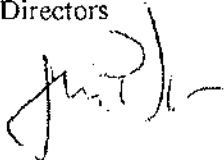




U.S. Immigration  
and Customs  
Enforcement

MAR - 6 2006

MEMORANDUM FOR: Headquarters Divisions  
All Field Office Directors

FROM: John P. Torres  
Acting Director 

SUBJECT: Use of Ruses in Enforcement Operations

Purpose

This memorandum serves to provide additional guidance originally issued on August 15, 2005, regarding the use of ruses during arrest operations. This memorandum, with forthcoming updated policy directive, applies to all Detention and Removal enforcement operations. The use of ruses in the performance of U.S. Immigration and Customs Enforcement (ICE) law enforcement mission remains a valuable and effective tool. Ruses are used by virtually every law enforcement agency in the federal government. One of the main objectives of the ruse is to prevent violators from fleeing, thereby allowing for a safe arrest that does not place the violator, the arresting officer or innocent bystanders at risk.

Discussion

The use of a ruse during an arrest involves controlling the time and location of the encounter as dictated by ICE officers. Ruses may involve impersonating employment with other federal, state, local, or private entities. As outlined in the original guidance, it is still incumbent upon the arresting officers to provide prior notice to the affected entity. This notice affords the affected entity the opportunity to raise concerns regarding the affect the ruse may have on their security or public image. The point of contact with the proposed cover entity shall be the appropriate agency head authorized for giving concurrence. A memorandum to the file shall be prepared to document these discussions.

Any issues raised by the affected entity shall be forwarded within two working days to the appropriate Headquarters' Deputy Assistant Director. The Deputy Assistant Director, in consultation with the Office of Principal Legal Advisor, will consider the issues and provide guidance as appropriate.

In particular, ICE Headquarters has directed that the use of ruses involving *health and safety* programs administered by a private entity or a federal, state, or local government agency, such as Occupational Safety and Health Administration (OSHA), will be discontinued. All other ICE investigative enforcement actions requiring the use of a health or safety-based ruse must

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be pre-approved by the Assistant Secretary of ICE and coordinated with the respective government agency or private entity.

Should you have any questions regarding this issue, please contact the Assistant Director for Operations or Chief of Staff at 202-305-(b)(7)  
(C)(b)(7)