

# EXHIBIT 15

Effective Date: October 31, 2018  
Review Date: October 31, 2022  
Office of Primary Responsibility: Enforcement



Enforcement and Removal Operations

# Fugitive Operations Handbook

**Law Enforcement Sensitive**

(b)(6); (b)(7)(C)

Approved by

Title: Acting Assistant Director, Enforcement

Date signed: October 30, 2018

## FOREWORD

The *Fugitive Operations Handbook* is an operational guide for Fugitive Operations Teams, Mobile Criminal Alien Teams, and all officers conducting at-large enforcement actions in the field. The Handbook incorporates policies, procedures, and best practices established by the National Fugitive Operations Program within the Office of Enforcement and Removal Operations.

The memoranda cited in the Handbook contain more detailed information, and employees conducting fugitive operations or at-large enforcement actions should familiarize themselves with their content.

(b)(6); (b)(7)(C)

Acting Assistant Director, Enforcement

## Table of Contents

FOREWORD.....	i
<b>PART 1: Fundamentals of the National Fugitive Operations Program .....</b>	<b>1</b>
Introduction.....	1
NFOP Overview.....	1
Authorities/References .....	2
Roles and Responsibilities.....	3
Definitions.....	4
Enforcement Activities .....	5
Training Requirements .....	5
<b>PART 2: Fugitive Operations Team Casework .....</b>	<b>6</b>
Lead Development.....	6
Sources of Information.....	7
Case Management .....	7
• Enforce Alien Removal Module (EARM) and Docket Management.....	7
• A-File Review .....	8
Administrative Subpoenas .....	10
Referral to the Law Enforcement Support Center .....	10
• Administrative Warrants: NCIC Entry Requirements.....	10
• Criminal Warrants: NCIC Entry Requirements.....	11
Target Folder Creation.....	12
ICE "Wanted" Posters.....	13
Aliens Located While Incarcerated.....	14
Field Office Initiated Operations.....	14
Headquarters-Initiated Operations .....	15
<b>PART 3: Conducting Operations .....</b>	<b>16</b>
Surveillance.....	16
Communications.....	16
Law Enforcement Visibility .....	17
Pre-operational Briefing .....	17
Ruses .....	18
Consent.....	18

Travel Documents..... 20

Vehicle Pursuits..... 20

Vehicle Stops..... 20

Gangs..... 21

Arrests..... 21

- Officer Safety ..... 21
- Sensitive Locations ..... 22
- Courthouses..... 22
- Special Considerations for Arrest ..... 22
- Current or Prior United States Military Service ..... 22
- Juveniles/Unaccompanied Alien Children..... 23
- Consular Notifications..... 24

Prosecutorial Discretion ..... 25

Post-Operational Debrief ..... 25

**PART 4: Processing Cases** ..... 25

Reporting Requirements..... 26

- Operations Management Module ..... 26
- Exhausted Leads..... 27

Special Activities..... 28

- Timely and Accurate Reporting of Significant Incidents..... 28
- Alternatives to Detention Violations..... 28
- Escapes..... 28
- Fugitive Alien Removal Requests ..... 28
- Liaisons and Task Forces ..... 29
- Media..... 30

**Appendix of Terms**..... 31

# **PART 1: Fundamentals of the National Fugitive Operations Program**

## ***A. Introduction***

To assist the field in its enforcement efforts, the National Fugitive Operations Program (NFOP) has assembled the *Fugitive Operations Handbook* (“Handbook”), a comprehensive policy and procedural resource to support ERO field personnel with at-large enforcement activities. This Handbook serves as an operational guide incorporating policies, procedures, and best practices utilized during the course of daily enforcement activities. In addition, the memoranda cited throughout this Handbook and available on the ICE insight page, contain more detailed information and therefore should be thoroughly reviewed by the user.

Those documents relating to fugitive operations previously issued by ERO and its predecessor, Detention and Removal Operations, now take on the status of historical reference material or supplemental information. As of the effective date of this Handbook, these documents may be found in the “Archived Documents” folder in the ERO Resource Library.

## ***B. NFOP Overview***

The NFOP was established in 2003 to dramatically expand U.S. Immigration and Customs Enforcement’s (ICE) efforts to locate, arrest, or otherwise reduce the fugitive alien population in the United States. In December 2009, NFOP’s responsibilities expanded to include the identification, location, and arrest of at-large criminal and previously removed aliens. Currently, ERO Fugitive Operations Teams (FOTs), target, arrest and remove aliens who present a danger to national security, or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts.

Pursuant to 8 U.S.C. Section 1357(a)(1), an immigration officer has the authority, without a warrant, to interrogate any alien or person believed to be an alien as to his right to be or remain in the United States. 8 U.S.C. Section 1357(a)(2) provides the authority to make an arrest of an alien who the officer has reason to believe is in the United States in violation of immigration law and is likely to escape before an arrest warrant can be obtained. Furthermore, 8 U.S.C. Section 1357(a)(5) and 19 U.S.C. 1589A provide an immigration officer with the authority to make an arrest, without a warrant, for a federal crime committed in the officer’s presence, or for a federal felony based on probable cause if the officer has reasonable grounds to believe the person to be arrested has committed or is committing such a felony. These sections also authorize qualified officers to carry firearms and to execute and serve any order, warrant, subpoena, summons, or other process issued under authority of the United States in the course of performing their duties or any other law enforcement duties that have been designated for them.

