



U.S. Department of Homeland Security
Bureau of Immigration and Customs Enforcement

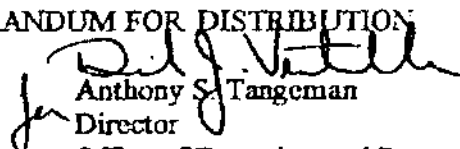
HQDRO 50/12.8

Office of the Director

801 I Street NW
Washington, DC 20536

MEMORANDUM FOR DISTRIBUTION

FROM:


Anthony S. Tangeman
Director

Office of Detention and Removal

SUBJECT: Addition of Chapter 19, Section 5 (Field Operations/Tactics) of the Detention and Deportation Officer's Field Manual (DDFM)

The DDFM is changed to reflect the addition of Section 5, Chapter 19. Accordingly the DDFM is changed as follows:

19.5 Field Operations/Tactics

I. POLICY

The primary concern during any field operation is the safety of officers, targets and innocent third parties. When conducting field operations, the best way to protect all parties concerned is to always be as thoroughly prepared as possible prior to initiating any action. Officers conducting fugitive operations shall prepare a Fugitive Operations Worksheet (FOW) on each individual case and submit it to the supervisor of the designated HQDRO FOT. Teams designated by the FOD shall submit their FOW to a supervisor designated by the FOD.

When a FOT contemplates an operation to target a large group of fugitives, one that will extend over several days, or may generate media interest beyond the area of operations, then an Operations Plan (OpPlan) must be created. The OpPlan format is contained in ~~801.57-433~~. The designated case officer will prepare the OpPlan and present it through the chain of command for FOD approval. Concurrence for significant operations (national impact, high profile, etc...) must be obtained from the Deputy Assistant Director for Field Operations.

~~FOR OFFICIAL USE ONLY~~
~~LAW ENFORCEMENT SENSITIVE~~

OpPlans should be given a name [i.e. Operation Predator (OPPRED)] that will readily identify the operation for reporting/data tracking purposes. OpPlans submitted for Deputy Assistant Director for Field Operations concurrence may propose a name for their the operation but final approval for the operation's name shall reside with HQ. Chief, Fugitive Operations Branch (FOB) shall maintain a roster of previously approved names to ensure that no name is used twice. While FODs are not required to submit every OpPlan for approval, it is recommended that the name of the operation be forwarded to ensure that no other operation has been undertaken using that name. The list maintained by FOB will also include operations approved by FODs. Should a name proposed for a local operation been previously used by another Field Office or used as part of a national/significant operation, FOB will notify the Field Office and ask for another proposed name. If an OpPlan is submitted, then a Significant Prospective Enforcement Action (SPEA) is not required.

Due to geography, FOTs may be required to operate in more than one Field Office jurisdiction. To that end FOTs will create a standard OpPlan for operating in other jurisdictions. For example: New York could conceivably end up operating in Newark, Cherry Hill or even Philadelphia. The FOT Supervisor in New York would establish a working relationship with the FOT Supervisor(s) [or the Supervisor over fugitive operations in Field Offices that do not have a designated FOT] in areas where his team might have to operate. At a minimum this coordination will address points of contact, notification procedures and mutual assistance arrangements. Each Field Office will also provide information on points of contact with local law enforcement agencies, locations of emergency medical facilities and any other officer safety information that will allow an outside FOT to operate in a safe and successful manner.

II. DISCUSSION

Upon completion of the A-file review, work-folder preparation and consultation with appropriate sources, you are now ready to attempt to locate the fugitive. The results of your completed checks should be noted on the "Memorandum of Investigation" [REDACTED] [REDACTED], and the right side column of the "Investigative Workplan" [REDACTED]. You should remember to leave your business card and copies of the Wanted Poster with appropriate agency personnel and a 24-hour business telephone or pager number, if possible. You should also request photocopies of any and all documents that you review and deem appropriate during the course of your investigation. Some agencies' procedural rules require that you submit a subpoena. The authority to issue a subpoena is contained in [REDACTED] and shall be issued on [REDACTED].

