



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

JUN 8 2008

MEMORANDUM FOR: Assistant Directors
Deputy Assistant Directors
Field Office Directors
Deputy Field Office Directors

FROM: Gary E. Mead
Acting Director

SUBJECT: Office of Detention and Removal Policy and Procedure Manual:
Chapter 31.4 Protocol for Reporting Firearms Discharges

The attached Chapter 31.4, Protocol for Reportable Firearms Discharges, has been added to the DRO Policy and Procedure Manual (DROPPM) to establish standards for the reporting of incidents that involve the discharge of a firearm.

This standard sets forth the procedures for DRO officers to follow in the event of a firearms discharge, consistent with the ICE Interim Use of Force Policy.

Please contact the Headquarters Fleet Management and Logistics Unit if you have any questions about this guidance.

Attachment

Chapter 31: Firearms, Non-deadly Force and Restraining Devices

References: 8 CFR 287.5(f) Exercise of power by immigration officers
8 CFR 287.8(a) Standards for enforcement activities
ICE Use of Force Policy

31.4 Protocol for Reporting Firearms Discharges

(a). General. The ICE Use of Force Policy sets forth reporting requirements and exemptions for the reporting of the discharge of ICE owned or authorized firearms. This policy establishes a reporting protocol designed to maintain officer safety, and preserve evidence, consistent with the ICE Use of Force Policy.

After the reportable discharge of an ICE owned or authorized firearm, the involved officer must make an immediate assessment as to whether the firearms discharge resulted in any injuries.

If there are any injuries, immediately activate emergency medical services (EMS) by the most expeditious and practical means possible.

Some examples of methods to activate EMS include:

- Dialing "911".
- Dialing the National Law Enforcement Communications Center (NLECC) at 1-800-X-SECTOR.
- Using an ICE portable or mobile radio to contact NLECC.

DRO Officers involved in firearms discharges, or in the case of incapacitation, another officer with knowledge of the incident are obligated to provide an immediate verbal report of both on and off duty firearms discharges to their immediate supervisor through the National Law Enforcement Communications Center. In the event of unavailability of the immediate supervisor, the report must be made to any available DRO supervisor, through the National Law Enforcement Communications Center.

(b). Officer's Responsibilities. Officers are obligated to provide the following information when making a verbal report of a reportable firearms discharge:

- Location, date, and time of discharge.
- Number of persons involved in discharge.
- Whether the discharge resulted in injuries and the number of injured or deceased persons.
- Whether EMS has been activated.
- Whether there are any suspects at large.

- Whether there were any vehicles involved.
- Number of persons in ICE custody.
- Whether the scene of the discharge has been secured.
- Type of weapon used.
- Location of weapon used.

(c). NLECC Responsibilities. Upon receiving information concerning a reportable firearms discharge, NLECC will:

- Ensure that EMS has been activated, if necessary.
- Make immediate telephone or radio contact with the immediate supervisor of the involved employee to relay the information provided in the verbal report, or in the event of unavailability, with any DRO supervisor within the same area of responsibility.
- Notify the state/local law enforcement agency which has jurisdiction where the reportable firearms discharge occurred.
- Brief the supervisor with updated pertinent information as it is available.

(d). Supervisor's Responsibilities. Upon notification that a reportable firearms discharge has occurred, the supervisor will:

- Communicate with the officer(s) involved, directly if possible and inquire as to the activity that the officer was engaged in when the discharge occurred, the circumstances that led to the firearms discharge and the number of shots fired.
- Report immediately to the scene and assume the role of the DRO Incident Commander (the supervisor may delegate this responsibility to another supervisor).
- Create and maintain a secure perimeter to contain the immediate and surrounding area, using crime-scene tape and any other necessary equipment, identifying and logging all persons entering and leaving the secure scene.
- Isolate and protect witnesses.
- Remove the involved officer from the scene as soon as possible.
- Assume ICE control of all weapons and magazines involved, while preserving the evidentiary chain of custody.
- Issue a new weapon and magazines to the involved officer as soon as possible if the weapon involved in the discharge was ICE owned.

- Relinquish control of scene to responding law enforcement agency of local jurisdiction.
- Contact ICE Office of Principal Legal Advisor (OPLA) Duty Attorney.
- Notify HQDRO Incident Response Unit.
- Notify the ICE Joint Intake Center of the reportable firearms discharge.
- Generate and submit a Significant Incident Report (SIR).
- Contact the Employee Assistance Program for instances of other than accidental discharge without injury.

(e). Preservation of Records. Supervisors will preserve relevant records for the ICE Office of Professional Responsibility and the ICE Office of the Principal Legal Advisor until advised by both that preservation is no longer required. Supervisors will advise subordinates that all ICE and contract employees in possession of records, correspondence, e-mail, or other relevant information, must preserve that information until instructed otherwise.