



ICE Academy Detention and Removal Operations Training Division Charleston, SC



**U.S. Immigration
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Enforcement**



“National Fugitive Operations Program”



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Objectives: By the end of this lesson you will be able to

Identify the mission of the National Fugitive Operations Training Program

Define a ICE/DRO Fugitive

Identify the ICE legal Authority and the methodology used for locating ICE Fugitives

Identify critical Operational Policy related to the apprehension of ICE Fugitives as directed in the Detention and Removal Operations Policy and Procedure Manual (DROPPM).



Chapter 19 DROPPM:

Historical Background

General Policies

Case Management

Tactics

Vehicle Pursuits

Report Requirements

Most Wanted Program

Liaison/Task Forces

Interpol/Third Agency Checks

Training Requirements



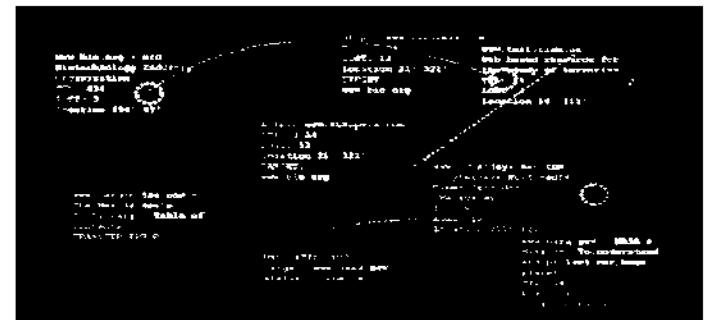
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Mission

Mission of NFOP is to identify, locate, arrest, process and remove fugitive aliens from the United States with the highest priority placed on those fugitives who have been convicted of crimes. Further, NFOP's goal is to eliminate the backlog of fugitives and ensure that the number of aliens deported equals the number of final orders of removal issued by the immigration courts in any given year.



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ICE -DRO Fugitive Alien- Any subject not in ICE/DRO custody, who:

has failed to Depart the United States pursuant to a final order of removal, deportation or exclusion. This is defined as a 5B, 8E and 8I.



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4. ICE authority to conduct operations

INA

- ◆ Section 287,
- ◆ Title 8 CFR

M-69 Law of Arrest , Search and Seizure for Immigration Officers (Appendix I-2)

Title 8 US Code 1357 (a)(4)



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Case Management/Priorities

All Fugitive Cases will be managed through FCMS (Fugitive Case Management System)

Priority of Fugitive Cases

1. Pose a threat to National Security

Any arrest involving a possible terrorist nexus, you must contact HQDRO Custody Unit

2. Pose a threat to the Community

3. Have been convicted of Violent Crimes

4. Have a criminal record

5. Non-Criminals with Removal/Deportation Order



Target Goals

Effective FY07, each Field Office should seek to achieve a goal of at least 1,000 arrests per team.

Non-Fugitive Aliens may now be included in that total, but only where these arrests are made as part of a DRO Headquarters approved operation, i.e. Op Predator, et al

Each Field Office must nevertheless average at least 500 Fugitive arrests per fugitive Operations Team

See Memorandum Fugitive Case Management System Reporting and Annual Goals signed Sept 29, 2006 by Director John Torres



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Systematic Process: locating and arresting ICE/DRO fugitives.

Review the A-file to confirm alien is a ICE/DRO Fugitive (no court actions or benefits pending).

Perform records checks

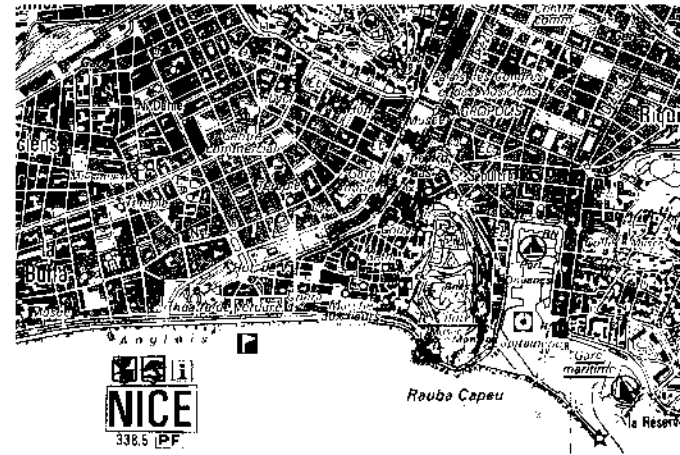
- ◆ ICE Systems: CIS, DAC, CLAIMS, (b)(7)(E) Intranet, etc.



