

EXHIBIT 16

Issue Date:
Review Date:



Enforcement and Removal Operations
Fugitive Operations Handbook

FOREWORD

The Fugitive Operations Handbook compiles, for the first time, all current policies, procedures, and best practices established for the National Fugitive Operations Program within Enforcement and Removal Operations. It takes the place of the long-anticipated, never-issued Chapter 19 of the DRO Policy and Procedure Manual.

This compilation incorporates all current Fugitive Operations-specific processes and procedures, although the memoranda cited in the Handbook may contain more detailed information. The Handbook also includes templates for operational plans and operations worksheets. It is an operational guide for Fugitive Operations Teams.

Previously DRO- or ERO-issued documents that are fugitive operations-specific now take on the status of historical reference material or supplemental information. As a result, all such documents will move from "Current" to "Archived Documents" in the ERO Resource Library. When conducting a search for these documents in the Resource Library, remember to search under "Archived Documents."

Fugitive enforcement is guided by the June 30, 2010, ICE memorandum titled "Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens" (ICE Policy Number 10072.1) and the December 8, 2009, ICE memorandum titled, "National Fugitive Operations Program: Priorities, Goals, and Expectations" (ICE Policy Number 11001.1).

(b)(6),(b)(7)(C)

Assistant Director, Enforcement

Date

2/23/10

Table of Contents

| | |
|---|-----------|
| FOREWORD | 2 |
| PART 1: Fundamentals of the National Fugitive Operations Program (NFOP)..... | 5 |
| Introduction | 5 |
| Authority..... | 5 |
| Responsibilities | 6 |
| Priorities | 6 |
| Training..... | 7 |
| PART 2: Fugitive Operations Team (FOT) Casework | 8 |
| Lead Development..... | 8 |
| Case Management..... | 8 |
| Docket Management | 8 |
| EARM Update | 9 |
| A-File Review..... | 9 |
| Administrative Subpoenas..... | 10 |
| Referral to the Law Enforcement Service Center (LESC) | 10 |
| Administrative Warrants: NCIC Entry Requirements..... | 10 |
| Criminal Warrants: NCIC Entry Requirements..... | 11 |
| Target Folder Creation | 12 |
| ICE "Wanted" Posters | 12 |
| Fugitives Located while Incarcerated | 13 |
| Operational Plans and Requirements..... | 13 |
| Juvéniles | 13 |
| Field Office-initiated Op Plans | 13 |
| HQ-initiated Op Plans..... | 14 |
| PART 3: Conducting Operations | 15 |
| Surveillance | 15 |
| GPS Tracking Devices | 15 |
| Communications | 15 |
| Law Enforcement Identification | 15 |
| High-visibility operational environment | 15 |
| Low-visibility operational environment | 15 |

| | |
|--|-----------|
| Pre-operational briefing | 16 |
| Ruses..... | 16 |
| Consent | 16 |
| Travel Documents | 17 |
| Vehicle Stops and Pursuits | 17 |
| Arrests | 17 |
| Special Considerations for Arrest..... | 18 |
| Juveniles..... | 18 |
| USC/LPR Juveniles..... | 18 |
| Prosecutorial Discretion | 19 |
| Post-Operational Debrief..... | 19 |
| PART 4: Processing Cases..... | 20 |
| Reporting Requirements | 20 |
| FCMS..... | 20 |
| Exhausted Leads | 21 |
| Special Activities | 21 |
| ATD Violations | 21 |
| Escapes | 21 |
| Fugitive Alien Removal (FAR) Requests | 21 |
| Liaison and Task Forces | 22 |
| Media | 22 |
| Appendices | |
| Appendix 1: Field Operations Worksheet | 23 |
| Appendix 2: Wanted Poster (Sample)..... | 25 |
| Appendix 3: Operational Plan (Sample) | 26 |
| Appendix 4 Fugitive Report (DHS Form 59) | 34 |
| Appendix 5 Escape Reporting Worksheet..... | 36 |
| Appendix 6 NFOP Acronym List..... | 37 |

PART 1: Fundamentals of the National Fugitive Operations Program (NFOP)

Introduction

The National Fugitive Operations Program (NFOP) identifies and arrests fugitive aliens, previously removed aliens, criminal aliens at large, and certain other fugitives in the United States. Fugitive aliens are aliens who have failed to comply with a final order of removal, deportation, or exclusion; or who have failed to report or appear as demanded by Immigration and Customs Enforcement (ICE). "Others" may include alien escapees; Alternatives to Detention (ATD) violators; fugitives wanted by other law enforcement agencies or countries; and immigration status violators, among others.

The main goal of the NFOP is the reduction of the national fugitive alien backlog using targeted operations based on the best available intelligence and investigative techniques. Additionally, NFOP assets bolster the integrity of the immigration system by targeting and arresting previously removed aliens who have re-entered the United States in violation of the law. NFOP assets are also utilized to provide security to America's communities by targeting at-large aliens with criminal convictions for arrest and removal.

Authority

Pursuant to [Section 287\(a\)\(1\)](#) of the Immigration and Nationality Act (INA), [8 U.S.C. § 1357\(a\)\(1\)](#), as amended, an ICE 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. INA § 287(a)(2) provides the authority to make an arrest of an alien who the officer/agent has reason to believe is in the United States in violation of the immigration laws and is likely to escape before an arrest warrant can be obtained. Further, INA § 287(a)(5) provides authority to make general arrests without a warrant for crimes recognized under federal law, to carry firearms, and to execute and serve any order, warrant, subpoena, summons, or other process issued under authority of the United States.

To detain an individual for further questioning, the ICE officer must have reasonable suspicion that the individual:

- Committed a crime, or
- Is unlawfully present in the United States, or
- Is an alien with status who is either inadmissible or removable, or
- Is a non-immigrant required to provide truthful information to DHS personnel upon demand (see [8 CFR 214.1\(f\)](#)).

Responsibilities

Deputy Assistant Director (DAD), Compliance Enforcement Division. Oversees NFOP, including the HQ Fugitive Operations Unit (FOU) and the Fugitive Operations Support Center (FOSC).

Chief, Fugitive Operations Unit. Leads NFOP; serves as main point of contact for all queries about the NFOP from higher level management and the Field Office Directors. Interprets directives of ICE upper management, DHS, Congress, and the Executive Branch and monitors field implementation and reporting of statistical data. Determines geographic locations of Fugitive Operations Teams (FOTs) nationwide.

Chief, Fugitive Operations Support Center (FOSC). Manages and directs the FOSC. Develops leads and analyzes data from multiple sources to support FOT enforcement operations; reviews and updates fugitive cases in the (b)(7)(E) Alien Removal Module (EARM). Reports on the nature and characteristics of the fugitive backlog. Manages the Cold Case docket and is the system owner for the Fugitive Case Management System (FCMS).

Field Office Director (FOD). Oversees local implementation of Fugitive Operations-related policy. Meets NFOP performance goals. Sets policy on rotation and placement of FOT members (FOT locations are determined at headquarters). Fully staffs FOT positions; uses NFOP resources and funding solely to advance the NFOP mission.

Assistant Field Office Director (AFOD). Provides guidance and oversight to FOT SDDOs. Briefs FOD on FOT operations and concerns. During HQ-driven operations, is the main point of contact with the NFOP.

FOT Supervisor. Plans and implements team operations based on guidance and goals set by the NFOP and the FOD. Addresses administrative issues concerning FOT, including performance evaluations, training, leave, and disciplinary actions. Reviews and monitors all FOT processing work: Field Operations Worksheets (FOWs), (b)(7)(E) (b)(7)(E) Enforce Alien Removal Module (EARM), Alien-Files (A-Files), and Target Folders. Communicates and monitors compliance with the most recent processing guidance. Provides on-site leadership both in the field and in the office.