## **C. Authorities/References**

*The information found in this Handbook reflects current policies and directives, which may be subject to change or revision at any time. It is the responsibility of the FOT officer to remain informed of any updated material.*

### **Executive Orders:**

- Executive Order 13768 entitled, *Enhancing Public Safety in the Interior of the United States*, dated January 25, 2017

### **United States Code:**

- Title 8: Aliens and Nationality (§ 1357)
- Title 19: Aliens and Nationality (§1589A)

**Immigration and Nationality Act:** Field Officers; Powers and Duties (§ 287)

**Code of Federal Regulations:** Title 8; Aliens and Nationality (Part 287)

### **ICE Policy Memoranda:**

- ICE Policy Memorandum 10039.1 of June 21, 2004, *Issuances of Notices to Appear, Administrative Orders of Removal, or Reinstatement of a Final Removal Order on Aliens with United States Military Service*
- *Uses of Ruses in Enforcement Operations* dated March 6, 2006
- *Escape Reporting* dated July 14, 2006
- *Use of Ruses in ICE Enforcement Operations* dated August 22, 2006
- *Standard Operating Procedure, Escapes and Releases* dated December 11, 2006
- *Designation of Cold Case Fugitive Files and the Creation of a Fugitive Docket for the Fugitive Operations Support Center* dated September 4, 2009
- *Alien Registration File (A-File) Creation, Maintenance, Organization, and Disclosure Information* dated October 2, 2009
- *Department of Defense (DOD) Enlistment of Certain Nonimmigrant and other Aliens Determined to be Vital to the National Interest* dated October 14, 2009
- *Documentation of Consent in Enter and Search* dated January 19, 2010
- *ERO Quick Reference for Processing Guide, Version 1.1* dated June 10, 2010
- *Prosecutorial Discretion – Certain Victims, Witnesses and Plaintiffs* dated June 17, 2011
- *Enforcement Actions at or Focused on Sensitive Locations* dated October 24, 2011
- ICE Policy Memorandum 11064.1 – *Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities* dated August 23, 2013
- *Guidance for E-mailing Scanned Documents to the Law Enforcement Support Center for Entry into the National Crime Information Center* dated March 14, 2017

## ***D. Roles and Responsibilities***

**Deputy Assistant Director (DAD), Fugitive Operations Division:** Oversees Headquarters (HQ) Fugitive Operations. Facilitates logistical and operational support to all ERO field offices and all designated FOTs nationwide; develops, implements and oversees plans, policies, and procedures, both budgetary and operational, to ensure enforcement priorities are met; and maintains standards of efficiency through periodic reports and administrative reviews.

**Unit Chief, NFOP:** Provides NFOP leadership and guidance to ERO Field Office Directors (FODs) and FOTs. Serves as the principal point of contact for all NFOP queries within HQ; interprets directives and guidance from Congress, DHS, and ICE senior management; and monitors field implementation and reporting of statistical data. Identifies and develops efficiencies and methodologies to increase effectiveness of at-large enforcement.

**Section Chief, NFOP:** Serves as an expert on program and administrative policies affecting programmatic issues and requirements. Specifically, provides management and technical oversight to staff members and performs related supervisory functions, and serves as a principal advisor to the Unit Chief, DAD, and other management staff at the NFOP.

**Field Office Director (FOD):** Directs field activity to accomplish at-large performance goals. Oversees local implementation of Fugitive Operations-related policy; determines rotation and assignment of FOT members (locations are determined by HQ); coordinates staffing of FOT positions based on available resources and funding; and uses NFOP resources and funding to advance the NFOP mission and enforcement objectives.

**Assistant Field Office Director (AFOD):** Provides guidance and oversight to FOT Supervisory Detention and Deportation Officers (SDDOs). Briefs the FOD on FOT operations and concerns, serves as the field office's main point of contact with NFOP, and ensures proper alignment and optimization of resources.

**Supervisory Detention and Deportation Officer (SDDO):** Plans and implements team operations based on guidance and goals set by ICE. Provides first line supervision to FOT members, carrying out a wide range of activities, including training; oversees FOT preparation and processing activities; oversees the development of leads and analysis of data from multiple sources to support field enforcement operations; reviews and updates cases in ENFORCE EARM; reviews field operation worksheets (FOWs), alien files (A-files), and target folders; and ensures the safe conduct of officers during enforcement activities. Monitors compliance in accordance with all DHS and ICE policies and guidance and provides on-site leadership.

**Fugitive Operations Team:** Comprised of one SDDO, five deportation officers (DOs), and one enforcement and removal assistant (ERA). Conducts enforcement activities based on the policies set forth by ICE and as provided in this Handbook.



## **E. Definitions**

**Arrest:** The taking or keeping of a person in custody by legal authority.

**At-large alien:** An alien not in ICE custody who is in the United States in violation of immigration law but is not a fugitive alien, or an alien who has illegally reentered the United States after having been removed.

**ENFORCE Alien Removal Module (EARM):** The primary case management system for ERO; provides uniform control of cases related to inadmissibility, deportation, or removal.

**Foreign fugitive:** A removable alien currently in the United States who is wanted by a foreign country for crimes committed outside the United States.

**Fugitive alien:** An alien who has failed to depart the United States pursuant to a final order of removal, deportation or exclusion; or who has failed to report to an ERO officer after receiving notice to do so.

