



Homeland Security Investigations

Lure Operations Handbook

HSI HB 15-07 / November 23, 2015



U.S. Immigration
and Customs
Enforcement

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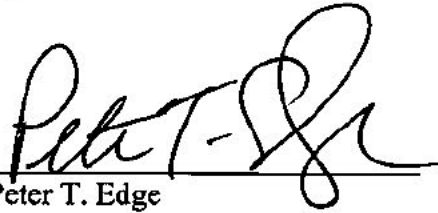
Foreword

The Lure Operations Handbook provides a single source of national policies, procedures, responsibilities, guidelines, and controls to be followed by U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) Special Agents when conducting lure operations involving foreign countries. This Handbook contains instructions and guidance to help ensure uniformity and operational consistency among all HSI field offices. Oversight over the Lure Operations Program within HSI resides with the [REDACTED]

This Handbook supersedes HSI Handbook 11-06, "Lure Operations Handbook," dated October 11, 2011, and all other policy documents on lure operations issued by HSI since October 11, 2011.

The Lure Operations Handbook is an internal policy of HSI. 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, nor are any limitations hereby placed on otherwise lawful enforcement prerogatives of ICE. This Handbook is For Official Use Only (FOUO) – Law Enforcement Sensitive. It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with Department of Homeland Security policy relating to FOUO information and the ICE Directive on Safeguarding Law Enforcement Sensitive Information. This information shall not be distributed beyond the original addressees without prior authorization of the originator. If disclosure of this Handbook or any portion of it is demanded in any judicial or administrative proceeding, the HSI Records and Disclosure Unit, as well as the appropriate ICE Counsel and/or U.S. Attorney, are to be consulted so that appropriate measures can be taken to invoke privileges against disclosure. This Handbook contains information which may be exempt from disclosure to the public under the Freedom of Information Act, Title 5, United States Code, Section 552(b), and protected from disclosure pursuant to the law enforcement privilege. Any further request for disclosure of this Handbook or information contained herein should be referred to the HSI Records and Disclosure Unit.

The HSI Policy Unit is responsible for coordinating the development and issuance of HSI policy. All suggested changes or updates to this Handbook should be submitted to the HSI Policy Unit which will coordinate all needed revisions with the Undercover Operations Unit.


Peter T. Edge
Executive Associate Director
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Date

**LURE OPERATIONS
HANDBOOK**

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LURE OPERATIONS HANDBOOK

Chapter 1. PURPOSE AND SCOPE

The Lure Operations Handbook establishes uniform policy and procedures for U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Special Agents (SAs) when conducting lure operations involving foreign countries. (Note: This Handbook does not pertain to the performance of lures from one judicial district or venue to another within the United States.)

Chapter 2. INTRODUCTION

Lure operations are an extremely useful tool for law enforcement. Without the use of lure operations, certain individuals could not be brought to justice, i.e., individuals involved in criminal activity who reside or seek safe harbor in foreign countries which will not extradite individuals to the United States to stand trial. However, lure operations may involve sensitive and complex legal, foreign policy, or sovereignty issues, and therefore must be closely coordinated and monitored. A number of foreign countries will not extradite a person to the United States if the person's presence in that country was obtained through the use of a lure or other ruse. In addition, some foreign countries may view the lure of a person from their territory as an infringement of their sovereignty. Further, it is important that any cases involving interagency investigative jurisdiction be coordinated with the interested agency or agencies.

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All lure operations, regardless of whether or not the target has been charged criminally (i.e., via complaint, information, or indictment), will be governed by the provisions of this Handbook.

Chapter 3. DEFINITIONS

The following definitions are provided for the purposes of this Handbook:

3.1 Chief of Mission

The Chief of Mission (COM), under the direction of the President of the United States and designated by the Secretary of State, is the principal officer in charge, or the Ambassador, of a

diplomatic mission of the United States or of a U.S. office in a foreign country. The COM is fully responsible for the direction, coordination, and supervision of all U.S. Government employees within the Executive Branch assigned to that diplomatic mission and is informed of their activities and operations.