Fugitive Operations Team (FOT). Comprised of one Supervisory Detention and Deportation Officer (SDDO), four Deportation Officers (DOs), one Immigration Enforcement Agent (IEA), and one Detention and Removal Assistant (DRA), conducts enforcement activities based on the policies set by the NFOP and the FOD.

Priorities

The FOT Supervisor assigns cases for review and preparation based on the priorities established under "Enforcement Priorities" in the ICE memorandum, "[National Fugitive Operations Program: Priorities, Goals, and Expectations](#)," dated December 8, 2009, in descending order of priority, as follows:

Tier 1 Fugitives aliens

I. Who pose a threat to national security

- II. Convicted of violent crimes or who otherwise pose a threat to the community
- III. With a criminal conviction of other than a violent crime
- IV. With no criminal conviction.

Tier 2 Previously removed aliens

- I. Who pose a threat to national security
- II. Convicted of violent crimes or who otherwise pose a threat to the community
- III. With a criminal conviction of other than a violent crime
- IV. With no criminal conviction

Tier 3 Removable aliens convicted of crimes

- I. Aliens convicted of Level 1 offenses, as defined for purpose of Secure Communities.
- II. Aliens convicted of Level 2 offenses, as defined for purpose of Secure Communities.
- III. Aliens convicted of Level 3 offenses, as defined for purpose of Secure Communities.

For details, see the above-mentioned ICE NFOP memorandum. As priorities may change rapidly, FOT Supervisors should maintain an open dialogue with the NFOP to remain current.

Training

ICE officers participating in fugitive operations must have successfully completed basic immigration law enforcement training (see [8 CFR 287.1\(g\)](#)).

All Fugitive Operations Team (FOT) members must successfully complete the Fugitive Operations Training Program (FOTP) within two years of assignment to a FOT, or as soon as the training schedule permits. FOT members must obtain and maintain current certifications in Basic First Aid and Cardiopulmonary Resuscitation. FOT Supervisors will provide all officers participating in a fugitive operation with a copy of this handbook. FOT Supervisors will also provide the Senior Field Training Officer with a signed acknowledgment of receipt of this handbook from each permanently assigned FOT member. The Senior Field Training Officer will add these receipts to the officers' training files.

FOTs will receive Fourth Amendment training approved by the ICE Office of Principal Legal Advisor every six months.

FOT Officers are required to attend and pass all quarterly firearms and tactical qualifications consistent with the ICE Firearms Policy and the ICE Use of Force Policy.

Since officers carry different models of firearms, all team members should familiarize themselves with the weapons carried by other team members. For this reason, a second day of Advanced Firearms Training Exercises is considered a best practice to be adopted by the field offices. FOT Supervisors will work closely with the SFTOs to identify training that will improve the skill sets of FOT members, such as officer survival, emergency medical procedures, defensive tactics, and response coordination.

PART 2: Fugitive Operations Team (FOT) Casework

Lead Development

NFOP cases may come from docket management, leads from the Fugitive Operations Support Center (FOSC); the ICE Tip Line (888-DHS-2ICE); (b)(7)(E) and other FOTs, DHS entities, and law enforcement agencies (LEAs).

Once a case or investigative lead is identified as an NFOP case, it belongs with the FOT with geographical jurisdiction. The originating office will officially transfer the A-file, T-File(s), and Work Folder(s) through the National File Tracking System (NFTS) to the responsible FOT Supervisor. The originating office will then forward these files and folder(s) along with the Target Folder and any other lead information to the FOT.

FOTs may also develop leads for criminal aliens by working with probation and parole offices in their AOR. Consistent with local policy, FOTs may take an active role in the apprehension of criminal violators as identified by CIS Fraud Detection and National Security Units. (For background and clarification on this issue, see the memoranda "[Benefits Fraud Units Transfer Of Criminal Alien Referrals from Office of Investigation to Office of Enforcement and Removal Operations](#)" and "[Charging Document Issuance and Processing by Enforcement and Removal Operations of Citizenship and Immigration Services Referral Cases](#)," respectively dated April 8, 2005, and October 30, 2006.)

FOTs should use open sources such as television¹, newspaper, and other media outlets that profile wanted individuals to identify and build Target Folders for high-priority fugitive aliens. However, NFOP must review and approve the target folder based on those sources before the FOT conducts an operation involving a high-priority fugitive.

ICE ERO does not have a confidential informant policy or training program established. FOT members can however use other tools to develop sources of information. An FOT Officer, with an FOT Supervisor's approval, may consider the use of prosecutorial discretion, or one of the variety of Alternatives to Detention as a possible means to continue an individual's productive cooperation.

Before making the decision to exercise prosecutorial discretion, the FOT Officer and Supervisor must carefully review the criminal background and the totality of the circumstances that surround the Subject.

The FOD should always be informed and consulted before anyone is given an incentive to provide information as described above.

Case Management

Docket Management

The FOT Supervisor should divide the cases among the team in a fair and intelligent manner. Docket management includes the careful review of cases on each fugitive docket. This will lead to a systematic review and proper vetting of all cases.

¹ Television programs such as Fox Networks "America's Most Wanted"

Proper docket management allows the FOD and FOT Supervisor to track progress made in reducing the fugitive backlog and make adjustments as needed. It also reduces the chances of unnecessary duplication of work. Fugitive cases in each AOR can be identified through EARM as well as with the assistance of the FOSC.

EARM Update

Update EARM after receiving each investigative lead. Because cases are managed through EARM, updaters must take time to code fugitive cases properly. Anyone taking action or making a decision on a case will note it in clear, concise language in the Case Comments box under the Comments tab. Case officers will periodically review their cases to maintain EARM data quality and integrity.

A-File Review

FOT members will:

- Verify NFOP case status by conducting **mandatory** checks of the following databases:
 - EARM
 - Central Index System (CIS)
 - [REDACTED] (b)(7)(E)
 - Board of Immigration Appeals (BIA)
 - National Crime Information Center (NCIC).

- Avoid conflict with other law enforcement investigations by conducting **mandatory** checks of [REDACTED] (b)(7)(E) and state and local databases. FOTs should also liaise with local task forces such as the High Intensity Drug Trafficking Areas (HIDTA) Task Force, which may maintain a local deconfliction database.

- Supplement information from other sources by reviewing: Image Storage and Retrieval System (ISRS); Consular Consolidated Database (CCDI); [REDACTED] (b)(7)(E); [REDACTED] (b)(7)(E); [REDACTED] (b)(7)(E) public utility records; telephone records; U.S. Postal Service mail covers and address information; state and local police department records; fish and game licenses; and records from departments of motor vehicles, clerks of court, probation and parole departments, correctional institutions, child support enforcement, employment and unemployment departments, financial institutions, insurance databases, educational institutions, state and local birth and death records, Internet data-mining and social-networking sites, the ICE Office of Intelligence, Automated Tracking System– Passenger (ATSP); trash runs; and local business records (e.g., shopper membership cards, video rentals, etc).

- If the fugitive appears to reside outside of the FOT's AOR, update EARM. Establish contact with the FOT with jurisdiction over the apparent new location to request a field investigation. If the alien is located in that jurisdiction, forward the case documents and information to that FOT, following the procedures for case assignment.

Administrative Subpoenas

FOT members use Immigration Enforcement Subpoenas (DHS Form I-138) to compel the appearance and testimony of witnesses and the production of books, papers, and documents, consistent with [8 C.F.R. 287.4](#).

The NFOP collects data on subpoenas from all field offices, including the number of immigration subpoenas requested, the number issued, and the number served. Each FOD must submit these statistics to the HQNFOP mailbox HQDRO, FUGOPS by the close of business each Friday.