**Fugitive operations:** At-large enforcement actions to locate and arrest a target for whom a warrant of arrest can be issued (Form I-200).

**Juvenile / Child:** For the purpose of this document, any individual under the age of 18.

**Lead:** Information that can be developed, for investigative purposes, to identify and locate a target.

**Re-entry:** An alien who has reentered the United States after having been removed.

**Ruse:** A tactic designed to control the time and location of a law enforcement encounter.

**Source of information:** Person or entity who provides information concerning the identification and/or possible location of a target or unlawful activity.

**Target folder:** A folder that contains the investigative information needed to locate and arrest the target.

**Vehicle pursuit:** Per 8 CFR 287.8(e), an active attempt to apprehend fleeing suspects who are attempting to avoid apprehension.

## **F. Enforcement Activities**

The January 25, 2017 Executive Order 13768 entitled “*Enhancing Public Safety in the Interior of the United States*” requires ERO to make use of all available resources to ensure the efficient and faithful execution of the United States immigration laws.

Officers will target removable aliens who:

- (a) Have been convicted of any criminal offense;
- (b) Have been charged with any criminal offense, where such charge has not been resolved;
- (c) Have committed acts that constitute a chargeable criminal offense;
- (d) Have engaged in fraud or willful misrepresentation in connection with any official matter or application before a governmental agency;
- (e) Have abused any program related to receipt of public benefits;
- (f) Are subject to a final order of removal, but who have not complied with their legal obligation to depart the United States; or
- (g) In the judgment of an immigration officer, otherwise pose a risk to public safety or national security.

## **G. Training Requirements**

**SDDOs overseeing FOT activities must:**

1. Become familiar with the content of this Handbook and provide all FOT officers with a copy of this Handbook.
2. Provide the Senior Field Training Officer (SFTO) with a signed acknowledgment of receipt of this Handbook from each assigned FOT officer. The SFTO will add these receipts to the officers' training files.
3. Successfully complete the ICE ERO Field Operations Training Program (D-FOTP) within six months of assignment to a FOT, unless training resources are unavailable. If compliance is not possible due to other issues outside the SDDO's control, a one-time six-month extension may be requested through the Deputy Assistant Director over ERO Training, with concurrence of the Fugitive Operations Division.
4. Attend Fourth Amendment training provided by the ICE Office of the Principal Legal Advisor (OPLA) every six months.
5. Work closely with the SFTO to identify training that will improve the skill sets of FOT officers, such as officer survival, emergency medical procedures, defensive tactics, and response coordination.
6. Qualify every quarter with all assigned firearm(s).
7. Become familiar with the various firearm models, including long arms, carried by FOT officers. (**NOTE:** Due to the variety of firearms that may be used, a

second day of advanced firearms training exercises is considered a best practice, and should be adopted by all field offices.)

**FOT officers must:**

1. Become familiar with the Handbook, upon assignment to a FOT.
2. Successfully complete the DFOTP within six months of assignment to a FOT unless training resources are unavailable. If compliance is not possible due to other issues outside the officer's control, a one-time six-month extension may be requested through the Deputy Assistant Director over ERO Training with concurrence of the Fugitive Operations Division.
3. Attend Fourth Amendment training provided by ICE OPLA every six months.
4. Qualify every quarter with all assigned firearm(s).
5. Become Familiar with the various firearm models, including long arms carried by FOT officers.

## **PART 2: Fugitive Operations Team Casework**

### **A. Lead Development**

Leads for NFOP cases may come from docket management, the (b)(5); (b)(7)(E), (b)(5); (b)(7)(E), the (b)(5); (b)(7)(E), (b)(5); (b)(7)(E), the ICE Tip Line (888-DHS-2ICE), (b)(5); (b)(7)(E), other FOTs, other DHS entities, such as U.S. Citizenship and Immigration Services (USCIS), probation and parole offices, other law enforcement agencies (LEAs), and numerous other sources of information.

In the event an inter-office case transfer is necessary, all lead information will be transferred to the receiving office where the target is believed to be located.

**SDDOs overseeing FOT activity:**

1. (b)(5); (b)(7)(E)
2. (b)(5); (b)(7)(E)

**FOT Officers:**

1. (b)(5); (b)(7)(E)
2. (b)(5); (b)(7)(E)

3. (b)(5); (b)(7)(E)

## **B. Sources of Information**

ICE ERO does not have a confidential informant (CI) policy. Only ICE Homeland Security Investigations (HSI) is permitted to document and manage CIs; however, ERO officers may develop sources of information.

(b)(5); (b)(7)(E)

### **SDDOs supervising FOT activity:**

1. (b)(5); (b)(7)(E)
- 2.
- 3.

### **FOT Officers:**

1. (b)(5); (b)(7)(E)
- 2.
- 3.

## **C. Case Management**

### **(a) Enforce Alien Removal Module (EARM) and Docket Management**

Docket management includes comprehensive, systematic review and updating of an officer's assigned caseload. An appropriately managed docket reduces the chances of unnecessary duplication of effort.

### **SDDOs supervising FOT activity:**

1. (b)(5); (b)(7)(E)
- 2.

**FOT Officers:**

1. (b)(5); (b)(7)(E)
- 2.
- 3.
- 4.
- 5.
- 6.

Note: Some cases will not be found in EARM because of the lack of an encounter.