3.2 Lure

A lure is an operation that utilizes a ruse or subterfuge to entice a person to leave a foreign jurisdiction voluntarily for the purpose of effecting his or her arrest in the United States (including the District of Columbia and the U.S. Commonwealths, Territories and Possessions), in international waters or airspace, or in a third country from which the person may be extradited, expelled, or deported to the United States. The person lured may already be charged with a criminal offense in the United States, or he or she may be charged at the conclusion of the lure after coming to the United States in order to complete or carry out a crime. (b) (7)(E)

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3.3 Lures Involving Sensitive Circumstances

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Chapter 4. AUTHORITIES/REFERENCES

- A. Title 22, United States Code (U.S.C.), Section 3927, “Chief of Mission.”
- B. Department of Justice (DOJ) Executive Office for the United States Attorneys, “Guidance Memorandum about Proposed Lure Operations,” dated November 6, 2000, addressed to all U.S. Attorneys, DOJ Criminal Chiefs, and DOJ International and National Security Coordinators.
- C. United States Attorney’s Manual, Title 9-15.630, Lures.
- D. ICE Directive 10066.1 (former number: 7-3.0), Consular Notification of Detained or Arrested Foreign Nationals, dated February 13, 2006, or as updated.

Chapter 5. RESPONSIBILITIES

5.1 Executive Associate Director, Homeland Security Investigations

The Executive Associate Director (EAD) of HSI is responsible for the oversight of lure operations involving foreign countries, for approving all lure operation requests originating from any HSI office, and for the oversight of the provisions of this Handbook.

5.2 Assistant Director, International Operations

The Assistant Director (AD), International Operations, is responsible for ensuring that the HSI Attachés, or their designees, have been properly notified of the anticipated lure operation and that the HSI Attachés have obtained the concurrence of all COMs whose area of responsibility (AOR) may be affected.

5.3 Deputy Assistant Director, Investigative Services Division

The Deputy Assistant Director (DAD), Investigative Services Division (ISD), is responsible for the implementation of the provisions of this Handbook and for appropriate coordination at HSI Headquarters (HQ).

5.4 Unit Chief, (b) (7)(E)

The Unit Chief, (b) (7)(E) is responsible for providing programmatic support to lure operations initiated by HSI.

5.5 Attachés

(b) (7)(E)



5.6 Special Agents in Charge

Special Agents in Charge (SACs) are responsible for ensuring compliance with the provisions of this Handbook within their respective AORs.

5.7 Special Agents

SAs are responsible for complying with the provisions of this Handbook, including providing proper notification to the target's Embassy after the target has been detained or arrested. (See ICE Directive 10066.1 (former number: 7-3.0), Consular Notification of Detained or Arrested Foreign Nationals, dated February 13, 2006, or as updated).

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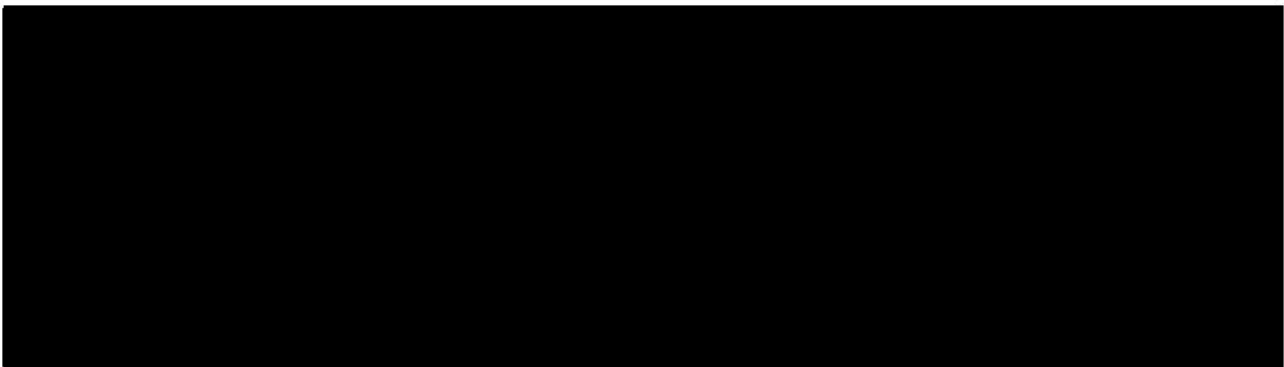
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Chapter 7. INTERNATIONAL FUGITIVE LURES

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Chapter 8. COORDINATION AND NOTIFICATIONS

8.1 Compliance with 22 U.S.C. § 3927, “Chief of Mission”

All lure operations must comply with 22 U.S.C. § 3927, “Chief of Mission,” which states in part that all Executive Branch agencies having employees in a foreign country will keep the COM of that country fully and currently informed of all activities and operations of their employees in that country. A lure operation may not commence without concurrence from all COMs whose AORs may be affected. For example, luring a citizen of the People’s Republic of China from Vietnam to Singapore would require the concurrence of the COMs in the People’s Republic of China, Vietnam, and Singapore.

