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*Enforcement and Removal Operations*  
**Fugitive Operations Handbook**

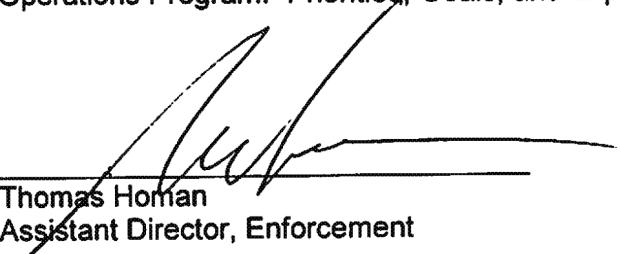
## FOREWORD

The Fugitive Operations Handbook compiles, for the first time, all current policies, procedures, and best practices established for the National Fugitive Operations Program within Enforcement and Removal Operations. It takes the place of the long-anticipated, never-issued Chapter 19 of the DRO Policy and Procedure Manual.

This compilation incorporates all current Fugitive Operations-specific processes and procedures, although the memoranda cited in the Handbook may contain more detailed information. The Handbook also includes templates for operational plans and operations worksheets. It is an operational guide for Fugitive Operations Teams.

Previously DRO- or ERO-issued documents that are fugitive operations-specific now take on the status of historical reference material or supplemental information. As a result, all such documents will move from "Current" to "Archived Documents" in the ERO Resource Library. When conducting a search for these documents in the Resource Library, remember to search under "Archived Documents."

Fugitive enforcement is guided by the June 30, 2010, ICE memorandum titled "Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens" (ICE Policy Number 10072.1) and the December 8, 2009, ICE memorandum titled, "National Fugitive Operations Program: Priorities, Goals, and Expectations" (ICE Policy Number 11001.1).



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Thomas Homan  
Assistant Director, Enforcement

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Date

7/23/10

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# **PART 1: Fundamentals of the National Fugitive Operations Program (NFOP)**

## **Introduction**

The National Fugitive Operations Program (NFOP) identifies and arrests fugitive aliens, previously removed aliens, criminal aliens at large, and certain other fugitives in the United States. Fugitive aliens are aliens who have failed to comply with a final order of removal, deportation, or exclusion; or who have failed to report or appear as demanded by Immigration and Customs Enforcement (ICE). "Others" may include alien escapees; Alternatives to Detention (ATD) violators; fugitives wanted by other law enforcement agencies or countries; and immigration status violators, among others.

The main goal of the NFOP is the reduction of the national fugitive alien backlog using targeted operations based on the best available intelligence and investigative techniques. Additionally, NFOP assets bolster the integrity of the immigration system by targeting and arresting previously removed aliens who have re-entered the United States in violation of the law. NFOP assets are also utilized to provide security to America's communities by targeting at-large aliens with criminal convictions for arrest and removal.

## **Authority**

Pursuant to Section 287(a)(1) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1357(a)(1), as amended, an ICE officer has the authority, without a warrant, to interrogate any alien or person believed to be an alien as to his right to be or remain in the United States. INA § 287(a)(2) provides the authority to make an arrest of an alien who the officer/agent has reason to believe is in the United States in violation of the immigration laws and is likely to escape before an arrest warrant can be obtained. Further, INA § 287(a)(5) provides authority to make general arrests without a warrant for crimes recognized under federal law, to carry firearms, and to execute and serve any order, warrant, subpoena, summons, or other process issued under authority of the United States.

To detain an individual for further questioning, the ICE officer must have reasonable suspicion that the individual:

- Committed a crime, or
- Is unlawfully present in the United States, or
- Is an alien with status who is either inadmissible or removable, or
- Is a non-immigrant required to provide truthful information to DHS personnel upon demand (see 8 CFR 214.1(f)).

## Responsibilities

**Deputy Assistant Director (DAD), Compliance Enforcement Division.** Oversees NFOP, including the HQ Fugitive Operations Unit (FOU) and the Fugitive Operations Support Center (FOSC).

**Chief, Fugitive Operations Unit.** Leads NFOP; serves as main point of contact for all queries about the NFOP from higher level management and the Field Office Directors. Interprets directives of ICE upper management, DHS, Congress, and the Executive Branch and monitors field implementation and reporting of statistical data. Determines geographic locations of Fugitive Operations Teams (FOTs) nationwide.