**(b) A-File Review**

**FOT Officers:**

1. Verify removability by conducting the following **mandatory** checks:

- (b)(5); (b)(7)(E)
- 
- 
- 
- 
- 
-

(b)(5); (b)(7)(E)

**2.**

**3.**

**4.**

**5.**

- 6.** Update the OM<sup>2</sup> with new lead information found during the review.
- 7.** Establish contact with the FOT that has jurisdiction over the suspected new location to request a field investigation.

8. (b)(5); (b)(7)(E)

**D. Administrative Subpoenas**

Immigration Enforcement Subpoenas (DHS Form I-138) are used to compel the appearance and testimony of witnesses and the production of books, papers, and documents, (phone records, forwarding address, etc.) consistent with 8 U.S.C. Section 1225(d)(4)(A) and 8 C.F.R. § 287.4.

**FODs or designee:** Approve and sign the DHS Form I-138.

**FOT Officers:**

1. Fill out Immigration Enforcement Subpoenas (DHS Form I-138).
2. Serve the approved and signed DHS Form I-138 upon the person or entity to which it is addressed.

**E. Referral to the Law Enforcement Support Center**

Timely submission of data is the key for (b)(5); (b)(7)(E) to work effectively. Placing fugitive cases into (b)(5); (b)(7)(E) via the Law Enforcement Support Center (LESC) increases the probability of arrest, thus providing a service to ICE and the community. (b)(5); (b)(7)(E) warrants enable other LEAs to serve as a force multiplier to help identify, locate, and arrest at-large aliens. The March 14, 2017, ERO memorandum entitled *Guidance for E-mailing Scanned Documents to the Law Enforcement Support Center for Entry into the (b)(5); (b)(7)(E)* sets the procedures for entering documents into (b)(5); (b)(7)(E).

**(a) Administrative Warrants: (b)(5); (b)(7)(E) Entry Requirements**

**FOT Officers:**

1. (b)(5); (b)(7)(E)

- (b)(5); (b)(7)(E)
- 
- 
- 
-

(b)(5), (b)(7)(E)

**2. Scanning Requirements:**

(b)(5); (b)(7)(E)

**3. Email Requirements:**

- (b)(5); (b)(7)(E)
- 
- 
- 

**4. Transfer the physical file to the (b)(5), (b)(7)(E) for proper maintenance per USCIS policies and procedures (consistent with the USCIS Records Operations Handbook).**

**(b) Criminal Warrants: (b)(5); (b)(7)(E) Entry Requirements**

**FOT Officers:**

1. (b)(5), (b)(7)(E)



(b)(5); (b)(7)(E)

- 
2. **Submit both the criminal warrant and a Fugitive Report (DHS Form 59) to the (b)(5); (b)(7)(E) for entry within 24-hours of the issuance of the warrant. If submission is outside the 24-hour period, a reason for the delay must be annotated in the Block 32 "Remarks" section.**

- (b)(5); (b)(7)(E)
- 

3. **Scanning Requirements:**

Documents must be scanned in color, using a portable document format (.pdf) and a minimum of 600 dots per inch (dpi).

- (b)(5); (b)(7)(E)
- 

4. **Email Requirements:**

- (b)(5); (b)(7)(E)
- 
- 
- 

5. **Transfer the physical file to the (b)(5); (b)(7)(E) for proper maintenance per USCIS policies and procedures (consistent with the USCIS Records Operations Handbook).**

**F. Target Folder Creation**

**FOT Officers:** Take target folders into the field (A-files are not intended for field use). Copies of the following documents relating to the NFOP case should be included in a target folder:

- Signed FOW and instruction sheet

- Signed Form I-205 (Warrant of Deportation/Removal)
- Final Order and BIA decision(s)
- Judicial decision(s) on removal
- Signed Form I-200 (Warrant for Arrest of Alien)
- Recent photographs
- Information about family members and known associates
- Fingerprint card
- Initial and subsequent I-213s (Record of Deportable/Inadmissible Alien)
- Benefit applications and forms (I-130, G-325A, I-485, etc.)
- Public record database queries
- Online investigative search results
- Mandatory database checks (may be noted on FOW)
- Employment information
- G-166C (Memorandum of Investigation)
- Criminal search warrant
- Criminal arrest warrant
- Miscellaneous information (e.g., driver's license, vehicle registration, firearm registration, passport, travel documents, Social Security card, etc.)

The FOT member maintains target folders pending completion of the FOW. **Do not combine the target folder with the A-file.** FOWs and other documents containing intelligence or sensitive information are not to be included in the A-file. The FOW must be signed by the FOT SDDO prior to surveillance and/or arrest.

### **G. ICE "Wanted" Posters**

In certain cases, officers may create an ICE Wanted Poster (M-551), but should check with the SDDO supervising FOT activity for approval.

#### **SDDOs supervising FOT activity:**

1.	(b)(5); (b)(7)(E)
2.	

#### **FOT Officers:**

1.	(b)(5); (b)(7)(E)
2.	

(b)(5); (b)(7)(E)

3.

## H. Aliens Located While Incarcerated

The Criminal Alien Program (CAP) is responsible for all foreign-born nationals found while incarcerated.

### FOT Officers:

1.

(b)(5); (b)(7)(E)

2.

3.

4.

5.

## I. Field Office-Initiated Operations

Field office enforcement initiatives that require operations plans (op plans) are those efforts conceived and implemented at the local level which:

- Target 10 or more subjects;
- Target a specific population set (e.g. gang members, sex offenders);
- Are expected to attract media attention;
- Extend beyond the typical geographical boundaries of a FOT AOR – even if targeting only one individual.