8.2 Coordination with the U.S. Attorney's Office and DOJ's Office of International Affairs

All lure operation proposals must be coordinated with the appropriate AUSA. The SA will provide the AUSA with all information relating to the lure operation. (Note: Even though, in exigent circumstances, the lure proposal may be handled telephonically, the SA must always submit the lure proposal in writing and as far in advance of the proposed operation as possible, even if this occurs after the initial telephonic coordination.) The AUSA will determine if the proposed operation meets the definition of a lure. In the event that the AUSA determines that a proposed operation does not meet the definition of a lure, but the proposing HSI office disagrees, the proposing HSI office should contact the Unit Chief, [REDACTED] for additional consultation and guidance. (Note: The Unit Chief, [REDACTED] will consult with the Criminal Law Section (CLS) in the Office of Principal Legal Advisor (OPLA), as necessary.)

Once the AUSA agrees to proceed with the lure request, he or she will be responsible for coordinating with the appropriate DOJ components or officials. DOJ policy requires AUSAs to submit all lure operation proposals to DOJ OIA for analysis and advice and to make a determination as to whether to authorize the lure. In particularly sensitive cases, DOJ OIA will refer the matter to a Deputy Assistant Attorney General (DAAG) in the Criminal Division for a decision. Once DOJ OIA or the DAAG make a decision, DOJ OIA will communicate the decision to the requesting AUSA.