Referral to the Law Enforcement Service Center (LESC)

By tapping the resources of other law enforcement agencies to help identify, locate, and arrest fugitives, NCIC acts as a force multiplier. Placing fugitive cases into NCIC via the LESL increases the probability of arrest, providing a service to ICE and the community.

Administrative Warrants: NCIC Entry Requirements

Timely submission of data is key to the effective working of the system. The DRO memorandum, "[Placement of Fugitive Cases into the National Crime Information Center's Immigration Violator File](#)," dated August 28, 2005, sets the goal for submission into NCIC at 120 days after the date the final order was issued.

1. Assigned ERO personnel will review the A-File and run all relevant checks to determine the viability of locating the subject.
 - a. If you do not find a viable address, confirm that the file contains:
 - Warrant of Removal (I-205);
 - FD-249 Fingerprint Card;
 - Photograph; and
 - Record of Deportable/Inadmissible Alien (I-213) or
 - Information for Travel Document or Passport (I-217).
 - b. Update the EARM Case Comments box under the Comments tab. Sample comments include:
 - "Case reviewed by [Field Office Name] Fugitive Operations. No leads found. Information forwarded to LESL for input into NCIC."
 - "Case reviewed by [Field Office Name] Fugitive Operations. Target Folder created. Information forwarded to LESL for input into NCIC."
 - "[Date], Attempted to locate Subject at [Street Address], [City, State]."
 - "[Date], Contacted grandmother [time] at [phone number]. She will bring passport to ERO office at [time]."

- "Negative Contact. No further leads. Information forwarded to LESC for input into NCIC."
- c. Present the A-File to the appropriate mission support personnel, referred to in this Handbook as the Detention Removal Assistant (DRA).
2. Using a color scanner, the DRA will scan the following documents in portable document format (pdf), with a minimum resolution of 600 dots per inch (dpi):
 - Warrant of Removal (I-205), both sides; and
 - FD-249 Fingerprint Card, both sides; and
 - Photograph; and
 - Record of Deportable/Inadmissible Alien (I-213) or
 - Information for Travel Document or Passport (I-217)
 3. The DRA will name the pdf document with the Alien number of the Subject (i.e., "A00 000 000 LAST NAME, First Name.pdf"). Save a copy of the pdf file to the local share drive in the folder designated by the FOT Supervisor.
 4. The DRA will then create an e-mail with a Subject line that reads "NCIC: A00 000 000, LAST NAME, First Name" and attach the scanned documents relating to that Subject. The body of the e-mail should read: "Please accept the attached documents that relate to the Subject referenced in the subject line of this e-mail for input into NCIC."
 5. The DRA will send the e-mail to LSC.NCIC@dhs.gov, with a courtesy copy to the responsible docket officer; and place a copy of the e-mail in the A-file for recordkeeping.

Criminal Warrants: NCIC Entry Requirements

Criminal Warrant NCIC entries must include:

- A copy of the criminal Warrant for Arrest issued by a U.S. District or Magistrate Court, signed by either the Federal District Court Judge, a Magistrate, or other court official.
 - A DHS Form 59, Fugitive Report (see [Appendix 4](#)), which must include:
 - All pertinent information, including but not limited to the mandatory blocks highlighted in red, and;
 - The signature of the case officer and the approving SAIC/RAIC/FOD.
 - For an aggravated felon, criminal history documents such as judgment and conviction records providing sentencing information, qualifying the offense as an aggravated felony; and
 - Supporting documentation such as copies of the criminal complaint, indictment, photo, or fingerprints, if available.
1. Scan the Criminal Warrant, DHS Form 59, and the supporting documents.

2. Following the procedures outlined for Administrative Warrants, submit the Criminal Warrant, DHS Form 59, and supporting documents to the LESC within 24 hours of the issuance of the warrant. If the submission is delayed, state why in Block 32, Remarks.
3. If processing multiple defendants under the same case number, use the case number followed by each Subject's last name e.g., CR-1234-10-Jones, CR-1234-10-Smith.
4. Update EARM to reflect all actions taken in the case.

Target Folder Creation

Compile a "target" folder containing the investigative information needed to locate and arrest an NFOP target. Do not take an A-file into the field. Target folders will contain copies of the following documents as they relate to the NFOP case:

- Signed Field Operations Worksheet (FOW)
- Signed Form I-205 (Warrant of Deportation/Removal)
- Final Order and BIA decisions
- Judicial decisions on removal
- Recent photographs
- Information about family members and known associates
- Fingerprint card
- Initial and subsequent I-213s (Record of Deportable Alien)
- Benefit applications (I-130, G-325A, I-485, etc.)
- Public record database queries
- 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 maintains the Target Folder pending completion of the investigation. Do not combine the target folder with the A-file. FOWs and other documents containing intelligence or sensitive information do not belong in the A-file.

ICE "Wanted" Posters

In certain egregious cases, the FOT may create an ICE "wanted" poster (see [Appendix 2](#)). Before releasing it for circulation, however, the FOT Supervisor must confirm that the subject of the wanted poster has been entered into NCIC by the LESC (see NCIC warrant entry requirements, above). This action will enable other law enforcement agencies to arrest the wanted person.

Exceptions to NCIC warrant entry requirements include an escape, threat to national security, NFOP directive, or other exigent circumstances.

Fugitives Located while Incarcerated

If a fugitive is located while incarcerated, file an immigration detainer with the detention facility (I-247) and prepare an I-213. Change the case category in EARM to reflect that the individual is no longer a fugitive (Case Category 5B to 3, 8E to 8C, 8I to 8G). Update EARM screens accordingly.

For statistical purposes, update the Fugitive Case Management System (FCMS) to read "Located/Detainer (I-247 Lodged)." The FOT member lodging the detainer will then refer the case to the field office section that processes detention releases and detainers.

Operational Plans and Requirements

If the FOT's activities will extend beyond the normal scope of daily operations, prepare an NFOP Operational Plan (Op Plan) (see [Appendix 3](#)). Op Plans are required for operations including, but not limited to, those involving the arrest of a large number of targets or specific target groups; those expected to attract media attention; and those extending beyond the geographical boundaries of the FOT's Area of Responsibility (AOR). Op Plans can originate at either the Field Office or headquarters.

Note: Both HQ- and FOD-approved Operations have special statistical reporting requirements. FOT Supervisors coordinate with their assigned HQ NFOP staff officer and, if needed, the FOSC, to meet these requirements.

Juveniles

As with other aspects of operational casework, preparation can solve or at least mitigate many problems. Preparatory planning for every operation should include the possibility that the FOT will encounter a juvenile, i.e., a child under the age of eighteen. Determine the local child protective services (CPS) protocol for referring children.

Involve the Field Office Juvenile Coordinator in the planning process when:

- Surveillance, file review, or any other activity leads you to expect a juvenile encounter during a particular operation; and
- The operation will be large scale.

If it appears that the juvenile(s) involved is a lawful permanent resident (LPR) or U.S. citizen (USC), contact CPS.

Field Office-initiated Op Plans

Use a Field Office-initiated Op Plan when:

- Conceived and driven at the local level;
- Taking place within the field office's AOR; and
- Targeting 10 or more NFOP cases per team per day.

Request the current NFOP Op Plan template and Target List template from your assigned NFOP staff officer.

The FOT Supervisor selects the approved enforcement initiative title (i.e., Cross Check, Return to Sender, Secure Streets, Media Ride-along, etc.) and forwards the Op Plan to the FOD for signature. The FOD returns the signed plan to the FOT Supervisor, who then forwards a copy to the Detention Operations Coordination Center (DOCC) mailbox, DOCC, and NFOP. DOCC notification must occur at least two weeks before the operation whether or not logistical assistance is sought.

At least seven business days before the operation, the FOT will notify NFOP of DOCC's response.