As with other aspects of operational casework, appropriate preparation can solve or mitigate potential sensitive challenges. When planning for every operation, officers should address the possibility that the FOT will encounter a juvenile. As a part of the planning process, the FOT will ascertain the local Child Protective Services (CPS) protocol for referring children. For further information in handling juveniles, refer current ICE policies regarding juveniles and unaccompanied alien children.

**FODs:** Approve the op plan at least two weeks prior to execution of the initiative.

### FOT AFODs:

1. Give guidance in the creation of an op plan and target list for FOT Officers.

2. Review and update the op plan and target list.
3. If assistance in finding bed space is needed, contact Field Operations at least two weeks prior to the operation.

**SDDOs supervising FOT activity:**

1.	(b)(5); (b)(7)(E)
2.	
3.	
4.	

**FOT Officers:**

1.	(b)(5); (b)(7)(E)
2.	
3.	
4.	

**J. HQ-Initiated Operations**

HQ-initiated operations include operations in which:

1. HQ directs the field to conduct a national or regional targeted operation.
2. Targets are of a sensitive nature and may result in significant media or departmental attention (i.e., high profile individuals, public officials, religious or political organizations, or requests made by foreign governments).
3. HQ may distribute targets to FOTs and oversee the planning of a large-scale operation.

**FODs:** Approve the op plan at least two weeks prior to execution of the initiative.

**FOT AFODs:**

1. Review and update the op plan and target list with guidance from HQ NFOP and the NCATC.
2. If assistance in finding bed space is needed, contact Field Operations at least two weeks prior to the operation.

**SDDOs supervising FOT activity:**

1. Forward the op plan and target list through the local chain of command to the FOD for review and signature.

2. (b)(5); (b)(7)(E)

**FOT Officers:**

1. (b)(5); (b)(7)(E)
- 2.

## **PART 3: Conducting Operations**

### **A. Surveillance**

Field surveillance should precede operations. An FOW must be completed and signed prior to conducting operations.

**FOT SDDOs and AFODs:** Review, monitor, and approve FOWs.

**FOT Officers:**

1. Complete an FOW and forward to the FOT SDDO for review and signature.
2. When conducting surveillance, notify the local LEA with jurisdiction, unless directed otherwise by the FOD.

### **B. Communications**

(b)(5); (b)(7)(E)

(b)(5); (b)(7)(E)

**SDDOs supervising FOT activity or designated FOT Officers:**

- 1.
- 2.
- 3.

(b)(5); (b)(7)(E)

**C. Law Enforcement Visibility**

(b)(5); (b)(7)(E)

- 1.
- 2.
- 3.
- 4.

(b)(5); (b)(7)(E)

**D. Pre-operational Briefing**

An operational briefing will precede every enforcement action, absent exigent circumstances. All officers and any other law enforcement personnel participating in the operation will attend the pre-operational briefing.

The briefing must include:

(b)(5); (b)(7)(E)

## E. Ruses

Ruses improve safety for the officers and the public by limiting opportunities for the target to flee. FOT use of ruses must comply with the current ICE memoranda entitled, *Uses of Ruses in Enforcement Operations* dated March 6, 2006, and *Use of Ruses in ICE Enforcement Operations* dated August 22, 2006.

(b)(5); (b)(7)(E)

## F. Consent

Neither a Warrant for Arrest of Alien (I-200) nor a Warrant of Removal (I-205) authorizes officers to enter the target's residence or anywhere else where the target has a reasonable expectation of privacy. A government intrusion into an area where a person has a reasonable expectation of privacy for the purpose of gathering information will trigger Fourth Amendment protections, including a physical intrusion into a constitutionally protected area ("people, houses, papers, effects, and curtilage" under the U.S. Supreme Court's landmark decision, *United States v. Jones*, 132 S. Ct. 945 (2012)) for the purpose of gathering information.

Therefore, without a criminal warrant, officers must obtain voluntary consent before entering a residence or area where there is a reasonable expectation of privacy. Consent may never be coerced. (See memorandum entitled *Documentation of Consent in Enter and Search* dated January 19, 2010.)

Consent is involuntary when it is the product of coercion or threat, whether expressed or implied. Other factors affecting voluntariness include: an officer's claim or show of authority, prior illegal government action, mental or emotional state of the person, cooperation or lack thereof, and custody. Officers need not advise the person that consent may be refused.

Whether or not the FOT obtained consent to enter and search, is frequently a ground for litigation. Additionally, if contraband is seized and/or a criminal prosecution is contemplated, the criminal prosecution could be impacted by whether officers had consent to search. Therefore, it is essential for officers to immediately, or as soon as practicable, record all pertinent information regarding the consent process in the FOW, rather than waiting until completion of the operation. A civil suit questioning consent may be filed months or years following the conclusion of an operation, at which time members of the FOT may not recall what transpired at a particular location.

**SDDOs supervising FOT activity:**

1. (b)(5); (b)(7)(E)
- 2.

**FOT Officers:**

1. (b)(5); (b)(7)(E)
- 2.
- 3.
- 4.
- 5.



6.