One of the most important things to remember when attempting to locate fugitives is that actual residence checks should only be conducted as a last resort if all other leads have proven negative. One reason is that the residence is familiar ground to the fugitive and could potentially be a place where weapons or other items are available. The second reason is that Warrants of Deportation or Removal are administrative rather than criminal, and it does not grant the authority to breach doors. Thus permission must be obtained from the occupant of the residence prior to entering. If you knock on a door

~~FOR OFFICIAL USE ONLY~~
~~LAW ENFORCEMENT SENSITIVE~~

and the fugitive isn't there, the person you speak with will probably make contact with the fugitive, making it that much more difficult to locate the fugitive.

You should also keep in mind that whenever possible, arrests that cannot be effected in controlled environments such as in courts, probation offices, etc., should be made in public areas. Locations such as parking lots, sidewalks in front of residences or businesses and other such areas eliminate the question of consent when entering a dwelling or enclosure.

Whenever conducting an operation to effect the arrest of a fugitive, you will always have a briefing prior to the operation. At the briefing you should discuss the case, any information about the fugitive, the general location where the operation is to take place and to make personnel assignments.

Once an operation has been completed, a debriefing will be held to discuss what went right and what went wrong during the operation. This will establish a 'Best Practices' database that can be shared with other FOTs on a regular basis.

III. SURVEILLANCE ACTIVITIES

Once you believe you have identified an area that the fugitive frequents, surveillance may be required. Whenever possible, you should have binoculars, night vision, and a hand held tape recorder available during surveillance activities. Binoculars/night vision may be needed, as you may not be able to surveil the target location at a close proximity. A portable tape recorder is helpful in the event you are alone and want to drive by the target neighborhood and gather license plates from vehicles parked in the area. It is also useful in documenting movements while tracking a fugitive, or the fugitive's acquaintance (s). Using a tape recorder is much simpler than attempting to document movements or license plates in written form.

One of the most important elements of surveillance is patience. There is no way to determine in advance, how much time will be needed when conducting surveillance operations. The fugitive may appear in a matter of minutes, several hours, or not at all. If conducting surveillance over long periods of time the primary surveillance vehicle should be changed and moved periodically. Confidential Informants (CIs) may be used in place of or in conjunction with surveillance activities as they can often frequent areas where law enforcement officials/vehicles would create suspicion. When conducting surveillance with a CI on site, you may want to provide the CI with a transmitter that can be heard through Service radios. This transmitter must be monitored constantly whenever the CI is operating. This may be especially important in high-crime areas for the protection of the CI. Information on consensual monitoring can be found in the Special Agent's Field Manual (SAFM), ~~Chapter 24~~.

The best vehicles to use for surveillance are those that create the least amount of suspicion. Proper surveillance cannot be conducted utilizing a Crown Victoria or Caprice. These vehicles announce to the neighborhood that you are law enforcement

officers and destroy any chance of conducting effective surveillance. It may also jeopardize the safety of the officers conducting the surveillance. Vehicles that are appropriate for surveillance activities are those that look like standard family type vehicles. Minivans with roof racks and child seats; SUVs with custom wheels, tires and roof racks; pickup trucks and maxivans disguised as work trucks (plumbers, carpenters, general contractors, etc.); and upgraded foreign and domestic mid-sized sedans make the best and most inconspicuous and effective vehicles for surveillance and general fugitive operations utilization.¹

If a static surveillance is designed to simply locate a targeted fugitive, a lone officer in a vehicle may be used. However, in the event that it is anticipated that the surveillance will include tracking a target throughout a general area, by foot or vehicle, additional officer and vehicle assets are required. Standard training in surveillance procedures dictates that two officers operate per vehicle so one may be dropped off to continue the surveillance in the event the target leaves a route that may be covered by a vehicle (entering a mall or other area that may not be accessible by vehicle). Additionally, multiple officer and vehicle teams ensure movement through traffic in a safe and efficient manner with less likelihood of discovery.