NFOP will notify the FOT of concurrence with the Op Plan.

HQ-initiated Op Plans

An HQ-approved Op Plan is required when:

- Targeted enforcement action(s) will extend beyond a field office's AOR; or
- A target or target list expected to draw significant media or departmental attention, including operations concerning sensitive targets, public officials, political candidates, or religious or political organizations, or requests made by foreign governments; or
- HQ NFOP initiates the enforcement action.

The FOT Supervisor will use the HQ-approved NFOP Operational Plan template and Target List template to generate the Op Plan.

In the case of an HQ NFOP-initiated enforcement action, the Op Plan may be generated from headquarters and sent to the FOT. The FOT Supervisor will prepare or update an Op Plan with guidance from HQ NFOP and forward the Op Plan to the FOD for signature. The FOD will return the signed plan to the FOT Supervisor, who will then forward a scanned copy to the [DOCC](#) and to [HQDRO](#), [FUGOPS](#). DOCC notification must occur at least two weeks before the operation whether or not logistical assistance is sought.

At least seven business days before the operation, the FOT will notify NFOP of DOCC's response.

NFOP will notify the FOT of approval of the Op Plan.

PART 3: Conducting Operations

Surveillance

Field surveillance should precede every operation. You must have a signed FOW before conducting field surveillance. When conducting static surveillance, notify the local LEA with jurisdiction.

GPS Tracking Devices

[Forthcoming.]

Communications

The FOT Supervisor or designated FOT member will notify local LEAs of FOT operations in their jurisdiction. Document notification on the FOW. The responsible officer will document the time of notification, point of contact, and a contact number, along with any issues or concerns raised by local LEAs.

Identify primary and secondary means of communication, e.g., vehicle radios, hand-held radios, cell phones and synchronize communications among FOT members before commencing the enforcement action.

The primary point of contact for criminal and administrative records checks during operations should be the Law Enforcement Support Center (LESC) at 802-872-(b)(6). The National Law Enforcement Support Center (NLESC, also known as Sector Communications, or C-100) at 1-800-X-SECTOR (1-800-973-2867) is also available to assist in conducting record checks and case workups. Contact both the LESL and NLECC before conducting field operations to verify that contact information and profiles are on record and properly inputted. Notify the LESL and/or NLECC in advance of large-scale operations so that they may adjust their staffing levels to better assist FOTs.

Law Enforcement Identification

Teams should take environmental conditions into account when planning operations and deciding the level of officer visibility. Factors to consider include officer safety and public perception.

High-visibility operational environment

When conducting High Visibility operations, acceptable means of identification include vest placards or clothing clearly identifying you as a law enforcement officer.

Low-visibility operational environment

In certain situations, high visibility could hinder the operation or endanger officer safety. If environmental or operational concerns dictate a low-visibility approach, you may wear clothing that helps you blend into the environment.

Whenever your weapon is visible, your ICE badge must be visible. This means you must either wear the ICE badge on a chain/lanyard around your neck (recommended) or clipped to your belt, in plain sight--unobstructed by any clothing.

Pre-operational briefing

An operational briefing will precede every enforcement action, absent exigent circumstances. Representatives from other LEAs involved in the operation should participate in the briefing.

The briefing will cover information in the target folder, including the type of warrant being executed (administrative arrest, criminal search, or criminal arrest). Explaining the scope of an ICE administrative warrant is particularly important for officers from other LEAs with limited or no experience participating in ICE administrative arrests.

During the briefing any other operational concerns will be addressed, to include medical, communications, and equipment issues.

Ruses

A ruse is a tactic designed to control the time and location of a law enforcement encounter. The result is improved safety for the officers and the public by reducing the opportunity for the target to flee. FOT use of ruses will comply with the ICE memorandum, "[Use of Ruses in Enforcement Operations](#)," dated August 22, 2006.

A ruse involving the impersonation of a federal, state, local, or private-sector employee is contingent on permission from the proposed cover employer. Your point of contact must be an executive with the authority to grant permission for the impersonation. Generate a memorandum documenting the cover employer's concurrence with the plan, and place it in the target folder.

Within 48 hours of receiving a complaint or concern from the cover employer, the FOT Supervisor will notify the FOD and NFOP Chief, who will notify the Deputy Assistant Director for Compliance Enforcement.

The use of ruses involving misrepresentation as a religious worker, health and safety worker/inspector, or census takers is prohibited without approval from the ICE Assistant Secretary.

Consent

Because neither a Warrant for Arrest of Alien (I-200) nor an administrative Warrant of Removal (I-205) authorizes you to enter the subject's residence or anywhere else affording a reasonable expectation of privacy, you must obtain voluntary consent before entering a residence. You may not coerce consent. (See "[Documentation of Consent in Enter and Search](#)," dated January 19, 2010.)

Consent is involuntary when it is the product of coercion or threat, express 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 subject that consent may be refused, although whether such an advisory is given is a factor in determining the voluntariness of the consent. Do not

enter, search, or remain inside a residence without the consent of a person with apparent authority, who is at least 18 years of age.

When you request and receive consent, use the FOW to record the name of the person giving consent, the time and scope of the consent, and other relevant factors, such as the names of witnesses to the granting of consent. Also record the time you complete the search.

If an arrest is made, provide the consent information in the arrest narrative of the I-213, including the names of any witnesses to the consent.

If consent is denied, document the denial in the FOW, noting that the FOT departed without entering the residence. Likewise, if the FOT must leave the residence because consent is withdrawn before any FOT member sees the target, note the time consent was withdrawn on the FOW.

Travel Documents

Try to obtain a travel document and birth certificate at the time of arrest. If not in plain view or on the alien's person, request consent to search in areas where documents may be found. Verbal consent in the presence of at least one other LEO is acceptable.

Vehicle Stops and Pursuits

FOT members who have completed FLETC vehicle stop training may conduct vehicle stops. Vehicles used to perform these stops must have emergency equipment in compliance with state laws.

Do not follow a target who fails to pull over. ERO law enforcement officers are not authorized to engage in vehicular pursuits.

Arrests

Planned arrests should take place between 6 a.m. and 10 p.m. You may proceed with an arrest after 10 p.m. and before 6 a.m. only with the FOD's approval. In such cases, record the FOD's approval on the FOW and in the I-213 narrative, the EARM Case Comments box under the Comments tab, and in FCMS.

Do not make an arrest at a funeral or other religious ceremony or in a sensitive area (place of worship, day-care center, school, hospital, nursing home, etc.), except under exigent circumstances (see ICE memorandum, "[Field Guidance on Enforcement Activities At or Near Sensitive Community Locations](#)," dated July 3, 2008). Arrests to be conducted at an institution of higher learning (community college, university, vocational school, etc.) must have the cooperation of campus authorities. Otherwise, await the target's departure from the campus before making the arrest.

A planned arrest requires at least two law enforcement officers, one of whom is an ICE Deportation Officer or SDDO. Always identify yourself as an ICE law enforcement officer at the time of arrest, if you have not already done so.

Special Considerations for Arrest

Upon arrest, ask the Subject at least these questions:

- 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?

Juveniles

Upon encountering a juvenile, the FOT Supervisor or team leader will contact the Field Office Juvenile Coordinator (if not already on-site) for guidance. Regardless of the juvenile's citizenship, the FOT Supervisor or team leader will carefully weigh the circumstances of the encounter in deciding whether to exercise prosecutorial discretion. Discretionary release options include placing the custodial parent(s) or guardian(s) in the Alternatives to Detention (ATD) program; releasing on bond, Order of Recognizance, Order of Supervision, etc.

If uncertain about whether the young person in question is in fact a juvenile, refer the case to the Field Office Juvenile Coordinator.