**Chief, Fugitive Operations Support Center (FOSC).** Manages and directs the FOSC. Develops leads and analyzes data from multiple sources to support FOT enforcement operations; reviews and updates fugitive cases in the ENFORCE Alien Removal Module (EARM). Reports on the nature and characteristics of the fugitive backlog. Manages the Cold Case docket and is the system owner for the Fugitive Case Management System (FCMS).

**Field Office Director (FOD).** Oversees local implementation of Fugitive Operations-related policy. Meets NFOP performance goals. Sets policy on rotation and placement of FOT members (FOT locations are determined at headquarters). Fully staffs FOT positions; uses NFOP resources and funding solely to advance the NFOP mission.

**Assistant Field Office Director (AFOD).** Provides guidance and oversight to FOT SDDOs. Briefs FOD on FOT operations and concerns. During HQ-driven operations, is the main point of contact with the NFOP.

**FOT Supervisor.** Plans and implements team operations based on guidance and goals set by the NFOP and the FOD. Addresses administrative issues concerning FOT, including performance evaluations, training, leave, and disciplinary actions. Reviews and monitors all FOT processing work: Field Operations Worksheets (FOWs), Enforcement Case Tracking System (ENFORCE), Enforce Alien Removal Module (EARM), Alien-Files (A-Files), and Target Folders. Communicates and monitors compliance with the most recent processing guidance. Provides on-site leadership both in the field and in the office.

**Fugitive Operations Team (FOT).** Comprised of one Supervisory Detention and Deportation Officer (SDDO), four Deportation Officers (DOs), one Immigration Enforcement Agent (IEA), and one Detention and Removal Assistant (DRA), conducts enforcement activities based on the policies set by the NFOP and the FOD.

## Priorities

The FOT Supervisor assigns cases for review and preparation based on the priorities established under "Enforcement Priorities" in the ICE memorandum, "National Fugitive Operations Program: Priorities, Goals, and Expectations," dated December 8, 2009, in descending order of priority, as follows:

Tier 1 (b)(7)(E)

(b)(7)(E)

**(b)(7)(E)**

Tier 2 **(b)(7)(E)**

**(b)(7)(E)**

Tier 3 **(b)(7)(E)**

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For details, see the above-mentioned ICE NFOP memorandum. As priorities may change rapidly, FOT Supervisors should maintain an open dialogue with the NFOP to remain current.

## Training

ICE officers participating in fugitive operations must have successfully completed basic immigration law enforcement training (see 8 CFR 287.1(a)).

All Fugitive Operations Team (FOT) members must successfully complete the Fugitive Operations Training Program (FOTP) within two years of assignment to a FOT, or as soon as the training schedule permits. FOT members must obtain and maintain current certifications in Basic First Aid and Cardiopulmonary Resuscitation. FOT Supervisors will provide all officers participating in a fugitive operation with a copy of this handbook. FOT Supervisors will also provide the Senior Field Training Officer with a signed acknowledgment of receipt of this handbook from each permanently assigned FOT member. The Senior Field Training Officer will add these receipts to the officers' training files.

FOTs will receive Fourth Amendment training approved by the ICE Office of Principal Legal Advisor every six months.

FOT Officers are required to attend and pass all quarterly firearms and tactical qualifications consistent with the ICE Firearms Policy and the ICE Use of Force Policy.

Since officers carry different models of firearms, all team members should familiarize themselves with the weapons carried by other team members. For this reason, a second day of Advanced Firearms Training Exercises is considered a best practice to be adopted by the field offices. FOT Supervisors will work closely with the SFTOs to identify training that will improve the skill sets of FOT members, such as officer survival, emergency medical procedures, defensive tactics, and response coordination.

## **PART 2: Fugitive Operations Team (FOT) Casework**

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### **Case Management**

#### **Docket Management**

The FOT Supervisor should divide the cases among the team in a fair and intelligent manner. Docket management includes the careful review of cases on each fugitive docket. This will lead to a systematic review and proper vetting of all cases.

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<sup>1</sup> Television programs such as Fox Networks "America's Most Wanted"



Proper docket management allows the FOD and FOT Supervisor to track progress made in reducing the fugitive backlog and make adjustments as needed. It also reduces the chances of unnecessary duplication of work. Fugitive cases in each AOR can be identified through EARM as well as with the assistance of the FOSC.