Case Preparation

Create a work-file consisting of the following:

- ◆ Field Operations Worksheet
- ◆ Final Order
- ◆ Copy of Warrant of Arrest
- ◆ Criminal history printouts
- ◆ Fugitive's photo and prints
- ◆ Map to arrest site/Trauma Unit
- ◆ Contact numbers to local law enforcement
- ◆ Case/Surveillance notes(G166)



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5. Investigative tools

Wanted Posters

Computer Networks

Inter Agency Liaisons

Networking

ICE/DHS Databases

Local Databases



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Conducting Operations

National Fugitive Operations Policy offers guidelines for conducting Fugitive Operations

- ◆ Ensures that Fugitive Operations are conducted consistently throughout the Agency

Who

- ◆ All sworn Immigration Officers may participate in Fugitive Operations assisted by other Federal, State and local Officers. Arrests must involve at least (b)(7)(E) law enforcement officers
- ◆ Minimum of one ICE Officer/Agent must be present



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Conducting Operations

When

- ◆ Fugitive Operations will be conducted during daylight hours 6am-10pm, unless otherwise approved on the Operations Order or FOW by the FOD or his designate.

Where

- ◆ Agents may enter any area that is open to the Public without a warrant.
- ◆ In order to enter areas where there is an expectation of privacy, informed consent **MUST** be obtained.
- ◆ Common sense must be used. Officer safety is paramount. Certain areas such as schools, churches, hospitals and funerals are generally respected as off limits.



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Conducting Operations

How

- ◆ **Field Operations Worksheet (FOW)**

Must be signed by FOD prior to conducting a Fugitive Operation. The FOD can designate signature authority to a FOT supervisor.

Outlines the plan for locating and arresting a Fugitive

Lists support entities such as local law enforcement and medical emergency support.

Gives both immigration/Criminal History



Supervision

FOT 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.

“Lead By Example”



Local Law Enforcement Notification

Law Enforcement Agencies with Principle Jurisdiction over an area of Operation will be notified prior to any ICE Enforcement Action

This notification helps avoid misunderstanding and can help provide emergency tactical/medical support



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Emergency Response

The Operations Order or FOW will list the location and contact number to Emergency Response Entities/Hospitals within the area of operation

Team Leaders will designate at least one officer to contact 911 in the case of any emergency

Notifying the National Law Enforcement Communications Center (NLECC/SECTOR) of any operation/location is also a way to get quick emergency response.



Issues

Consent/Admin Warrants

- ◆ In order to enter an area that is not public, informed consent must be obtained

Must be an adult, 18 yrs or older

Must have control over the premises

Consent must be voluntary

- Burden is on the government to prove consent was voluntary
- Document name, time and disposition of person giving consent on bottom of 2nd page of FOW, it is required at a minimum, to document who provided consent in the narrative of the I-213



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Special Considerations: Children/Infants

Prior to operation, notify Juvenile Coordinator of operation & possibility of having to deal with infants/children.

PRE-PLAN with DHS to ensure the children's safety and care if parent(s) are in ICE custody. Child may be in school, may be at day care, hospitalized, etc.

Considerations: number of children, ages, (medical issues, infant care/feeding, health, etc.)



REFER TO THE TORRES MEMO ENTITLED

JUVENILES ENCOUNTERED DURING FUGITIVE
OPERATIONS

DATED 08/24/07

Highlights:

- 1) Nearest Child Welfare Authority
- 2) Local Law Enforcement
- 3) if 1&2 don't work FOT must carefully document fugitive's request for transfer of USC/LPR child to a verifiable third party.

