


EXHIBIT 12



U.S. Immigration
and Customs
Enforcement

AUG 15 2005

MEMORANDUM FOR: All Field Office Directors
ICE Academy

FROM: John P. Torres
Acting Director 

SUBJECT: Addition to Section 5, Chapter 19 (Field Operations and Tactics)
of the Detention and Deportation Officer's Field Manual
(DDFM) – **Use of Ruses During Arrest Operations**

Purpose

This memorandum announces an immediate addition to Section 5, Chapter 19 of the DDFM.

Action

Field Office Directors will ensure that all personnel who conduct enforcement operations within their area of responsibility are aware of this addition. The ICE Academy will ensure that future students of the Fugitive Operations Training Program (FOTP) as well as all other DRO structured courses are made aware of this addition. A revised Section 5 will be issued in the near future.

This addition will be inserted in paragraph V. (Arrest Locations) just before the section labeled '**Fugitives Encountered in Vehicles**':

Use of Ruses During Arrest Operations

The USMS, FBI and various other federal, state and local agencies have successfully used 'ruses' to lure targets to locations where the arrests were made with the least amount of danger to both the officers and targets. The use of a ruse during an arrest means that we control the time and location, not the target. The use of ruses is taught in the FOTP at FLETC.

Ruses can run the gamut from announcing that you are with DRO and looking for a person other than the target to adopting the guise of another agency (federal, state or local) or that of a private entity. When using the name of another agency or that of a private entity to cover the operation, the Team Leader will contact that agency or entity. The initial point of contact with the proposed cover agency or entity should be the local agency head or the local chief of security of the private entity. A memorandum to the file should be prepared to document these discussions.

www.ice.gov

SUBJECT: Addition to Section 5, Chapter 19 of the DDFM

Page 2

The purpose of the contact is to ensure that the agency or entity's name who we wish to use as a cover has an opportunity to raise concerns about how our use of their name will affect their public image or raise security concerns for their employees. Private entities can be particularly sensitive to the use of their name in law enforcement operations.

If the affected agency or entity has concerns with the use of the ruse, contact the Headquarters Fugitive Operations Unit. The HQ/FOU will weigh the affected agency or entity's equities and concerns against the well-known and inherent advantages that a ruse offers. It is our intention to use whatever means available to ensure that officer, target and innocent third party safety is not compromised.

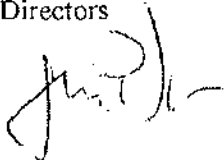
Any questions regarding this policy should be directed to (b)(6), (b)(7)
(C) Chief,
Headquarters Fugitive Operations Unit at (202)353-(b)(6)



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

Subject: Use of force in Enforcement Operations
Page 2

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)



U.S. Immigration
and Customs
Enforcement

AUG 22 2006

MEMORANDUM FOR: All Special Agents in Charge
All ICE Attachés
All Field Office Directors

FROM: *EV* Marcy M. Forman *Marcy Forman*
Director, Office of Investigations

John P. Torres *John P. Torres*
Acting Director, Detention and Removal Operations

SUBJECT: Use of Ruses in ICE Enforcement Operations

This memorandum serves as joint guidance on the use of ruses in criminal investigations and law enforcement operations. The use of ruses in law enforcement operations is an effective law enforcement tool that enhances officer safety. One main objective of a ruse is to prevent violators from fleeing and placing themselves, officers and innocent bystanders in a potentially dangerous situation.

However, the use of ruses utilizing the names of agencies and companies involved in the administration of health and safety programs can impede the functions of those organizations by creating a perception that these organizations are acting as an enforcement tool of ICE. The use of ruses involving health and safety programs undermines the efforts to increase safety in the workplace and undercuts workers willingness to report workplace safety violations based on a fear of law enforcement action being initiated against the reporting worker.

Pursuant to memorandums dated March 6, 2006, subject Use of Ruses in Enforcement Operations, the Offices of Investigations and Detention and Removal Operations discontinued the use of ruses involving health and safety programs administered by a private entity or a federal, state, or local government agency, such as the Occupational Safety and Health Administration (OSHA), for the purpose of immigration worksite enforcement. The cited memorandums require Assistant Secretary pre-approval of all other investigative enforcement actions requiring the use of a health or safety-based ruse, as well as appropriate coordination with the respective government agency or private entity.

This jointly issued memorandum reinforces the prohibitions and approval requirements outlined in the March 6, 2006, memorandums.

Questions on this matter from OI offices should be directed to Acting Deputy Assistant Director (b)(6),(b)(7)(C) at (202) 305 (b)(6) and from DRO offices to Deputy Assistant Director (b)(6),(b)(7)(C) at (202) 616 (b)(6),(b)(7)(C)