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### A-File Review

FOT members will:

- Verify NFOP case status by conducting **mandatory** checks of the following databases:

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## Administrative Subpoenas

FOT members use Immigration Enforcement Subpoenas (DHS Form I-138) to compel the appearance and testimony of witnesses and the production of books, papers, and documents, consistent with 8 C.F.R. 287.4.

The NFOP collects data on subpoenas from all field offices, including the number of immigration subpoenas requested, the number issued, and the number served. Each FOD must submit these statistics [REDACTED]

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## Referral to the Law Enforcement Service Center (LESC)

By tapping the resources of other law enforcement agencies to help identify, locate, and arrest fugitives [REDACTED]

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*Juveniles*

As with other aspects of operational casework, preparation can solve or at least mitigate many problems. Preparatory planning for every operation should include the possibility that the FOT will encounter a juvenile, i.e., a child under the age of eighteen. Determine the local child protective services (CPS) protocol for referring children.

Involve the Field Office Juvenile Coordinator in the planning process when:

- Surveillance, file review, or any other activity leads you to expect a juvenile encounter during a particular operation; and
- The operation will be large scale.

If it appears that the juvenile(s) involved is a lawful permanent resident (LPR) or U.S. citizen (USC), contact CPS.

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### **Consent**

Because neither a Warrant for Arrest of Alien (I-200) nor an administrative Warrant of Removal (I-205) authorizes you to enter the subject's residence or anywhere else affording a reasonable expectation of privacy, you must obtain voluntary consent before entering a residence. You may not coerce consent. (See "Documentation of Consent in Enter and Search," dated January 19, 2010.)

Consent is involuntary when it is the product of coercion or threat, express or implied. Other factors affecting voluntariness include: an officer's claim or show of authority, prior illegal government action, mental or emotional state of the person, cooperation or lack thereof, and custody. Officers need not advise the subject that consent may be refused, although whether such an advisory is given is a factor in determining the voluntariness of the consent. Do not



enter, search, or remain inside a residence without the consent of a person with apparent authority, who is at least 18 years of age.

When you request and receive consent, use the FOW to record the name of the person giving consent, the time and scope of the consent, and other relevant factors, such as the names of witnesses to the granting of consent. Also record the time you complete the search.

If an arrest is made, provide the consent information in the arrest narrative of the I-213, including the names of any witnesses to the consent.

If consent is denied, document the denial in the FOW, noting that the FOT departed without entering the residence. Likewise, if the FOT must leave the residence because consent is withdrawn before any FOT member sees the target, note the time consent was withdrawn on the FOW.

### **Travel Documents**

Try to obtain a travel document and birth certificate at the time of arrest. If not in plain view or on the alien's person, request consent to search in areas where documents may be found. Verbal consent in the presence of at least one other LEO is acceptable.

### **Vehicle Stops and Pursuits**

FOT members who have completed FLETC vehicle stop training may conduct vehicle stops. Vehicles used to perform these stops must have emergency equipment in compliance with state laws.

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### **Arrests**

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Do not make an arrest at a funeral or other religious ceremony or in a sensitive area (place of worship, day-care center, school, hospital, nursing home, etc.), except under exigent circumstances (see ICE memorandum, "Field Guidance on Enforcement Activities At or Near Sensitive Community Locations," dated July 3, 2008). Arrests to be conducted at an institution of higher learning (community college, university, vocational school, etc.) must have the cooperation of campus authorities. Otherwise, await the target's departure from the campus before making the arrest.

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## Special Considerations for Arrest

Upon arrest, ask the Subject at least these questions:

- Do you have any medical issues or concerns?
  - If so, do you have medication or an assistive device to take with you?
- Do you have any children or other custodial responsibilities?
  - If so, are you the sole caregiver?
- Do you have a travel document?

## Juveniles

Upon encountering a juvenile, the FOT Supervisor or team leader will contact the Field Office Juvenile Coordinator (if not already on-site) for guidance. Regardless of the juvenile's citizenship, the FOT Supervisor or team leader will carefully weigh the circumstances of the encounter in deciding whether to exercise prosecutorial discretion. Discretionary release options include placing the custodial parent(s) or guardian(s) in the Alternatives to Detention (ATD) program; releasing on bond, Order of Recognizance, Order of Supervision, etc.

If uncertain about whether the young person in question is in fact a juvenile, refer the case to the Field Office Juvenile Coordinator.

