

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

ICE Directive 10090.1: Investigative Data and Event Deconfliction

Issue Date: February 15, 2019

Superseded: None.

Federal Enterprise Architecture Number: 306-112-002a

1. **Purpose/Background.** On October 18, 2016, the U.S. Department of Homeland Security (DHS) issued Policy Directive 045-04, *Department Policy Regarding Investigative Data and Event Deconfliction*, requiring DHS law enforcement components to utilize specific systems to conduct investigative data and event deconfliction. Deconfliction is an essential practice that enables U.S. Immigration and Customs Enforcement (ICE) law enforcement officers (LEOs) to identify potential operational or investigative conflicts with other law enforcement agencies while leveraging reciprocal information sharing to perform their respective missions more effectively. Furthermore, deconfliction promotes officer safety and contributes to preventing “blue-on-blue” incidents. This Directive establishes ICE policy regarding requirements for deconfliction of investigative data and enforcement events.

2. **Policy.** ICE LEOs should deconflict investigative data and events, share information, and coordinate efforts while protecting the integrity of law enforcement operations. ICE LEOs should integrate available national and regional systems into all relevant law enforcement operations to more effectively and safely carry out ICE’s law enforcement mission.
 - 2.1. **Criminal enforcement.** At the onset of criminal investigations and enforcement events, ICE LEOs must deconflict investigative data through the Deconfliction and Information Coordination Endeavor (DICE) and/or, in the case of export enforcement activities and investigations, through DICE and the Export Enforcement Coordination Center (E2C2). In addition, ICE LEOs must deconflict investigative data and events using the (b)(7)(E) (b)(7)(E), the (b)(7)(E) or a system that interfaces with one of these regional systems. Deconfliction should also be continued throughout an investigation when new information is encountered and to reassess older targets.

ICE LEOs should initiate and maintain regular contact with ICE personnel assigned to the Special Operations Division (SOD), International Organized Crime Intelligence and Operations Center (IOC-2), the Organized Crime Drug Enforcement Task Force (OCDETF) Fusion Center (OFC) and E2C2. If investigative overlap is identified during the deconfliction process, ICE LEOs will coordinate with ICE personnel to exploit the additional deconfliction, coordination, and lead development capabilities available at SOD, IOC-2, E2C2 and OFC.

- 2.2. **Administrative enforcement.** For planned administrative enforcement actions, ICE LEOs should deconflict investigative data and events through (b)(7)(E) and regional deconflicting systems, if available, e.g., (b)(7)(E), as deemed appropriate by a supervisor, and when access has been granted.
- 2.3. **Planned enforcement.** Prior to conducting planned criminal or administrative enforcement actions, in addition to deconflicting data and events through data systems, ICE LEOs should notify the respective law enforcement agencies in the jurisdictions where operations will take place. In situations where the enforcement operation is anticipated to garner significant media attention or require support from state or local law enforcement agencies, this notification should be made by the Special Agent in Charge (SAC) of Homeland Security Investigations (HSI), the SAC of the Office of Professional Responsibility (OPR), or Field Office Director (FOD) of Enforcement and Removal Operations (ERO), as appropriate. The exact timing of the notification, either at the operational or executive level, will be decided by field leadership based on their assessment of operational security needs and risks.
- 2.4. This Directive does not prohibit continued notification and deconfliction through additional systems or mechanisms not specifically identified herein.
- 2.5. Some information may be classified at a higher level than the classifications of the systems listed in this policy. Consequently, that particular information is not captured for deconfliction purposes in the referenced systems.
3. **Definitions.** The following definitions apply for purposes of this Directive only.
- 3.1. **Case Explorer.** Internet-based, no cost subscription service, regional event deconfliction system used to identify potential operational conflicts in the field.
- 3.2. **Deconfliction.** Sharing of limited investigative data and event information among federal, state, local, and tribal law enforcement agencies to identify common interest or activity.
- 3.3. (b)(7)(E)
- 3.4. **Event.** A law enforcement activity or operation that includes, but is not limited to, undercover operations; surveillance; executing search or arrest warrants; buy-busts; controlled deliveries; and administrative immigration enforcement operations.
- 3.5. **E2C2.** A multi-agency center with representation from eight U.S. governmental departments and fifteen federal agencies that serves as the primary forum within the federal government to coordinate and deconflict export enforcement efforts.

- 3.6. **Investigative Data.** Significant, relevant, and noteworthy information developed or identified through an open investigation including, but not limited to, information that pertains to the target or subject of an open investigation.¹
- 3.7. **LEO.** HSI, ERO, and OPR employees whose duties are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the administrative and criminal laws of the United States, including an employee engaged in this activity who is transferred to a supervisory or administrative position. This includes, without limitation, ICE employees in the GS-1811 (Criminal Investigator) and GS-1801 (Deportation Officer) occupational series.

3.8.

(b)(7)(E)

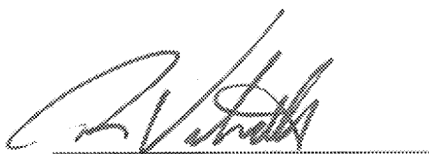
3.9.

4. **Responsibilities.**

- 4.1. The **Executive Associate Directors of HSI and ERO and Associate Director of OPR** are responsible for ensuring compliance with the provisions of this Directive and issuing further implementing guidance, as necessary, including establishing criteria for deconflicting investigative data and events.
- 4.2. The **HSI Special Operations Unit or Special Operations Division** are responsible for providing DICE accounts and DICE training.
- 4.3. **HSI and OPR SACs and ERO FODs** are responsible for:
- 1) Identifying the appropriate system to deconflict events within their area of responsibility;
 - 2) Ensuring that LEOs within their chain of command conduct deconfliction in accordance with this Directive and receive appropriate training and access to the respective system(s);

¹ This information includes, but is not limited to name, date of birth, and gender; addresses; airplane tail numbers; Blackberry PINs; Federal Bureau of Prisons Identification Numbers (IDs); e-mail addresses; Internet Protocol addresses; Uniform Resource Locator address (often referred to as the "website" or "web address"); financial account numbers (including virtual currency user/account identifiers); International Mobile Equipment Identity numbers; license plate numbers; telephone numbers; push-to-talk IDs; social network IDs (including dark net and Onion Router IDs); state/local prisoner IDs; and Vehicle Identification Numbers.

- 3) Verifying, when applicable, that deconfliction systems currently in-use interface with the three nationally recognized event deconfliction systems: Case Explorer, RISSafe, and/or SAFETNet; and
 - 4) Notifying respective law enforcement agencies in the jurisdictions where operations will take place in situations where the enforcement operation is anticipated to garner significant media attention or require their support.
- 4.4. **HSI, ERO, and OPR LEOs** are responsible for complying with the provisions of this Directive.
5. **Procedures.** None.
6. **Recordkeeping.** Requests for deconfliction will be maintained in accordance with the ICE Reports and Informational Material schedule. This schedule is currently pending approval by the National Archives and Records Administration. Records must be retained permanently until the schedule is approved.
7. **Authorities/References.**
- 7.1. DHS Policy Statement 045-04, *DHS Policy for Investigative Data and Event Deconfliction* (Oct. 18, 2016), or as updated.
 - 7.2. Executive Order No. 13,558, *Export Enforcement Coordination Center* (Nov. 9, 2010).
8. **Attachments.** None.
9. **No Private Right.** This document provides only internal ICE policy guidance, which may be modified, rescinded, or superseded at any time without notice. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter. Likewise, no limitations are placed by this guidance on the otherwise lawful enforcement or litigative prerogatives of ICE.



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