In every case:

- Identify the parent(s), family member(s), or legal guardian(s) of each juvenile you encounter during an operation—regardless of the juvenile's citizenship. Document all actions taken.
- Obtain complete biographical information of everyone involved, including witnesses. Document this information on case-related forms (e.g., the I-213 and G-166) and databases (e.g., the Case Comments box under the Comments tab in EARM).
- Separate juveniles and family units from unrelated adults (*Flores settlement agreement*).

USC/LPR Juveniles

If the fugitive alien parent or legal guardian asks that you release the USC/LPR juvenile to a specified **third party**, facilitate contact between the fugitive alien and the third party.

- Document the request—preferably in the fugitive alien's own handwriting.
- Verify the identity of the third party through government issued identity cards before releasing the USC/LPR juvenile into that person's care.

If the parent or legal guardian is subject to **mandatory detention** and the parent/legal guardian does not specify a custodial third party, contact CPS to arrange suitable placement of the USC/LPR juvenile.

- Seek guidance from the FOD if local CPS is unresponsive. It may be necessary to coordinate with local law enforcement to complete the transfer.
- If necessary, document the inability of local CPS to take timely custody of the juvenile in memorandum format.
- If the juvenile or any proposed third party caregiver is known or suspected to be involved in criminal activity (for example, trafficking), contact local law enforcement and/or CPS to review the suitability of placement decisions.
- Forward copies of relevant documents to local CPS for further processing.

Prosecutorial Discretion

As a rule, FOT members will not take into custody aliens who are physically or mentally ill, disabled, elderly, pregnant, nursing, or the sole caretaker(s) of children or the infirm (see ICE NFOP memorandum dated December 8, 2009). FOT members may exercise discretion within the limits of agency authority and are expected to do so in a judicious manner throughout the enforcement process.

For more information on prosecutorial discretion, see ICE memorandum, "[Prosecutorial and Custody Discretion](#)," dated November 7, 2007.

Post-Operational Debrief

The FOT Supervisor should hold a debriefing session after the enforcement action to address safety issues and evaluate the operation.

PART 4: Processing Cases

FOTs will follow standard processing procedures for the removal of an alien with a final order (see the CAP/FUGOPS Quick Reference Processing Guide at (b)(7)(E)) FOT Supervisors are responsible for implementing any superseding or additional guidance sent out by the NFOP.

Officers will also update FCMS and EARM with criminal activity, case category changes, and case actions. Concisely note the arrest and any special circumstances surrounding the case in the Case Comments box under the Comments tab. If an A-file has to be requested from the National Records Center or another field office, the processing FOT officer will make the request and document it in the A- or T-file and EARM.

Review cases for prosecutability. Present amenable cases to the Assistant U.S. Attorney or refer them to the Violent Criminal Alien Section (VCAS) unit or prosecution officer. An officer will establish a case in (b)(7)(C) and complete a Report of Investigation (ROI). See the [DRO \(b\)\(7\)\(C\) Case Management User Guide](#).

When transferring a case to the detained docket, provide the travel document and birth certificate, if available, and, from the target folder copies of the signed I-205, final order of removal and BIA decisions and any judicial decisions on removal.

Do not place FOWs or investigative paperwork in the A-file. The Field Office must maintain Target Folders indefinitely, pending further guidance.

Reporting Requirements

FCMS

Enter daily enforcement activities into FCMS as they occur, but no later than midnight Friday, as follows:

- Arrest: If applicable, select "Arrest" from the "Action" drop-down menu.
- Located/Detainer (I-247 Lodged): Select "Located/Detainer (I-247 Lodged)" from the "Action" drop-down menu after locating and placing a detainer on an individual detained by another agency.
- Case Category Changed: If the fugitive case category (5B, 8E, or 8I) is no longer appropriate, select "Case Category Changed" from the "Action" drop-down menu.
- Case Closure: If the alien is no longer a fugitive and the case should be closed, select "Case Closure – Self Removal," "Case Closure – Deceased," "Case Closure – Benefits REC'D," or "Case Closure – Removed" from the "Action" drop-down menu.

Exhausted Leads

If all leads are exhausted, as confirmed by the Fugitive Alien Cold Case checklist, generate a Report of Investigation (Form G-166C) and give it to the FOT Supervisor for review. The FOT Supervisor will review the G-166C to verify that all investigative leads have been pursued.

NFOP has initiated a process for handling cold cases (see DRO memorandum, "[Designation of Cold Case Fugitive Files](#)," dated September 4, 2009). For information on this program, contact your FOSC staff officer.

Special Activities

ATD Violations

The FOT Supervisor should work closely with the Field Office's ATD unit to establish a local plan of action for an ATD violation.

ATD violations are often well-planned events that require immediate action to recover an ATD violator. Therefore, open communication between the FOT and ATD is crucial. The likelihood of recovery decreases substantially as the time between violation and referral to the FOT increases.

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

Escapes

In the event of an escape, the FOT Supervisor will be the officer in charge of the escape investigation. The FOT will be responsible for the investigation, tracking, and locating of the escapee. A number of very specific reporting actions need to take place in the event of an escape (see DRO memoranda, "Escape Reporting," dated July 14, 2006; and "Standard Operating Procedure, Escapes and Releases," dated December 11, 2006).

Complete and fax an Escape Worksheet (see [Appendix 5](#)) to the HQ ERO Detention Management Division within 24 hours of the escape.

Fugitive Alien Removal (FAR) Requests

A FAR request concerns an international fugitive who has an outstanding Criminal Arrest Warrant issued under the authority of the criminal justice system in the country where the criminal activity took place, provided:

- the international 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 (b)(7)(E) Red Notice (b)(7)(E) Diffusion message; or actual, translated copy of the warrant; and

- the requesting government has agreed to expeditious issuance of travel documents to facilitate the target's return, if necessary.

When (b)(7)(E) issues a FAR request (Red Notice, Diffusion Message, or Special Notice) for an international fugitive believed to be in the United States, NFOP will alert the FOT Supervisor with jurisdiction.

Liaison and Task Forces

FOT members are encouraged to interact with other law enforcement agencies, task forces, and non-governmental organizations to foster cooperative relationships. Officers may, with approval from the FOD, serve on law enforcement task forces that share common goals with the NFOP and contribute to the ERO mission as a force multiplier. See the "Building Partnerships" section of [ICE Directive 11001.1](#).

Media

Do not interact with media representatives. Refer media inquiries to the FOD, who will coordinate with the ICE Office of Public Affairs.

Refer requests for "ride-alongs" to the FOD, who will coordinate with the Public Affairs Office, and HQ NFOP. The FOT Supervisor will submit an operational plan and target list to the FOD and HQ NFOP.