In every case:

- Identify the parent(s), family member(s), or legal guardian(s) of each juvenile you encounter during an operation—regardless of the juvenile's citizenship. Document all actions taken.
- Obtain complete biographical information of everyone involved, including witnesses. Document this information on case-related forms (e.g., the I-213 and G-166) and databases (e.g., the Case Comments box under the Comments tab in EARM).
- Separate juveniles and family units from unrelated adults (*Flores settlement agreement*).

### *USC/LPR Juveniles*

If the fugitive alien parent or legal guardian asks that you release the USC/LPR juvenile to a specified **third party**, facilitate contact between the fugitive alien and the third party.

- Document the request—preferably in the fugitive alien's own handwriting.
- Verify the identity of the third party through government issued identity cards before releasing the USC/LPR juvenile into that person's care.

If the parent or legal guardian is subject to **mandatory detention** and the parent/legal guardian does not specify a custodial third party, contact CPS to arrange suitable placement of the USC/LPR juvenile.

- Seek guidance from the FOD if local CPS is unresponsive. It may be necessary to coordinate with local law enforcement to complete the transfer.
- If necessary, document the inability of local CPS to take timely custody of the juvenile in memorandum format.
- If the juvenile or any proposed third party caregiver is known or suspected to be involved in criminal activity (for example, trafficking), contact local law enforcement and/or CPS to review the suitability of placement decisions.
- Forward copies of relevant documents to local CPS for further processing.

### Prosecutorial Discretion

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For more information on prosecutorial discretion, see ICE memorandum, "Prosecutorial and Custody Discretion," dated November 7, 2007.

### Post-Operational Debrief

The FOT Supervisor should hold a debriefing session after the enforcement action to address safety issues and evaluate the operation.

## PART 4: Processing Cases

FOTs will follow standard processing procedures for the removal of an alien with a final order (see the CAP/FUGOPS Quick Reference Processing Guide at (b)(7)(E)). FOT Supervisors are responsible for implementing any superseding or additional guidance sent out by the NFOP.

Officers will also update (b)(7)(E) and (b)(7)(E) with criminal activity, case category changes, and case actions. Concisely note the arrest and any special circumstances surrounding the case in the Case Comments box under the Comments tab. If an A-file has to be requested from the National Records Center or another field office, the processing FOT officer will make the request and document it in the A- or T-file and EARM.

Review cases for prosecutability. Present amenable cases to the Assistant U.S. Attorney or refer them to the Violent Criminal Alien Section (VCAS) unit or prosecution officer. An officer will establish a case in TECS and complete a Report of Investigation (ROI). See the [DRO TECS Case Management User Guide](#).

When transferring a case to the detained docket, provide the travel document and birth certificate, if available, and, from the target folder copies of the signed I-205, final order of removal and BIA decisions and any judicial decisions on removal.

Do not place FOWs or investigative paperwork in the A-file. The Field Office must maintain Target Folders indefinitely, pending further guidance.

### Reporting Requirements

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## Exhausted Leads

If all leads are exhausted, as confirmed by the Fugitive Alien Cold Case checklist, generate a Report of Investigation (Form G-166C) and give it to the FOT Supervisor for review. The FOT Supervisor will review the G-166C to verify that all investigative leads have been pursued.

NFOP has initiated a process for handling cold cases (see DRO memorandum, "Designation of Cold Case Fugitive Files," dated September 4, 2009). For information on this program, contact your FOSC staff officer.

## Special Activities

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**Media**

Do not interact with media representatives. Refer media inquiries to the FOD, who will coordinate with the ICE Office of Public Affairs.

Refer requests for "ride-alongs" to the FOD, who will coordinate with the Public Affairs Office, and HQ NFOP. The FOT Supervisor will submit an operational plan and target list to the FOD and HQ NFOP.

Appendix 1: Field Operations Worksheet

**Enforcement and Removal Operations**  
Field Operations Worksheet



U.S. Immigration  
and Customs  
Enforcement

Case Officer:															
Name:					AKA:										
Country of Citizenship:															
File Number:				Sex:			Date of Birth:			Age:					
Height:			Weight:			Eyes:			Hair:						
Complexion:		Scars, Marks and/or Tattoos:													
FBI Number:						Social Security Number:						SID:			
Driver License Number:							Issuing State:								
Vehicles:								Spouse:							
Immigration History		EARM Updated:										EOIR Contacted:			
CIS:		NCIC WP:										IJ DEC/DATE:			
VD Exp Date:		BIA Dec/Date:										VD Exp Date:			
Other Litigation:		Benefits Checks													
		ABC	TPS	Family Unity	NACARA	DED	CAT								
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
<b>CRIMINAL HISTORY</b>										<b>PHOTO</b>					
1.															
2.															
3.															
4.															
5.															
6.															
<b>LAST KNOWN ADDRESS</b>															
Address:															
City:						State:									
Telephone Number:															
Secondary Address:															
Employment:															