IV. PREPARING FOR THE ARREST / OPERATION

Officers shall begin each field operation with a briefing and the content of that briefing will be the results of the officer's preparation of the target folder. The type of briefing should reflect the complexity of the mission; detailed operations plans may be required for more complex briefings. The Team Leader will designate a site for briefing and debriefing prior to the beginning of each operation. The team will meet and discuss primary and alternate plans. The Case Officer will familiarize the rest of the team with the specifics of each case. The Team Leader will determine the duties of each participant and clarify each team member's assignment. **All briefings shall describe the exact type of warrant being executed, i.e. Administrative, Criminal Search or Criminal Arrest. This is particularly important when other agencies (who do not normally conduct administrative arrests) are part of an operation.**

If at any time during a field operation, **ANY** officer concludes that officers are performing in an unsafe manner, placing themselves or others in danger, or otherwise unprepared for the task, the operation will be immediately postponed until the Team Leader is consulted. The Team Leader will then decide whether to terminate or continue with the operation.

Note: Officers shall have copies of the Final Order and contact numbers for local law enforcement agencies readily available.

¹ Regardless of how the vehicle is outfitted, officers should avoid utilizing black, white or navy blue SUVs, vans or sedans for operations. These colors have become standard law enforcement issue for both marked and unmarked vehicles.

V. ARREST LOCATIONS

Arresting an alien at his or her residence or place of employment following an investigative field interview can be a difficult and potentially dangerous task. Officers can knock on a door and request to speak with the occupants of the house without first obtaining a search warrant. However, in order to enter a residence, **someone who has authority to do so must grant informed consent, unless a court-approved search warrant is obtained in advance.** When consent to enter is given, the officer must note at what time, and who gave consent. The *Consent to Search Premises* (~~FORM 2103~~) shall be executed and noted in the I-213.

The Contact Officer should announce the Team's presence by clearly saying, "Police." A second announcement, in an appropriate second language, may also be given. Only after a Team has gained entry should the occupants be told that the officers are federal law enforcement representatives of the Bureau of Immigration and Customs Enforcement. The person certainly has the right to refuse to open the door but the **officer should not begin the interview until the door is opened and preferably after entry is gained.** If the door is closed, the officer may not be able to see a threat to his or her safety developing. Officers shall display credentials when asked, and as soon as it is safe to do so.

Once inside the building the Team Leader (TL) should ensure the safety of the team by directing the thorough securing of the remaining rooms of the site. This will normally require informed consent as well. Until the target is positively identified, consent can be withdrawn at any time prior to an arrest. Once the fugitive is physically located, officers may complete the arrest.

The Contact Officer and only the Contact Officer will speak to people at an arrest location. Cover Officers should direct their attention to ensuring that the scene remains secure. If asked a question the Cover Officer shall direct the person to the Contact Officer.²

Prior to departing the residence, obtain all available identification relating to the fugitive's nationality, as well as any necessary medication. All fugitives shall be ~~questioned as to their health before removing them from the location where they are~~ encountered. If a fugitive has a serious medical problem, the TL should decide whether or not to effect the arrest. All fugitives who are not citizens and nationals of Mexico or Canada will be questioned as to whether they have a travel document before they are removed from the arrest site. Officers should secure available travel documents while the alien is still at the residence.

In the event that the team is conducting a check at the fugitive's last known employer, it may be best to meet with the personnel manager when conducting this visit. When speaking with the personnel manager the TL should emphasize that you wish to speak

² *Contact and Cover* by Steve Albrecht is an excellent training resource for those officers who have never had formal training in 'Contact and Cover' principles.

**FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE**

with only one employee and that you are not there to inspect/review any I-9 forms. If the fugitive is still employed there, request the personnel manager to have the fugitive report to the personnel office, at which time you can effect the arrest in a confined area and prevent disruption of the work area and other personnel.