Appendix 1: Field Operations Worksheet

Enforcement and Removal Operations
Field Operations Worksheet



**U.S. Immigration
and Customs
Enforcement**

| | | | | | | | |
|---------------------------|---------|------------------------------|------|----------------|-----------------|------|-----|
| Case Officer: | | | | | | | |
| Name: | | | AKA: | | | | |
| Country of Citizenship: | | | | | | | |
| File Number: | | Sex: | | Date of Birth: | | Age: | |
| Height: | Weight: | Eyes: | | Hair: | | | |
| Complexion: | | Scars, Marks and/or Tattoos: | | | | | |
| FBI Number: | | Social Security Number: | | | SID: | | |
| Driver License Number: | | Issuing State: | | | | | |
| Vehicles: | | | | Spouse: | | | |
| Immigration History | | EARM Updated: | | | EOIR Contacted: | | |
| CIS: | | NCIC WP: | | | IJ DEC/DATE: | | |
| VD Exp Date: | | BIA Dec/Date: | | | VD Exp Date: | | |
| Other Litigation: | | Benefits Checks | | | | | |
| | | ABC | TPS | Family Unity | NACARA | DED | CAT |
| | | [] | [] | [] | [] | [] | [] |
| CRIMINAL HISTORY | | | | | PHOTO | | |
| 1. | | | | | | | |
| 2. | | | | | | | |
| 3. | | | | | | | |
| 4. | | | | | | | |
| 5. | | | | | | | |
| 6. | | | | | | | |
| LAST KNOWN ADDRESS | | | | | | | |
| Address: | | | | | | | |
| City: | | State: | | | | | |
| Telephone Number: | | | | | | | |
| Secondary Address: | | | | | | | |
| Employment: | | | | | | | |

Appendix 1: Field Operations Worksheet

| |
|--|
| SITUATION / MISSION / INVESTIGATIVE LEADS |
| EQUIPMENT / CLOTHING |

| | | | | | |
|--------------|--|-----------------|--|-----------------|--|
| Team: | | Officer/Agency: | | Officer/Agency: | |
| | | Officer/Agency: | | Officer/Agency: | |
| | | Officer/Agency: | | Officer/Agency: | |
| Team: | | Officer/Agency: | | Officer/Agency: | |
| | | Officer/Agency: | | Officer/Agency: | |
| | | Officer/Agency: | | Officer/Agency: | |

| COMMUNICATIONS | | | |
|-----------------------|----------|------------|------------------|
| Type: | Channel: | Frequency: | Team/Individual: |
| | | | |

| LAW ENFORCEMENT NOTIFICATION AND CASE DECONFLICTED | | | |
|---|-------|------------|-----------|
| | | | (b)(7)(E) |
| Agency: | Name: | Telephone: | |
| Agency: | Name: | Telephone: | |
| Agency: | Name: | Telephone: | |

| EMERGENCY MEDICAL SERVICES/TRAUMA CENTER | | | |
|---|--|------------|--|
| Name: | | Telephone: | |
| Location: | | | |
| Name: | | Telephone: | |
| Location: | | | |

| | | | |
|-------------------------|---------------------------|--|-------------------------------|
| Date of Operation: | Time of Operation: | Justification for After Hours Operation: | |
| Supervisory Concurrence | | FOD/DFOD/AFOD Approval | |
| CONSENT | Name of Consent Provider: | Scope of Consent: | Time Consent Granted: |
| CONSENT | Witness to Consent: | Time Search Completed: | Time If Consent is Withdrawn: |
| RESULTS | Date of Arrest: | Location of Arrest: | Additional Information: |

U.S. Department of Homeland Security
Immigration and Customs Enforcement (ICE)
Field Office



WANTED

For Immediate Arrest and Deportation

NOTICE TO ARRESTING AGENCY: Before arrest, validate warrant through Immigration and Customs Enforcement, Washington Field Office, (202) 345-(b)(6) or call the ICE Law Enforcement Support Center at (802) 872-(b)(6) (b)(7)(C)

NAME: LAST, First Middle
ALIAS: LAST, First Middle

(b)(7)(E)
ALIEN NUMBER: A# (b)(6),(b)(7)(C)

Physical Description:

(b)(6),(b)(7)(C)

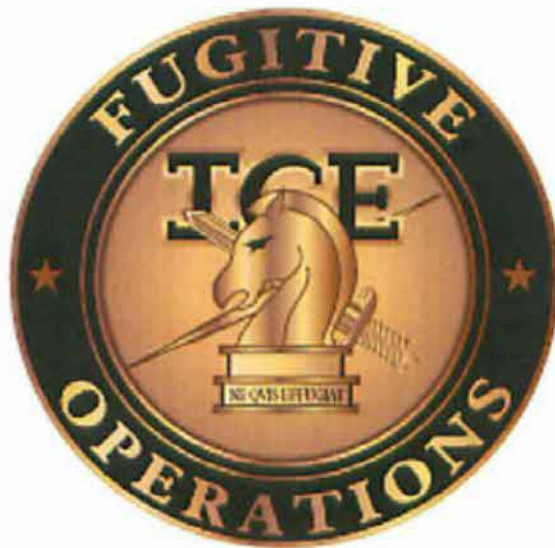
(b)(6),(b)(7)(C)

WANTED FOR: DEPORTATION

MISCELLANEOUS INFORMATION: Convicted Annoy Molest Child

If arrested or whereabouts known, notify the local ICE Enforcement and Removal Operations office telephone: (123) 456-(b)(6) or contact WAS Fug Ops at (123) 456-(b)(6)

XXXX *Field Office*
Fugitive Operations Team



LIMITED OFFICIAL USE

**HEADQUARTERS
FUGITIVE OPERATIONS PLAN:
ENFORCEMENT AND REMOVAL OPERATIONS**

Appendix 3: Operational Plan (Sample)

FIELD OFFICE

Operation Return to Sender/Secure Streets/Cross Check

Dates: Month XX-XX, 20XX

I. Situation

The objective of Operation "Return to Sender/ Cross Check / Secure Streets" is to apply an organized, methodical approach to the location and arrest of ICE fugitive aliens within the XXXX Field Office Area of Operational Responsibility (AOR). The primary purpose of this operation is to reduce the backlog of fugitive aliens in the XXXX AOR.

The Field Office Director, Deputy Field Office Director and Assistant Field Office Director have been briefed on this operational plan, and support its execution upon approval from HQ ERO.

A) Targeted Fugitive Aliens – (Number of Targets)

Number (XX) ICE fugitives have been identified and will be targeted during this operation. Of this number, number (XX) are criminal aliens, and none are non-criminals. (If Applicable) In addition, number (XX) Cross Check and/or Secure Street targets have been identified. Of this number, number (XX) are criminal aliens, and none are non-criminals. (See Attached handout for target list.)

B) Hours of Operation

Team members will conduct necessary pre-operational surveillance as resources permit. Operational hours will be from 0600 hrs to 2200 hrs each day. Although the operational hours for conducting arrests will be from 0600 hrs to 2200 hrs daily, the team leader(s) will determine the actual duty hours. No operation will begin prior to 0600 hrs or after 2200 hrs, unless the Field Office Director has reviewed the case, and given approval based on specific justification for each case (attachment three). All activities will be conducted pursuant to the National Fugitive Operations Program Policy and Procedures.

Supervisory staff will change shift hours as needed in order to facilitate the operation. Operational hours will be between XXXX hrs and XXXX hrs.

C) Local Situation

The XXXX Fugitive Operations Team(s) will conduct the operation with support from other resources from the XXXX ERO Office as well as the XXXX local Police or Sheriff's Department and other participating Law Enforcement agencies. The Field Office Director has committed all necessary resources within his or her jurisdiction.

Appendix 3: Operational Plan (Sample)

D) Operational De-Confliction

OI has been advised of the operation and has stated that they do not anticipate any conflict in the area and have **agreed/declined** to participate. No additional request for assistance was made by ERO. The target list has been queried in **(b)(7)(E)** and **(b)(7)(E)** to ensure de-confliction with OI and other law enforcement entities.

E) Local Law Enforcement Agencies (LEAs)

The Fugitive Operations Team SDDO shall advise local law enforcement agencies (LEAs) prior to the execution of any headquarters approved fugitive operation plan. The standard operating procedure for local law enforcement agencies will vary from location to location and should be established through proactive liaison. In the presence of exigent circumstances, it may be prudent not to provide notification to LEAs of impending fugitive operations within your jurisdiction. If indeed this is the case, the Field Office Director must be made aware of these circumstances and concur with written justification not to notify the local LEAs.

