the individual's position would have believed that he was not free to leave. *See, e.g., State* v. *Ostroski*, 186 Conn. 287, 291-92, 440 A.2d 984, *cert. denied,* 459 U.S. 878, 103 S.Ct. 173, 74 L. Ed. 2d 142 (1982). Moreover, even a limited detention must be based on a reasonable suspicion that a crime has occurred, is occurring or is about to occur. *Terry, supra*, at 21-22. Obviously in the situation of attempting to serve a civil capias and seeking the whereabouts of the subject of that capias, such a suspicion would be lacking.

Accordingly, it is our opinion that a State Marshal may freely encounter citizens in public places outside the home of the subject of a capias warrant, and seek information from such individuals on a voluntary basis about the whereabouts of the subject of the capias. In very limited circumstances, a State Marshal engaged in the service of a capias warrant may also, while properly in the home of the subject of the capias, question other persons present in the home on a consensual basis. "If there is no detention -- no seizure within the meaning of the Fourth Amendment -- then no constitutional rights have been infringed." *Royer, supra,* at 498. However, the marshal may not detain individuals if they refuse to answer questions; nor may the marshal indicate in any way that the individuals are not free to leave.

3. *May a State Marshal lawfully detain other individuals on the premises for the purposes of further investigation, or to await the arrival of the police, while in the process of serving a civil capias warrant?*

Your final question appears to contemplate situations in which State Marshals, in the course of their duties, encounter what they believe to be criminal activity. State Marshals are defined as "peace officers" "while exercising authority granted under any provision of the general statutes." Conn. Gen. Stat. § 53a-3(9). Thus, they are imbued with apparent authority to "arrest, without previous complaint and warrant, any person for any offense in their jurisdiction, when the person is taken or apprehended in the act or on the speedy information of others." Conn. Gen. Stat. § 54-1f.

It is beyond the scope of the purposes of this opinion for us to advise you whether it ought to be the policy of the State Marshal Commission to authorize State Marshals, in light of their training and experience, to make arrests when they believe they have witnessed criminal activity. In this regard, I encourage you to seek and to heed closely the counsel of criminal, prosecutorial authorities as well as other law enforcement officials.

Neither are we well-situated to advise you with any particularity whether the actions of State Marshals in this context will result in valid arrests or investigatory stops. As I mentioned at the beginning of this opinion, my role as the chief civil legal officer of the State does not afford me or my office with this expertise, nor would my advice be controlling. I can offer only the following observations.

First, *Florida v. Royer* clarified that, in certain limited circumstances, a temporary detention based upon reasonable and articulable suspicion that an individual has committed or is about to commit a crime may be constitutionally justified. *Id.* at 498. While the Supreme Court in *Florida v. Royer* readily acknowledged the constitutional validity of certain investigative detentions based upon mere reasonable articulable suspicion, it nonetheless recognized that "[d]etentions may be 'investigative' yet violative of the Fourth Amendment absent probable cause." *Id.* at 499. Of course, the standard of probable cause is stricter than mere reasonable suspicion and, as a result, more difficult to achieve.

However, such constitutional questions are heavily dependent upon the individual facts and circumstances of each incident, including the underlying law

enforcement justification for the questioning or the detention, the location of the incident, the length of the encounter, the degree of coercion involved (whether actual or perceived), and numerous other factors that cannot be adequately addressed within the scope of this opinion. Thus, regardless of whether an investigative detention is justified on the basis of a reasonable and articulable suspicion, or upon the basis of probable cause, the decision regarding whether a detention has in fact occurred, and if so whether such detention is constitutionally justified, will be based upon the totality of the circumstances known to the State Marshal at the inception of the detention, or developed during the course of the detention. *See, e.g., Ohio v. Robinette,* 519 U.S. 33, 39, 117 S.Ct. 417, 136 L .Ed. 2d 347 (1996) ("[T]he touchstone of the Fourth Amendment is reasonableness. Reasonableness, in turn, is measured in objective terms by examining the totality of the circumstances.").

Finally, it is also important to note that Article First, sections 7 and 9 of the Connecticut Constitution[8] comprise the state constitutional analogs to the Fourth Amendment. The Connecticut Supreme Court has on several occasions determined that, in certain instances, these state constitutional provisions provide the citizens of Connecticut with more protection than does the Fourth Amendment. *See, e.g., State v. Jenkins,* 298 Conn. 209, 261 (2010). Accordingly, the constitutional reasonableness of a particular set of facts and circumstances must be considered from this standpoint as well and further warrants consultation with prosecutors and other law enforcement agencies.

Clearly, the law surrounding the temporary detention or arrest of citizens in a criminal context is complex, rapidly evolving, and of the utmost constitutional importance. As a result, we urge the State Marshal Commission to carefully consider whether and, if so, under what circumstances, it should authorize State Marshals to become engaged in such actions. Where such activities are to be authorized, it is likewise of critical constitutional importance that the State Marshals so authorized receive adequate initial training and regular,

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[8] Article First, § 7,of the Connecticut Constitution provides that "[t]he people shall be secure in their persons, houses, papers and possessions from unreasonable searches or seizures; and no warrant to search any place, or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause supported by oath or affirmation."

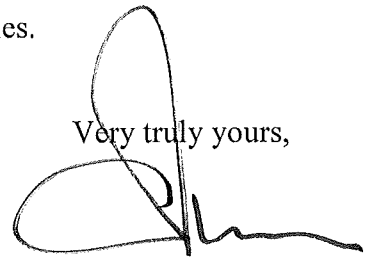
Article First, § 9, of the Connecticut Constitution provides that "[n]o person shall be arrested, detained or punished, except in cases clearly warranted by law.

periodic updated training regarding the laws of arrest, search and seizure so as to ensure that they are equipped to act within the bounds of the law. It should also be noted that a failure to adequately train State Marshals in the laws of arrest, search and seizure related to their duties in serving capias warrants, or to develop and enforce appropriate policies and procedures regarding the execution of such duties, or to otherwise conscientiously execute their supervisory responsibilities with regard to such matters, may expose the State Marshal Commission, and/or its individual members, to substantial civil liability.

I encourage you to seek out the advice and the training resources of prosecutorial and other law enforcement authorities if you are at all considering policies regarding the enforcement of criminal laws by State Marshals.

I trust that this answers your inquiries.

Very truly yours,



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GJ/srs