(b)(5); (b)(7)(E)

## G. Travel Documents

### FOT Officers:

1. To the extent that officer safety is not compromised, FOT officers should attempt to obtain travel documents, birth certificates, or other foreign identification documents at the time of arrest.
2. If travel documents are not in plain view or on the arrestee's person, request consent to look in areas where documents may be found. Verbal consent in the presence of at least one other law enforcement officer is acceptable.
3. If consent to look for travel documents is granted, inform the person documenting consent on the FOW, so that the FOW is annotated in case a claim of a non-consensual search is made by an alien. This is especially important, as illicit items may be discovered during the course of the search.

## H. Vehicle Pursuits

(b)(5); (b)(7)(E)

## I. Vehicle Stops

FODs have discretion to authorize vehicle stops in their respective field offices. Officers who have successfully completed Federal Law Enforcement Training Center or ICE vehicle stop training may conduct vehicle stops. Vehicles used to perform these stops must have emergency equipment (lights/siren) in compliance with state laws. The standard Federal Law Enforcement Package with which ERO vehicles are currently equipped may or may not be in compliance with state regulations for law enforcement vehicles. The FOD shall ensure that the field office coordinates with the state authority to determine if any additional retrofitting is needed.

**FODs:** Authorize officers to conduct vehicle stops, as appropriate.

**SDDOs supervising FOT activity:** Review the vehicles utilized for field operations to ensure they have emergency equipment (lights/siren) and comply with applicable state laws.

### FOT Officers:

1.

(b)(5); (b)(7)(E)

2.

(b)(5); (b)(7)(E)

## J. Gangs

(b)(5); (b)(7)(E)

A gang member is defined as anyone who admits gang affiliation, is convicted of violations associated with 18 U.S.C. § 521 or any other federal or state law punishing or imposing civil consequences for gang-related activity or association, or falls under two or more of the following criteria, one of which occurred in the previous five years. An associate gang member is defined as an individual who exhibits one of the following criteria but may not have been formally initiated into the gang:

- (b)(5); (b)(7)(E)
- 
- 
- 
- 
- 
- 
- 
- 
- 

The officers/agents conducting the arrest will determine whether indications of gang association are present.

## K. Arrests

Arrests in a public place may occur at any time. Arrests at a private residence or any other area with a reasonable expectation of privacy may only be conducted between the hours of (b)(5); and (b)(5); (b)(7)(E)

A planned arrest requires the participation of at least two law enforcement officers who identify themselves as law enforcement officers at the time of arrest.

### (a) Officer Safety

**Safety is paramount.** All participating officers should be fully equipped with both deadly and non-deadly force weapons, service-issued firearms, and personal body armor.

All ICE field management shall consider officer safety issues and available intelligence to ensure the welfare of all officers involved in the operation. In general, it is important to consider that a majority of the target locations associated with this operation will result in the arrest of more than one subject. Supervisors are encouraged to allocate greater manpower than is traditionally assigned to each target location in order to account for larger groups and associates with criminal histories.

### **(b) Sensitive Locations**

ICE officers will conduct enforcement actions consistent with current ICE Sensitive Locations Policy.

### **(c) Courthouses**

ICE officers will conduct enforcement actions at courthouses consistent with current policy on Civil Immigration Enforcement Actions Inside Courthouses.

### **(d) Special Considerations for Arrest**

#### **FOT Officers:**

Upon arrest, ask the subject the following:

- Do you have any medical issues or concerns?
  - If so, do you have medication or an assistive device to take with you?
- Do you have any children or other custodial responsibilities?
  - If so, are you the sole caregiver?
- Do you have a travel document (either valid or expired)?

### **(e) Current or Prior United States Military Service**

When encountering an alien with prior U.S. military service, review all current memoranda and policies available on the ICE insight page.

#### **FODs:**

1. (b)(5), (b)(7)(E)
- 2.

**SDDOs supervising FOT activity:**

1.	(b)(5); (b)(7)(E)
2.	

**(f) Juveniles/Unaccompanied Alien Children**

ERO officers may encounter juveniles during enforcement activities. The presence of non-targeted juveniles at a target location or in the care of a targeted alien is always a possibility, and should be explored during initial investigation to the fullest extent possible. Depending on whether the minor is accompanied, unaccompanied, a citizen, or a non-citizen, procedures vary.

ICE personnel should not take custody of, or transport, juveniles they encounter during an enforcement action who are a USC, an LPR, or are otherwise not removable from the United States.

Absent indications of child abuse or neglect, ICE personnel should accommodate, to the extent practicable, an alien parent or legal guardian's efforts to make alternative care arrangements for his or her juvenile. In such cases, ICE personnel should document the alien parent or legal guardian's request for transfer of custody of a USC or LPR juvenile to a verifiable third party.

If the alien parent or legal guardian cannot make an alternative care arrangement for the juvenile, or if there is an indication that the juvenile has been subject to abuse or neglect by a parent or other adult who may be asked to take custody of the juvenile, ICE personnel should contact the local child welfare authority or law enforcement agency to take custody of the juvenile.

Once a detained alien has been determined to be a parent or legal guardian of a USC or LPR juvenile, ICE personnel should enter this information in ENFORCE Alien Removal Module (EARM), or its successor system.

If a juvenile is to be taken into custody, the processing of the juvenile requires the Field Office Juvenile Coordinator (FOJC) to coordinate with the Health and Human Services (HHS) Office of Refugee Resettlement (ORR) for both transportation and custody.