F) Community Issues or Politically Sensitive Issues

Three (3) days prior to the execution of the operation, the Field Office will provide the Office of Public Affairs (OPA) and Office of Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and location of the initiative. **This operation may result in negative community response due to area being designated a "Sanctuary City" or other social / political issues currently taking place.**

G) Juveniles

The presence of juveniles at a target location, or in the care of a fugitive, will be explored during initial investigation, surveillance and diligent research of available indices. In the event that children are identified, or likely to be encountered at a particular residence; family members, care providers and community, as well as state and county juvenile resources, will be examined and a plan of care for the juveniles will be addressed prior to the commencement of operations. **List names and ages of known juveniles, and plan of care- including care giver contact name and numbers. If no juveniles on target list state so here.**

If unaccompanied alien juveniles are encountered, the Office of Refugee Resettlement (ORR) will be notified at 202-401 **(b)(6)** after all processing tasks are performed.

In the event that juvenile(s) are present, and their presence was not anticipated during operational enforcement activities, the SDDO and Team Leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the SDDO and Team Leaders are in possession of the agency's appropriate contact numbers, to be used as deemed necessary throughout the entirety of the operation. **List agency names, contacts and phone numbers here or add as an attachment and state so**

Whenever possible, juveniles will be placed in the care of immediate family members that have no ascertainable criminal history. If there are no other options, sole care givers who are subject to removal, that have no ascertainable criminal record may be placed on an Order of Supervision with SDDO/AFOD approval.

Appendix 3: Operational Plan (Sample)

H) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the United States Attorney's Office/State Attorney's Office. If the case is accepted for prosecution, an I-247 (Detainer) will be filed with the agency assuming custody of the alien. If the United States Attorney's Office/State Attorney's Office declines to prosecute, the declination will be recorded in the file.

I) Gangs

In the event that ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on form I-213 and photograph any tattoos. A copy of the I-213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE gang database. Additionally, in houses where gang tags are prevalent, photos will be taken, as well as a photo of the front of the house for future officer safety concerns.

II. Mission.

Operation "Return to Sender / Cross Check / Secure Streets" is an effort to apply an organized, methodical approach to the location and arrest of ICE fugitive cases within the XXXX Field Office(s) AOR. Additionally, to identify, arrest and process for removal any criminal aliens residing in XXXX Field Office AOR. The sustained cooperation of other Law Enforcement Agencies (LEAs) throughout the area is paramount in order to be successful in this initiative.

Execution.

A) Directors Intent

This operation is being conducted pursuant to the National Fugitive Operations Program Policy and Procedures (Ch.19). The mission of the National Fugitive Operations Program is to reduce the backlog of ICE fugitives throughout the United States.

B) Concept of Operations

The operation will consist of number (XX) designated arrest teams in the area of operational responsibility (AOR). The teams will consist of members of the XXXX Fugitive Operations Teams (FOTs); the teams will also be assisted by Deportation Officers (DOs) and Immigration Enforcement Agents (IEAs) from CAP, detained / non-detained sections of XXXX ERO. One DO will be assigned as the Team Leader (TL) for each team and one will be assigned as the File Control Officer (FCO). The teams will be assigned unmarked vehicles as well as secure transport vehicles for their use.

As arrest efforts progress, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed appropriate by the SDDO. The law enforcement liaison officer will be responsible for establishing liaison with local law enforcement offices in the areas that arrest efforts will be conducted. All participating officers will be fully equipped with both deadly and non-deadly force equipment and personal body armor.

Beyond identifying themselves verbally as law enforcement officers/agents, ERO enforcement personnel utilize law enforcement identifiers, such as neck badges, belt badges, and outer

Appendix 3: Operational Plan (Sample)

garments affixed with ICE identifiers. In order to ensure uniformity, if utilized during enforcement operations, outer garments must be prominently affixed with both the words "ICE" and "Police."

This operation will consist of **number (XX) days** of enforcement activity being executed throughout the **XXXX AOR** from **Month, XX, 20XX**, through **Month, XX, 20XX**.

Phase I: **Month, XX, 20XX**: Operational briefing at **XXXX** hours at the **XXXX**. All officers participating in the operation will attend the pre-operational briefing.

Phase II: **Month XX, 20XX to Month XX, 20XX**: Officers from the **XXXX** FOTs will deploy throughout the **XXXX area** to initiate arrests at residences and places of employment.

Phase III: **Month, XX, 20XX**: If deemed necessary, the **XXXX** ICE Public Affairs Office will issue a press release following the completion of the operation once approved by the FOD.

C) Tasks

1. Fugitive Operations Support Center (FOSC): A copy of the Operational Plan and target list has been sent to the FOSC.
2. The Law Enforcement Support Center (LESC): Is available 24 hours a day, seven days a week and can provide support to Fugitive Operations Teams conducting operations. It is recommended that you provide all officers/agents participating in the operation the contact number for the LESC.

Detention Operations Coordination Center (DOCC): Detention space is **limited / suitable** within the **XXXX AOR**, **and detention locations have been identified. Although DOCC assistance was not requested they have been provided a copy of this operational plan and have concurred with the operation The DOCC has been provided a copy of this Operational plan and their assistance was requested, the DOCC has concurred with the operation and will be providing the following assistance.**

D) Safety and Logistics

1. Mandatory Element: **Safety is paramount.** Officers will not engage in high/low-speed vehicle pursuits. Officers will carry and have on their person non-lethal force weapons, service-issued firearms and personal body armor.

Beyond identifying themselves verbally as law enforcement officers/agents, ERO enforcement personnel utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, if utilized during enforcement operations, outer garments must be prominently affixed with both the words "ICE" and "Police."

2. No training will be necessary prior to this operation.
3. Primary processing location: All detainees will be transported to the **XXXX** for processing.
 - a. Secondary detention and processing site(s) to be determined as needed.

Appendix 3: Operational Plan (Sample)

- b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Operations AFOD with concurrence from the [XXXX] Field Office Director.
4. Logistics.
- a. Lodging and per diem expenses will not be required for the operation. In the event that the need arises to utilize lodging and per diem, it will be funded at the local level.
 - b. No Health & Safety inspection required for any facility or equipment being utilized for this operation.
 - c. No contracts need to be reevaluated.
5. Removal Efforts: It is the intent of the Field Office Director to expeditiously remove all ICE fugitive aliens and non-fugitive aliens from the United States. The below actions have been performed to facilitate this objective:
- a. Once arrested, all detainees will be transported to the [XXXX] for initial processing. All files will be reviewed by the Fug Ops Team Leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.
 - b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention for all cases.
 - c. All non-fugitive arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal to aid in the reduction of detention time. The [OPLA/XXX] and [EOIR/XX] have been advised and contacted as to the availability to approve stipulated removals during the operation.
 - d. When appropriate, a form of alternative detention will be utilized.
[List alternative methods here if utilized]

E) General Reporting Requirements

1. Daily Reports: Submitted to the AFOD and HQ FUGOPS utilizing the HQ approved Enforcement Activity Report spreadsheet.

Via/Transmission: E-mail (HQERO, FUGOPS)
Due: 2400 daily
Period Covered: That day's 24-hour period (0001-2400 hours)
2. Weekly Reports: Standard HQ FUGOPS reporting via the FCMS system.
3. Significant Event Notification (SEN): A SEN / SIR / SPEAR will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.

Appendix 3: Operational Plan (Sample)

4. Report Format: At the conclusion of field operations the Team Leaders will ensure that the Command Center and Processing Teams properly update FCMS with all arrests by COB each day.
5. A/S Notes: A/S notes will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.