Officers should leave information, including a telephone number, indicating where the fugitive will be detained and how to contact that person.

Nothing in this section prohibits an officer from entering into an area of a business or other activity to which the general public has access without a warrant, consent or any particularized suspicion in order to question any person whom the officer believes to be an alien concerning the alien's right to be or remain in the United States.

Fugitives Encountered in Vehicles

In the event a fugitive is encountered while in his or her vehicle it is preferable that the arrest be made once the fugitive exits after parking. However, if waiting for the fugitive to stop is not an option, officers may conduct formal vehicle stops consistent with local and state policy. If sufficient assets are in place and previous operational planning has taken place for this contingency, a ruse stop, as provided during previous fugitive operations training sessions, may be used in lieu of a traditional full felony vehicle stop. Previously established liaison with local agencies could prove beneficial, as some agencies will provide assistance, such as conducting a ruse stop in one of their marked vehicles.³

VI. SUPERVISION

Supervisors are encouraged to accompany teams in the field whenever possible. A designated supervisor shall be reachable at all times when a team is conducting an operation. A supervisor will respond to the Team Leader's field location when requested to do so.

VII. CRITICAL INCIDENTS

If a unit is involved in a critical incident the TL or senior officer present will immediately notify their supervisor. The supervisor will immediately report to the location to gather information, secure the scene and provide assistance to the officers involved. Any officer who participates in or observes a reportable shooting incident shall follow the reporting requirements set forth in the ~~Policy Manual~~. Supervisors should have a plan in place for conducting debriefings and counseling following critical incidents. One method is to contact a local law enforcement agency that has an established Critical Incident Response Team. These teams can help alleviate the psychological impact of a critical incident.⁴

³ Officers are reminded that vehicle pursuits of any type are forbidden. [See 19.3]

⁴ Information on Critical Incident Stress management can be obtained from the International Critical Incident Stress Foundation at 410-750-9600.

~~FOR OFFICIAL USE ONLY~~
~~LAW ENFORCEMENT SENSITIVE~~

agency should be consulted prior to either a public or private acknowledgement of their assistance.

Operations with the potential to generate publicity (positive or negative), garner media attention, cross-jurisdictional boundaries, or involve multiple agencies require an OP Plan be forwarded to HQDRO for approval. As part of the approval, HQDRO will designate the official name of the operation.

XI. TACTICAL OPERATIONS


Full tactical (SWAT type) operations are not justified during fugitive operations when only administrative warrants are being enforced. Only during the serving of criminal arrest/search warrants may this type of operation be justified. Chief, Fugitive Operations Branch is assigned to developing a program for the tactical training of HQDRO designated Fugitive Operations Teams.

To that end training programs (private, local law enforcement agencies, and military) shall be evaluated to see which courses would provide the level of training needed to conduct tactical service of criminal arrest/search warrants. Supervisory Deportation Officers of HQDRO designated Fugitive Operations Teams will seek training programs in their areas and provide information to the Chief, Fugitive Operations Branch. Courses approved for attendance which meet the training requirements needed to conduct tactical operations will be published by separate correspondence.

XII. POST APPREHENSION DEBRIEF

Supervisors shall conduct a post apprehension debrief following each operation. This is particularly important if problems are encountered during the operation. The supervisor shall maintain a written record of the debrief which will include a section on 'Lessons Learned' if appropriate. These debrief records will form the base for future training and even suggestions for updates/changes to this manual. The debrief shall be attached to a copy of the OpPlan or FOW.

XIII. REPORTING REQUIREMENTS

Officers are reminded that arrests must be reported weekly unless HQDRO directs more frequent reporting. The Fugitive Operations Apprehension Report  shall be used to report all fugitive arrests.

~~FOR OFFICIAL USE ONLY~~
~~LAW ENFORCEMENT SENSITIVE~~