**FODs:** Weigh whether an exercise of prosecutorial discretion may be warranted for a given alien and consider all relevant factors in this determination, including whether the alien is a parent or legal guardian of a USC or LPR juvenile, or is a primary caregiver of a juvenile. (Note: Prosecutorial discretion may be exercised at any stage of an enforcement proceeding.)

**SDDOs supervising FOT activity:**

1. (b)(5); (b)(7)(E)
- 2.

**FOT Officers:**

1. (b)(5); (b)(7)(E)
- 2.
- 3.
- 4.
- 5.
- 6.

**(g) Consular Notifications**

See 8 CFR 236.1(e) regarding Consular Notification for Alien Detained Prior to an Order of Removal.

Every detained alien shall be notified that he or she may communicate with the consular or diplomatic officers of the country of his or her nationality in the United States.

Some countries have agreements with the United States which require immediate communication with appropriate consular or diplomatic officers whenever their nationals are detained or in removal proceedings, whether or not this is requested by the alien and even if the alien requests that no communication should be undertaken on his or her behalf (see 8 CFR 236.1(e)). A list of current mandatory notification countries can be found on the Department of State website.

When notifying consular or diplomatic officials, ERO officers shall not reveal the fact or indicate anything that would give rise to a reasonable inference that the alien has applied for asylum, withholding of removal, withholding or deferral under Article 3 of the Convention Against Torture, and/or claims related to credible or reasonable fear determinations.

### **L. Prosecutorial Discretion**

**FOT Officers:**

1. (b)(5); (b)(7)(E)
- 2.
- 3.

### **M. Post-Operation Debrief**

**SDDOs supervising FOT activity:** Hold a debriefing session after the enforcement action to address best practices, safety issues, and evaluation of the operation.

## **PART 4: Processing Cases**

**AFODs or designees:** Will ensure that target folders are maintained for three years after the last day of the calendar year the target folder was created (consistent with Records Schedule: DAA-0567-2015-0016).

Example: A target folder created on Jan 11, 2014, must be maintained until December 31, 2017, at which time it can be destroyed.

**FOT Officers:**

1. (b)(5); (b)(7)(E)
- 2.
- 3.
- 4.

5.	(b)(5); (b)(7)(E)
6.	
7.	
8.	
9.	

### A. Reporting Requirements

#### (a) Operations Management Module

Full instructions for entering cases into (b)(5); (b)(7)(E) can be found in the (b)(5); (b)(7)(E) Quick Reference Guide located on the [Fugitive Operations Web Page](#)

At-large arrests must be documented in (b)(5); (b)(7)(E). Custodial encounters and arrests should not be documented as an arrest in (b)(5); (b)(7)(E).

Enter daily enforcement activities into (b)(5); (b)(7)(E) as they occur. Any user can add or edit an activity before the end of each week. After the end of each week only NFOP Headquarters can edit activity information, so requests for edits should be sent to the (b)(5); (b)(7)(E) mailbox). The following information can be added or edited in (b)(5); (b)(7)(E) as long as the alien has been added to EARM:

#### Add/Edit Activity Screen

- (b)(5); (b)(7)(E)
-

(b)(5); (b)(7)(E)

- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 

**(b) Exhausted Leads**

**SDDOs supervising FOT activity:** Review the ROI and the Cold Case Checklist to verify that all investigative leads have been pursued.

**FOT Officers:**

- 1.
- 2.
- 3.
- 4.
- 5.

(b)(5); (b)(7)(E)



## B. Special Activities

### (a) Timely and Accurate Reporting of Significant Incidents

Certain enforcement activities or incidents that occur during enforcement activities may warrant the completion of a "Significant Incident or Prospective Enforcement Activity Report." Guidelines can be accessed at the following site:

(b)(7)(E)

### (b) Alternatives to Detention Violations

ATD violations require immediate action. Therefore, open communication between the FOT and local ATD is extremely important. The likelihood of recovery decreases substantially as the time between the violation and referral to the FOT increases.

The ATD program has an established reporting procedure for ATD violations, which differs from escapes. The ATD officer takes the lead on reporting, unless the FOD decides otherwise.

**SDDOs supervising FOT activity:** Work closely with the local ATD unit to establish a protocol for ATD violations.

### (c) Escapes

**Field Offices:** Upon any initiation of field surveillance in an attempt to locate an escapee, provide weekly ROIs to Field Operations and the HQ NFOP Unit Chief detailing the status of leads and case progress.

**SDDOs supervising FOT activity or SDDOs assigned to the operation:** In the event of an escape, assume the duties of the "officer in charge" of investigating the incident.

#### FOT Officers:

1. Investigate, track, and locate the escapee.
2. Upon arrest of the escapee, promptly (i.e., within one hour) notify Field Operations and the HQ NFOP Chief with a follow up "Significant Incident Report" via the Significant Event Notification database.
3. Completing all required actions as specified in the current ERO Escapes directive.

### (d) Fugitive Alien Removal Requests

Fugitive Alien Removal (FAR) cases are aliens wanted for crimes committed abroad who are physically present within the United States and are removable from the United States. The following criteria apply to FAR cases:

- The fugitive has an outstanding criminal arrest warrant issued by a recognized authority of the criminal justice system in foreign state.
- The fugitive's crime is also considered a crime within the United States.
- The requesting government has provided evidence of the existence of the arrest warrant through official correspondence, such as the issuance of an INTERPOL red notice, INTERPOL diffusion message, or translated copy of the warrant.
- The requesting government has agreed to the expeditious issuance of a travel document to facilitate the target's return.