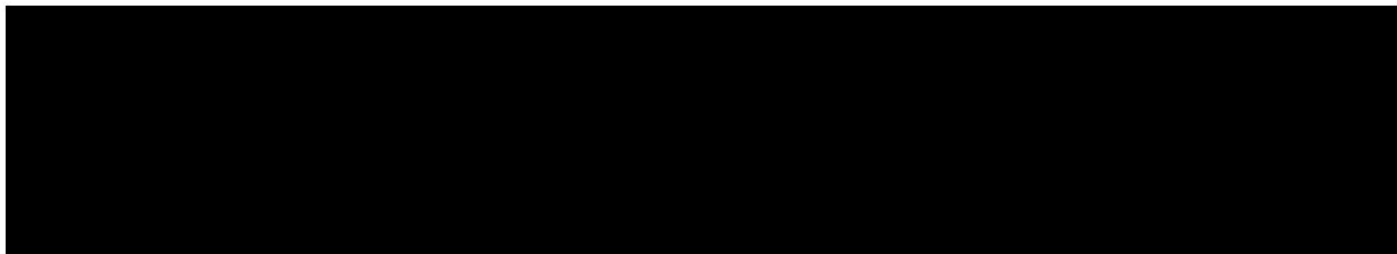
8.3 Notification of the HSI Attaché

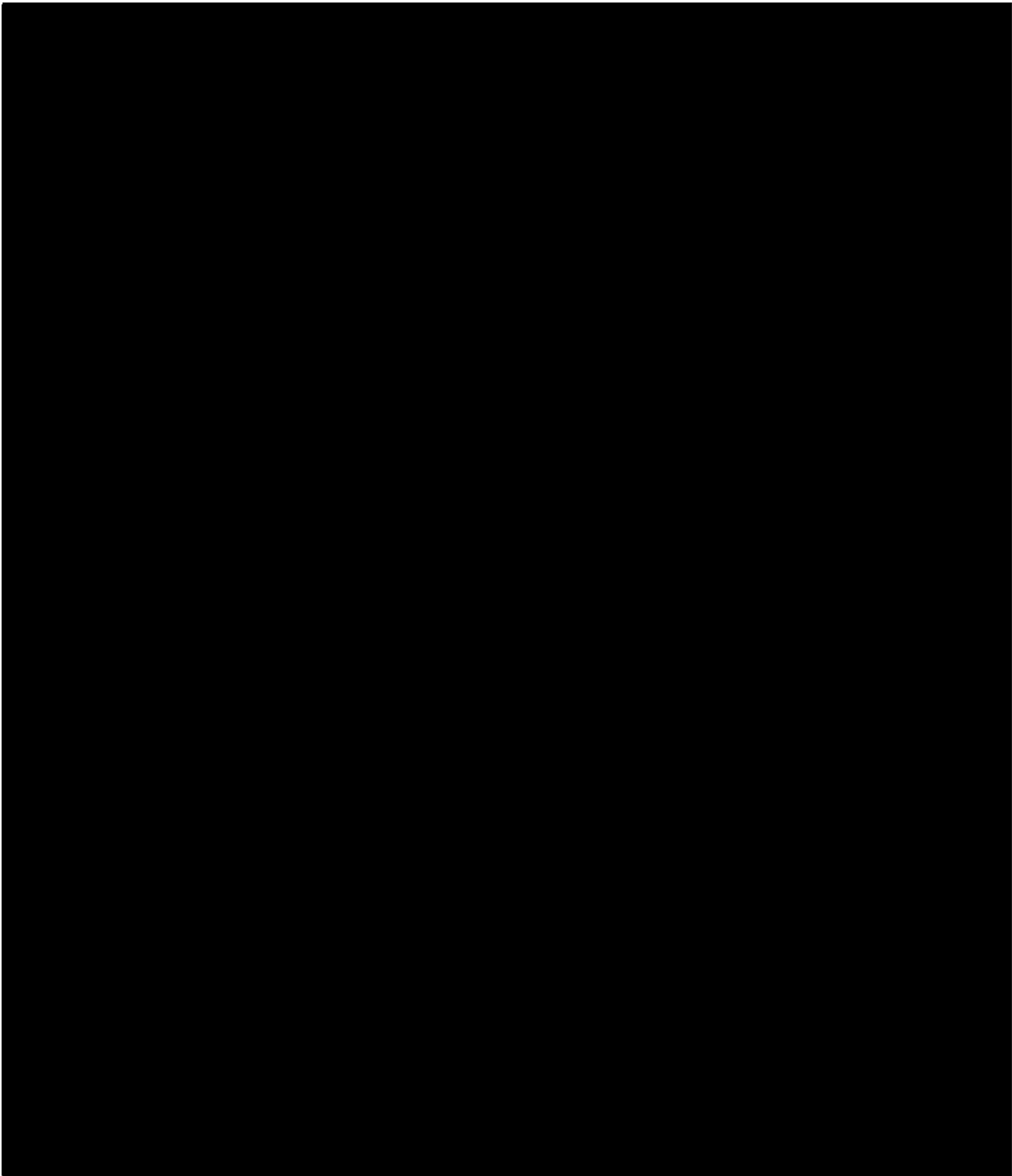
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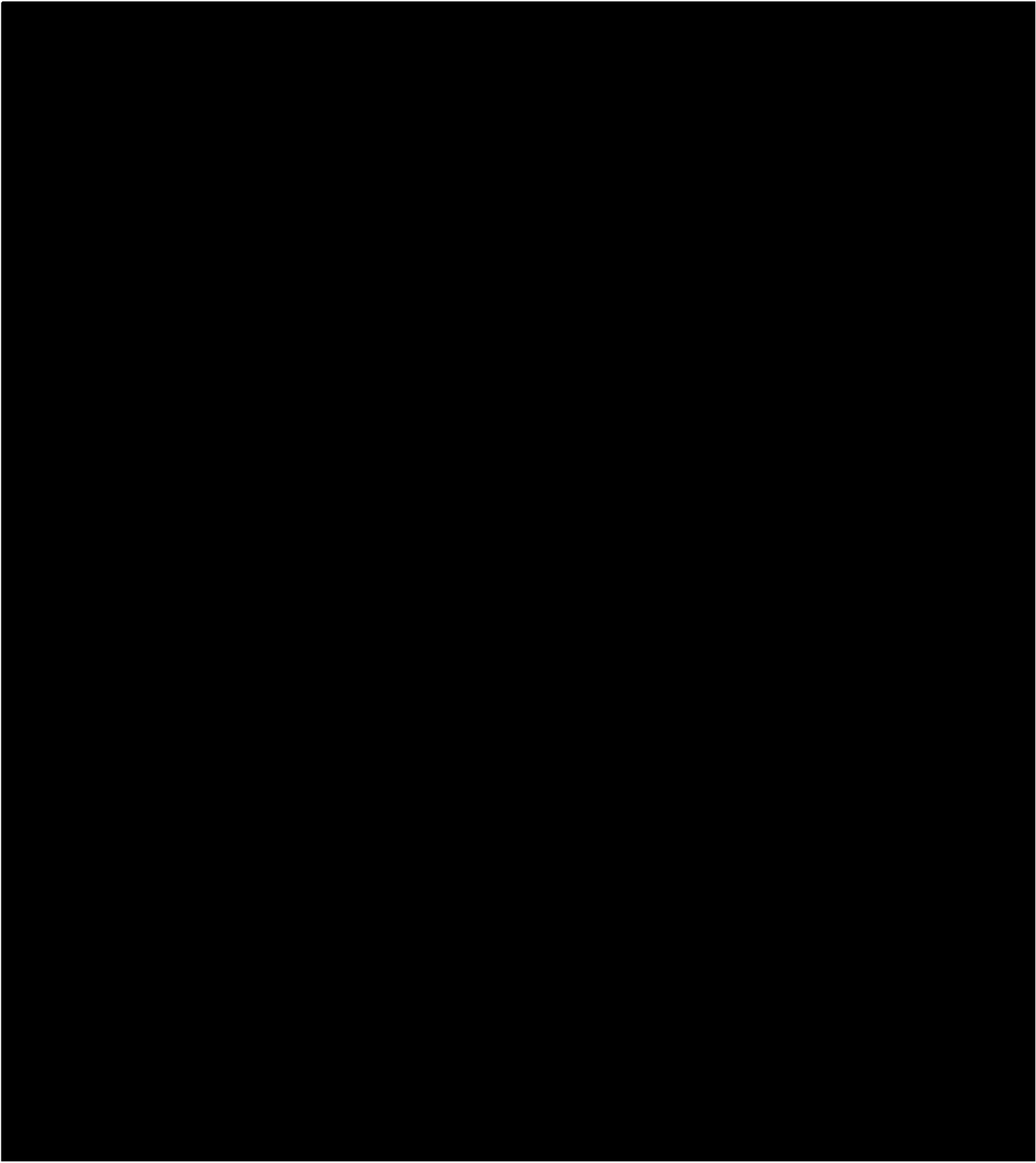