**Appendix 1: Field Operations Worksheet**

<b>SITUATION / MISSION / INVESTIGATIVE LEADS</b>
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<b>EQUIPMENT / CLOTHING</b>
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Team:		Officer/Agency:		Officer/Agency:	
		Officer/Agency:		Officer/Agency:	
		Officer/Agency:		Officer/Agency:	
Team:		Officer/Agency:		Officer/Agency:	
		Officer/Agency:		Officer/Agency:	
		Officer/Agency:		Officer/Agency:	

<b>COMMUNICATIONS</b>			
Type:	Channel:	Frequency:	Team/Individual:

<b>LAW ENFORCEMENT NOTIFICATION AND CASE DECONFLICTED (SQ11/SQAD IN TECS)</b>			
Agency:	Name:	Telephone:	
Agency:	Name:	Telephone:	
Agency:	Name:	Telephone:	

<b>EMERGENCY MEDICAL SERVICES/TRAUMA CENTER</b>			
Name:	Telephone:		
Location:			
Name:	Telephone:		
Location:			

Date of Operation:	Time of Operation:	Justification for After Hours Operation:
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Supervisory Concurrence	FOD/DFOD/AFOD Approval
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<b>CONSENT</b>	Name of Consent Provider:	Scope of Consent:	Time Consent Granted:
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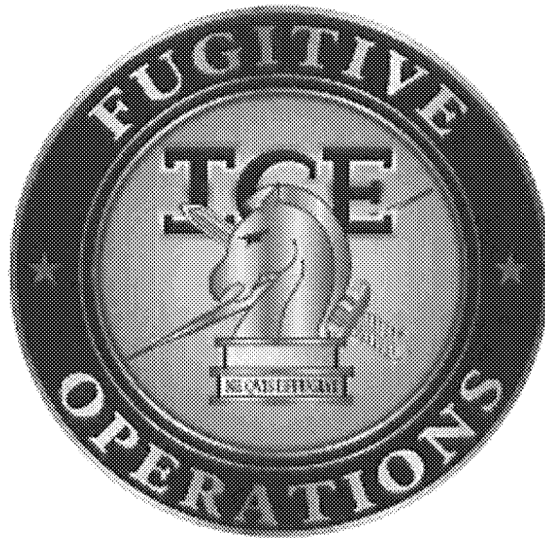
<b>CONSENT</b>	Witness to Consent:	Time Search Completed:	Time If Consent is Withdrawn:
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<b>RESULTS</b>	Date of Arrest:	Location of Arrest:	Additional Information:
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~~XXXX~~ *Field Office*  
Fugitive Operations Team



LIMITED OFFICIAL USE

HEADQUARTERS  
FUGITIVE OPERATIONS PLAN:  
ENFORCEMENT AND REMOVAL OPERATIONS

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FUGITIVE REPORT  
INSTRUCTIONS

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Enforcement and Removal Operations  
Escape Reporting Worksheet



U.S. Immigration  
and Customs  
Enforcement

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## Appendix 6: NFOP Acronym List

AOR	Area of Responsibility
ATD	Alternatives to Detention
BIA	Board of Immigration Appeals
CCF	Cold Case File
CPS	Child Protective Services
DOCC	Detention Operations Coordination Center
EARM	ENFORCE Alien Removal Module
FAR	Fugitive Alien Removal
FCMS	Fugitive Case Management System
FOSC	Fugitive Operations Support Center
FOT	Fugitive Operations Team
FOW	Field Operations Worksheet
HIDTA	High Intensity Drug Trafficking Area Task Force
LEA	Law Enforcement Agency
LESC	Law Enforcement Support Center
LPR	Legal Permanent Resident
NCIC	National Crime Information Center
NFOP	National Fugitive Operations Program
NFTTU	National Firearms and Tactical Training Unit
RAIC	Resident Agent in Charge
SAIC	Special Agent in Charge
USC	United States Citizen
VCAS	Violent Criminal Alien Section