#### NFOP Officers:

(b)(5); (b)(7)(E)

- 1.
- 2.
- 3.
- 4.

#### (e) Liaisons and Task Forces

FOTs are encouraged to build and maintain positive partnerships with other LEAs and task forces to foster cooperative relationships in their AOR and contribute to the enhancement of ERO's mission. This includes information sharing, consistent with law and policy. Team members are encouraged to advise and cooperate with local law enforcement partners when conducting operations, and are encouraged to build relationships with community groups to identify and address concerns about the conduct of fugitive operations. This may involve embedding ERO officers with state and local law enforcement.

Embedding officers with other LEAs combines the resources and expertise of ICE ERO with local LEAs to arrest criminal aliens, fugitive aliens, and previously removed aliens. Rather than a conventional task force model, this method allows ERO officers within local LEAs to provide investigate support for those cases with an immigration enforcement nexus, and establish a proactive response in local jurisdictions in order to better support public safety in those areas.

This embedded partnership and direct access to local LEA resources aids in the development of investigative leads, prioritization of enforcement efforts, and furtherance of officer safety awareness for fugitive operations and other ERO assets conducting at-large enforcement in the AOR. As with conventional task forces, FOTs are encouraged to establish these partnerships as resources permit and adopt problem-oriented law enforcement strategies to identify, investigate, and address public safety threats.

**SDDOs supervising FOT activity:** With approval from the FOD, assign FOT officers to serve on law enforcement task forces that share complementary goals with ERO, promote information sharing, and further ICE ERO mission objectives. Provide on-site leadership and supervision of any embedded ERO officers and/or serve as the embedded ERO representative to the LEA, plan and implement daily joint effort operations, and maintain regular contact with the local ERO chain-of-command on administrative and operational issues.

**FOT Officers:** Serve on task forces to advise and cooperate with law enforcement partners, develop and exchange investigative information, and provide mutual support in enforcement activities. Officers who have undergone a selection and vetting process by the host LEA will serve as primary ICE point(s) of contact to the LEA and work with patrol, investigative, or support specialized units (e.g., gang enforcement) as appropriate.

## (f) Media

Media ride-alongs require approval from Field Operations and the ICE Office of Public Affairs.

**AFODs for Congressional Relations:** Coordinate media requests with Field Operations, the ICE Office of Public Affairs, and HQ NFOP.

**SDDOs supervising FOT activity:** If a “ride-along” is approved, submit an op plan and target list to the FOD and (b)(5); (b)(7)(E) mailbox.

### FOT Officers:

1. Do not interact with media representatives. Refer media inquiries to the AFOD for Congressional Relations and the ICE Office of Public Affairs or to the ICE Public Affairs Officer (PAO) (according to local procedures).
2. Refer all requests for a “ride-along” to the AFOD for Congressional Relations and the ICE Office of Public Affairs or to the ICE PAO (according to local procedures).

## Appendix of Terms

<b>AFOD</b>	– Assistant Field Office Director
<b>AOR</b>	– Area of Responsibility
<b>ATD</b>	– Alternatives to Detention
<b>BIA</b>	– Board of Immigration Appeals
<b>CAP</b>	– Criminal Alien Program
<b>CI</b>	– Confidential Informant
<b>CPS</b>	– Child Protective Services
<b>DAD</b>	– Deputy Assistant Director
<b>DFOD</b>	– Deputy Field Office Director
<b>DFOTP</b>	– Field Operations Training Program
<b>EOIR</b>	– Executive Office of Immigration Review
<b>ERO</b>	– Enforcement and Removal Operations
<b>FAR</b>	– Fugitive Alien Removal
<b>FLETC</b>	– Federal Law Enforcement Training Center
<b>FOD</b>	– Field Office Director
<b>FOJC</b>	– Field Office Juvenile Coordinator
<b>FOT</b>	– Fugitive Operations Team
<b>FOT Officer</b>	– FOT Law Enforcement Officers (SDDO, DO)
<b>FOW</b>	– Field Operations Worksheet
<b>ICE</b>	– U.S. Immigration and Customs Enforcement
<b>INA</b>	– Immigration and Nationality Act
<b>JFRMU</b>	– Juvenile and Family Residential Management Unit
<b>LEA</b>	– Law Enforcement Agency
<b>LESC</b>	– Law Enforcement Support Center
<b>NCATC</b>	– National Criminal Analysis and Targeting Center
<b>NCIC</b>	– National Crime Information Center
<b>NFOP</b>	– National Fugitive Operations Program
<b>NLECC</b>	– National Law Enforcement Communications Center
<b>Officer</b>	– Deportation Officer
<b>OM<sup>2</sup></b>	– Operations Management Module
<b>Op Plan</b>	– Operations Plan
<b>PCQS</b>	– Person Centric Query System
<b>PERC</b>	– Pacific Enforcement Response Center
<b>SDDO</b>	– Supervisory Detention and Deportation Officer
<b>SFTO</b>	– Senior Field Training Officer
<b>Supervisor</b>	– Individual overseeing a program or person
<b>Team Member</b>	– Member of a Fugitive Operations or At-large Team (SDDO, DO, ERA)
<b>UAC</b>	– Unaccompanied Alien Child
<b>USCIS</b>	– U.S. Citizenship and Immigration Services
<b>VCAS</b>	– Violent Criminal Alien Section