F) After Action Reporting Requirements

1. Initial after action conferences will be conducted as follows:
 - a. Key operational personnel involved in the final Phase(s) of the enforcement operation will be held on **Month XX, 20XX** at the **XXXX**.
2. Format: The format for issues will be:
 - a. Topic
 - b. Discussion
 - c. Recommendation(s)
3. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review.
4. **XXXX** ICE Public Affairs will coordinate with the FOD and generate a press release upon completion of the operation. **ICE Public Affairs contact number(s)**

G) Command and Control

1. Primary means of communication will be via radio, telephone and E-mail.

AUTHORIZING OFFICIAL

Field Office Director
Field Office

APPROVING OFFICIAL

Assistant Director, Enforcement
Enforcement and Removal Operations

Appendix 3: Operational Plan (Sample)

TABS:

TAB A: Operational Support

Attachment 1: CPS Contacts

Attachment 2: Supporting Agency Contact Information

Attachment 3: Other than normal operational hour's justification

Handout: Complete target list

DISTRIBUTION:

FOD

DFOD

Operations AFOD

Appendix 4: Fugitive Report (DHS Form 59)

(b)(7)(E)

Appendix 3: Operational Plan (Sample)

FUGITIVE REPORT
INSTRUCTIONS

Red fields are mandatory.

| | |
|---|--|
| Block 1 - Date of Report | Enter date of report. If date is more than 24 hours from the Date of Warrant, explain in Block #32. |
| Block 2 & 3 - Originating Office/ Case Number | Enter office name and case number. Check box if HIDTA or OCDETF investigation. |
| Block 4 - Check Boxes | Check all that applies to Fugitive. In Block #32, explain why the Armed/Dangerous and/or Suicidal Tendencies block(s) were checked. Use additional pages if necessary. |
| Block 5 - Name | Enter full name (Last, First, Middle). If subject has more names, use Block 30, Aliases. |
| Block 6 - Date of Birth | Enter date of birth using 6 digits. If more, use Block 29. |
| Block 7 - Birthplace | City or town, State and Country of birth. |
| Block 8 - Race/Sex | <p>Race Codes</p> <p>W=White B=Black I=American Indian</p> <p>A=Asian or Pacific Islander U=Unknown (Note: Records for Hispanics should be entered with the race code most closely representing the individual)</p> <p>Sex Codes</p> <p>M=Male F=Female U=Unknown</p> |
| Block 9 - Height | In feet and inches. Minimum is 4' to a max of 7'11". If the information is unknown, enter "Unknown" and an estimate in Box 32, "Remarks". |
| Block 10 - Weight | In pounds. Minimum of 050 and maximum of 499. If the information is unknown, enter "Unknown" and an estimate in Box 32, "Remarks". |
| Block 11 - Eye Color | Brown, Blue, Green, etc. |
| Block 12 - Hair Color | Self-explanatory |
| Block 13 - Skin Tone | Light, Medium, or Dark |
| Block 14 - (b)(7)(E) | If known |
| Block 15 - Fingerprint Classification | If known |
| Block 16 - Scars/Marks/Tattoos | Self-explanatory |
| Block 17 - Operator License Number License State Year Expires | Driver's License number State where license was issued Year license expires |
| Block 18 - Warrant Number | Self-explanatory |
| Block 19 - Date of Warrant | Date Warrant was issued |
| Block 20 - Warrant Type | i.e., Arrest |
| Block 21 - Bond | Amount in dollars, if known |
| Block 22 - Charge | Describe charge or, if known, NCIC offense code. |
| Block 23 - Court of Jurisdiction | Court where warrant was issued |
| Block 24 - Social Security Number | Self-explanatory. If more, use Block 29. |
| Block 25 - Citizenship | If known, country where citizen, not necessarily birth country |
| Block 26 - Alien Registration Number | Self-explanatory, if known |
| Block 27 - Passport Number | Self-explanatory; if more, use Block 29, Other Miscellaneous Numbers. |
| Block 28 - State Agency NBR (SID) | If known, this is the identification number of a state criminal history record. Include state. |
| Block 29 - Last Known Address/ Other Miscellaneous Numbers | Last known address: Other identification cards, identifications, or numbers of subject. Additional dates of birth. Other Social Security Numbers. List numbers of cell phones, pagers, associate phone numbers used by fugitive or family. |
| Block 30 - Aliases | Other names and aliases of the subject |
| Block 31 - Photo | Attach photo to DHS Form 59, if applicable. |
| Block 32 - Remarks | Include here: Any additional data. Reason report date is 24 hours older than Warrant date, i.e., 'Sealed Indictment.' When entering License Plate and/or Vehicle data, two (2) higher standards MUST be met. 1-Location of vehicle and/or license plate MUST be unknown. AND 2- the reporting officer has reasonable grounds to believe the subject is operating the vehicle or a vehicle with the license plate. Note: Mere knowledge or verification through a DMV that a vehicle and/or license plate is registered to the subject does not meet the criteria for entry! |
| Block 33 - Clearance Information | Use this block ONLY if the subject has been apprehended. Blocks are self-explanatory. |
| Block 34 - Cancellation Information | Use this block to explain any reason why the warrant is no longer valid. |
| Block 35 - (b)(7)(E) | (b)(7) Record Identification number |
| Block 36 - NIC | National Criminal Information Center (NCIC) number, if known, used for removing an NCIC record. |
| Block 37 - OCA | OCA is an NLECC assigned number. |
| Block 38 - Primary Apprehension Responsibility | Check one box to signify the agency which has primary apprehension responsibility. |
| Block 39 - Reporting Officer | Print name, sign, and date. Include office telephone and cellular numbers. |
| Block 40 - Approving Official | Print name, sign, and date. |

DHS Form 59 (10/09)

Appendix 5: Escape Reporting Worksheet

**Enforcement and Removal Operations
Escape Reporting Worksheet**



U.S. Immigration
and Customs
Enforcement

| | | | | | |
|---|---|------------------------|---|----------------------------|--|
| Within 24 hours send to the Detention Management Division. Fax # (202) 732-5586 or scan and email to (b)(7)(E) | | | | | |
| SIGNIFICANT EVENT NOTIFICATION #: | | | | | |
| TODAY'S DATE: | | SPECIAL INTEREST CASE: | | <input type="checkbox"/> Y | <input type="checkbox"/> N |
| ESCAPE DATE/TIME: | | | | | |
| DETAINED AS (CHECK ONE): | | | | | |
| <input type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> CRIMINAL <input type="checkbox"/> MATERIAL WITNESS <input type="checkbox"/> _____ | | | | | |
| NUMBER OF ESCAPEES: | | | FIELD OFFICE: | | |
| ESCAPE LOCATION NAME: | | | | | |
| TYPE OF FACILITY: | | | | | |
| ALIEN#: | A | SEX: | <input type="checkbox"/> M <input type="checkbox"/> F | CHECK ONE: | <input type="checkbox"/> ADULT <input type="checkbox"/> JUVENILE |
| SUBJECT'S NAME: | | | | DOB: | |
| NATIONALITY: | | | IMMIGRATION STATUS: | | |
| RESTRAINTS: | | | | RE-ARRESTED? | |
| <input type="checkbox"/> Y <input type="checkbox"/> N | | | | | |
| COMMENTS:(i.e.) DISCIPLINARY ACTION, SIR #, PROSECUTED: | | | | | |

Appendix 6: NFOP Acronym List

Area of Responsibility
Alternatives to Detention
Board of Immigration Appeals
Cold Case File
Child Protective Services
Detention Operations Coordination Center
ENFORCE Alien Removal Module
Fugitive Alien Removal
Fugitive Case Management System
Fugitive Operations Support Center
Fugitive Operations Team
Field Operations Worksheet
High Intensity Drug Trafficking Area Task Force
Law Enforcement Agency
Law Enforcement Support Center
Legal Permanent Resident
National Crime Information Center
National Fugitive Operations Program
National Firearms and Tactical Training Unit
Resident Agent in Charge
Special Agent in Charge
United States Citizen
Violent Criminal Alien Section

(b)(7)(E)