8.4 Notification and Concurrence of Appropriate Parties at Post

It is recommended that, if there is a DOJ Attaché who has been assigned responsibility for the specific country, the HSI Attaché notify and consult with the DOJ Attaché before seeking COM concurrence. If the COM requires that the DOJ Attaché provide his or her concurrence, the HSI Attaché will obtain it. The HSI Attaché will seek concurrence from the appropriate COM(s) using the procedure established at the Embassy(ies).







Chapter 10. DISPUTE RESOLUTION

10.1 Objections within HSI

If there are any objections to a proposed lure operation by any HQ stakeholders, the final determination as to whether to approve the lure operation proposal will be made by the EAD of HSI. (Note: CLS in OPLA may be consulted by HSI at any time on the subject of lures.)

10.2 Objections by External Agencies

If there is a disagreement between the COM and/or DOJ OIA and HSI over whether the lure should occur, the appropriate HSI office which has knowledge of the disagreement must refer it to the DAD of ISD at HQ for coordination of the dispute resolution between the agencies prior to initiation of the lure operation, and for consultation with CLS in OPLA. Lure operations cannot be conducted if any of the above-mentioned parties has objections that cannot be resolved.

Chapter 11. TIME LIMITS AND OPERATIONAL CHANGES

(b) (7)(E)

11.2 Operational Changes

If there are significant operational changes to the proposed lure operation such as the countries involved, a new proposal must be submitted.

Chapter 12. NOTIFICATIONS

12.1 Notification to Arrested Target's Embassy or Consulate

In accordance with Section 6.1 of ICE Directive 10066.1 (former number: 7-3.0), "Consular Notification of Detained or Arrested Foreign Nationals," dated February 13, 2006, or as updated, "all ICE officers must comply with the mandatory notification of foreign consulates following

the arrest ... of a foreign national by ICE, regardless of the latter's request." Therefore, after the foreign national target has been arrested, the case agent has the responsibility of notifying the arrested target's embassy or consulate.

12.2 Notification of the Results of the Lure Operation


The requesting SAC responsible for the lure operation must submit a memorandum to the DAD of ISD, through the AD of Domestic Operations, the AD of Investigative Programs, the AD of International Operations, and the AD of the affected HSI Assistant Directorate as stated in Section 9.6, outlining the results of the approved lure operation within 5 business days of the conclusion of the lure operation.

Lure Request Memorandum Template

(b) (7)(E)

~~LAW ENFORCEMENT SENSITIVE~~

ACRONYMS

AD	Assistant Director
AOR	Area of Responsibility
AUSA	Assistant United States Attorney
CI	Confidential Informant
CLS	Criminal Law Section
COM	Chief of Mission
DAAG	Deputy Assistant Attorney General
DAD	Deputy Assistant Director
DOJ	Department of Justice
EAD	Executive Associate Director
FOUO	For Official Use Only
HB	Handbook
HQ	Headquarters
HSI	Homeland Security Investigations
ICE	U.S. Immigration and Customs Enforcement
ISD	Investigative Services Division
OI	Office of Investigations
OIA	Office of International Affairs
OPLA	Office of the Principal Legal Advisor
SA	Special Agent
SAC	Special Agent in Charge
	
U.S.C.	United States Code