




U.S. Immigration  
and Customs  
Enforcement

JUL 23 2014

MEMORANDUM FOR: Assistant Directors  
Deputy Assistant Directors  
Special Agents in Charge  
Attachés

FROM: Peter T. Edge   
Executive Associate Director

SUBJECT: Accountability Requirements for Investigations Involving Weapons,  
Munitions, and Dangerous Contraband

**Purpose:**

The uncontrolled cross-border movement of contraband is against U.S. Immigration and Customs Enforcement policy and is therefore prohibited. In accordance with this policy, this memorandum is being issued to emphasize the accountability requirements for all Homeland Security Investigations (HSI) personnel during investigative operations involving weapons, munitions, and dangerous contraband. For the purposes of this memorandum, dangerous contraband is defined as goods or merchandise that is unlawful to produce, distribute, or possess, and that poses a danger to public safety, such as illegal drugs, counterfeit pharmaceuticals, and counterfeit air bags. It is imperative that all HSI personnel adhere to this policy, recognizing the seriousness of such investigations and the threat to public safety that weapons, munitions, and dangerous contraband may pose.

**Background:**

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**Discussion:**

It is against HSI policy to allow or facilitate the uncontrolled cross-border movement of any weapons, munitions, or dangerous contraband.<sup>2</sup> No cross-border movement of such items is permitted unless the movement is (1) controlled; (2) approved by the appropriate authority relevant to the type of item moved; (3) properly licensed, if applicable; and (4) accomplished in coordination with the relevant foreign authorities, outside agencies, and HSI Attaché offices, as appropriate.

The accountability requirements, and related reporting that is noted below, apply to all investigative operations, overt or covert, for which HSI is the lead or in which HSI is directly involved, to include those operations where HSI has a continuing interest, such as investigations that are “walled-off.” These requirements also apply to HSI personnel assigned to a task force or multi-agency investigation, whether assigned on a full-time or part-time basis, where such HSI personnel directly facilitate or are involved in the facilitation of the movement of weapons, munitions, or dangerous contraband. Likewise, these requirements also apply to those investigations in which HSI personnel facilitate the movement of such items at ports of entry for other law enforcement agencies.

*During every HSI investigation or any investigation in which HSI is involved as set forth above, preventing the uncontrolled cross-border movement of contraband and protecting public safety shall always remain the paramount concern.*

**Conflicts with HSI Policy and Reporting Requirements:**

As noted above, HSI routinely participates in joint or multi-agency investigations led by other law enforcement agencies, which are subject to external agencies’ policies and/or operational decisions. When participating in an investigation with another agency, where there is a conflict between HSI policy and/or procedure and another agency’s policy and/or procedure being utilized, HSI personnel are to adhere to existing HSI case management and investigative policies and procedures.

Additionally, if another agency’s decisions conflict with HSI policies and procedures, the HSI Special Agent in Charge (SAC) must be immediately notified. The SAC, in turn, will contact his or her agency counterpart and attempt to resolve the conflict. If the conflict cannot be resolved in accordance with HSI policies and procedures at the SAC level, the SAC or his or her designee must notify HSI Headquarters, through Domestic Operations, of the unresolved conflict. The Assistant Director for Domestic Operations at HSI Headquarters will then determine any further appropriate response and any action to be taken, including whether continued participation in the joint investigation should be curtailed.

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<sup>2</sup> While this memorandum is specifically focused on accountability and reporting requirements for weapons, munitions, and dangerous contraband, this does not suggest that HSI policy is to allow or facilitate the uncontrolled cross-border movement of other types of contraband, which are not dangerous and may not pose a threat to public safety.

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Notwithstanding the above, when HSI personnel operating in a joint or multi-agency investigation become aware of actions already taken that conflict with HSI policies and procedures, the SAC should be made aware through the appropriate chain of command as soon as practicable. The SAC or his or her designee must then immediately notify HSI Headquarters, through Domestic Operations.

**NOTE:** The requirement to report unresolved operational conflicts to HSI Headquarters for appropriate handling applies even for those joint or multi-agency investigations governed by an arrangement between the agencies, such as a Memorandum of Understanding or a Memorandum of Agreement. Provisions in such arrangements that outline procedural steps to be taken to resolve any conflicts at the lowest level possible do not relieve the SAC or his or her designee of this reporting requirement.

Because of the vital mission and broad authority of HSI, it is imperative that all HSI personnel adhere to established HSI policies and procedures and make prompt notifications to their senior management as required. This will ensure that HSI maintains the trust of the American public and upholds the highest professional and ethical standards.

**Superseded Document:**

This memorandum supersedes the HSI memorandum entitled, "Accountability Requirements for Enforcement Operations Involving Contraband and Other Sensitive Items," dated February 21, 2012.