*Remember the use of prosecutorial discretion
when dealing with juveniles.*



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Consent

Consent is involuntary when it is the product of Coercion or threat, expressed or implied

Officers need not advise the subject that consent may be refused, although whether such advisory is given is a factor in determining the voluntariness of the consent

Consent may not be obtained by Trick or Coercion. (Example= Escaped convict in neighborhood- we need to search your house).

M69 Section III-5 (Consent Searches)



Ruse

Are approved by Service Policy (Memo dated Aug 15, 2005/ March 6, 2006 both signed by Director John P.Torres).

Ruses are primarily used as a way to lure someone out to an area where the arrest can be conducted with the least amount of danger to both officers and target

“Ruses run the gamut from saying you are looking for another person other than the target or adopting the guise of another agency



Ruses

When adopting the guise of another agency (Federal, State or Local) that agency must be contacted and a memo produced to the file. The HQ Deputy Assistant Director, in consultation with the Office of Principal Legal Advisor, will consider issues raised by other entities/agencies

The use of Ruses involving Health and Safety programs such as administered by private, Federal, State or Local Agencies is discontinued



Media Issues

All Media communications surrounding a fugitive operation will be addressed to the Director for the Office of Public Affairs.

Offices are encouraged to contact the OPA regarding High profile arrests or consideration of media releases that may be favorable to ICE.

Operations with the potential to generate public publicity, garner media attention, cross-jurisdictional boundaries or involve multiple agencies will require an Operations Order



Vehicle Pursuit Policy



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Vehicle Pursuits Policy

All Vehicle Pursuits (High Speed/High Risk/Low Speed/Low Risk) are prohibited

Nothing precludes an officer, previously trained in vehicles stops at FLETC, from conducting vehicle stops. Vehicles conducting vehicles stops must be equipped with emergency lights and sound making equipment (sirens) as prescribed for law enforcement vehicles by the state in which the vehicle is normally assigned to operate.



Fugitive Operations Support Center- Burlington, Vermont.

Created to support Fugitive Operations- reports to the HQDRO, Compliance Enforcement Division

Goals 1: Improve the accuracy/integrity of fugitive/absconders identified in DACS.

Goal 2: Develop leads on fugitives/absconder cases and send leads to the appropriate Field Office for location and apprehension

Goal 3: Support National ICE/DRO initiatives.



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INTERPOL

World largest international police organization with 168 member countries.

National Central Bureaus (NCB) each INTERPOL member country maintains a National Central Bureau staffed by National Law Enforcement Officers. The NBC is the POC for regional offices requiring assistance with overseas investigations and the location and apprehension of Fugitives.



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INTERPOL: Color Coded System

Red Notice: Seek arrest towards Extradition based upon an arrest warrant/Provisional warrant.

Blue Notice: used to collect information about a persons identity or illegal activity.

Green Notice: used to provide warnings and criminal intelligence about the persons who have committed criminal offenses and are likely to repeat these crimes in other countries.

Yellow Notice: used to help locate missing persons, especially minors, or to help identify persons who are not able to identify themselves.



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Interpol Color Coded System

Black Notices: is used to seek the true identity of unidentified bodies.

: is used to warn police, public bodies and other international organization of possible threats to them from hidden weapons, parcel bombs, and other dangerous items or material.



DRO Policy

A Green notice is an Interpol generated advisory that “provides information on career criminals who have committed, or are likely to commit, offenses in several countries (habitual offenders, child molesters, pornographers). Operation Predator cases meet this definition. INTERPOL will be made aware of Operation Predator cases through the completion of a Green notice application. This notice will be completed at the time the Request for Escorted Country Clearance is made.



Request for Foreign Verification

When a FOT uncovers or DRO has information that a fugitive alien has fled to a foreign country, the team will complete a RFV- Request for Foreign Verification will be made to HQFUGOPS, electronically or via mail. HQFUGOPS will then utilize whatever resources available (Embassies, INTERPOL,ETC) and provide the requesting office with the information obtained.



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Review

1. NFOP's Mission
2. Identifying a Fugitive
3. Knowledge of Authority
4. Conducting Operations
5. Policy Issues/Directives



Questions

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THE END



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