

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
ICE Policy System**

**OFFICE OF PRIMARY INTEREST: OFFICE OF PROFESSIONAL RESPONSIBILITY**

<b>DISTRIBUTION:</b>	ICE
<b>DIRECTIVE NO.:</b>	6-3.0
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<b>SUPERSEDES:</b>	None

**DIRECTIVE TITLE: Reporting Arrest/Misconduct of Law Enforcement Agency Employees**

1. **PURPOSE and SCOPE.** This Directive provides notification procedures when U.S. Immigration and Customs Enforcement (ICE) arrests an employee of any federal, state or municipal law enforcement agency, or information is obtained concerning possible misconduct of an employee of another law enforcement agency. This Directive applies to all components of ICE.
2. **AUTHORITIES.**
  - 2.1 Department of Homeland Security Delegation Number 7030.2, issued November 13, 2004;
  - 2.2 ICE Delegation Order Number, 04-008, issued June 18, 2004;
  - 2.3 5 C.F.R. 2635;
  - 2.4 5 U.S.C. 552a(c)(4).
3. **BACKGROUND.** Presently, ICE arrests of employees in other law enforcement agencies are promptly reported to ICE management through a Significant Enforcement Activity Report (SEAR). Although this is an effective method of notification within ICE, the process neither provides notification to other law enforcement agencies when one of their employees is arrested, nor provides information to those agencies about possible employee misconduct. To ensure appropriate information dissemination, ICE will notify other law enforcement agencies should any of their employees be arrested or possibly involved in misconduct. In order to facilitate this notification and ensure conformance with the provisions of the Privacy Act, a standardized procedure is required for that notification.

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#### 4. DEFINITIONS

4.1 **Office Director.** Indicates the head of an operational or administrative component within ICE (e.g., Office of Investigations, Office of Detention and Removal Operations, Office of Resource Management, etc.).

5. **POLICY.** The supervisor of the arresting ICE officer and/or supervisor of the ICE officer discovering possible misconduct, will promptly notify the appropriate Office of Professional Responsibility (OPR) field office, or the OPR Joint Intake Center at 1-877-2INTAKE when:

- an employee of a federal, state or municipal law enforcement agency is arrested by ICE or by another agency with ICE participation, or,
- information is obtained concerning possible misconduct by an employee of another law enforcement agency.

#### 6. RESPONSIBILITIES.

6.1 The Director of OPR shall implement all aspects of this Directive.

6.2 Office Directors will ensure all ICE employees are aware of their responsibility to immediately report to OPR any information concerning an ICE arrest or possible misconduct of any employee of a federal, state or municipal law enforcement agency.

7. **PROCEDURES.** To comply with the policy explained in section 5 above, notification should be performed as described below.

7.1 In instances where ICE arrests an employee of another law enforcement agency, or where ICE participates in a joint operation that involves the arrest of an employee of another law enforcement agency, the appropriate ICE supervisor should notify the appropriate OPR field office or the OPR Joint Intake Center and include the following:

- name and address of the arrested individual;
- date of birth of the arrested individual;
- reason and circumstances that precipitated the arrest, and
- agency that employs the arrestee, including job title and location.

7.2 When ICE detects possible misconduct by an employee of another law enforcement agency, the appropriate ICE supervisor should notify OPR or the OPR Joint Intake Center and include the information listed above in section 7.1, or as much identifying information and specifics as possible. In addition, when the

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SEAR report is produced and submitted, the appropriate supervisor should update the narrative section to include language advising that OPR was informed pursuant to this Directive.

- 7.3 As soon as practical thereafter, the appropriate ICE supervisor will provide OPR with a copy of the arrestee's fingerprints, Search Arrest and Seizure form (SAS 151) and a brief memorandum outlining the circumstances of the arrest and/or possible misconduct information.
- 7.4 After notification is received from the appropriate ICE supervisor, OPR will advise the arrestee's law enforcement agency of the arrest or misconduct information, and provide necessary documentation to the agency, which is limited to the proper disclosure of those records within the OPR Records System. Disclosure of other records maintained by ICE will not be made unless disclosure would be within the published "routine use" for that particular record.
- 7.5 In order to comply with the Privacy Act when arrest notification is made to the arrestee's agency, OPR must maintain for a period of at least 5 years, or the life of the record, whichever is longer:
- a description of the record disclosed;
  - name, title, agency and address of the person to whom the disclosure was made;
  - method and purpose of the disclosure;
  - the name and title of the person making the disclosure; and
  - the date of the disclosure of the record. This requirement can be met by maintaining a file of disclosures to other government agencies (federal, state and local). OPR must inform any person or agency to which disclosure was made, of any correction or notation of dispute to the disclosed record, in accordance with 5 U.S.C. 552a(c)(4).

8. **NO PRIVATE RIGHT STATEMENT: This Directive is an internal policy statement of ICE, and is not intended to and does not create any rights, privileges, or benefits, substantive or procedural, enforceable by any party against the United States; its department, agencies, or other entities; its officers or employees; or any other person."**

APPROVED \_\_\_\_\_

Michael J. Garcia  
Assistant Secretary

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