



Homeland Security Investigations

Criminal Gangs Investigations Handbook

HSI HB 18-03 / August 13, 2018



U.S. Immigration
and Customs
Enforcement

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Foreword

The Criminal Gangs Investigations 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 and Task Force Officers when conducting investigations related to criminal gangs. The guidance contained in this Handbook will ensure uniformity and consistency among all HSI field offices. Oversight over the National Criminal Gangs Program resides with the National Gang Unit.

The Criminal Gangs Investigations Handbook is the originating and establishing Handbook on this issue. It supersedes the documents listed in Appendix C and any other policy documents on criminal gangs issued by the former U.S. Customs Service, the former U.S. Immigration and Naturalization Service, the former ICE Offices of Investigations, Intelligence, or International Affairs, or by HSI prior to the date of issuance of this Handbook.

The Criminal Gangs Investigations Handbook is an internal policy of HSI. It is not intended, 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, should 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 requests 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 National Gang Unit.



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8/13/18
Date

**CRIMINAL GANGS INVESTIGATIONS
HANDBOOK**

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CRIMINAL GANGS INVESTIGATIONS HANDBOOK

Chapter 1. PURPOSE AND SCOPE

The Criminal Gangs Investigations Handbook establishes policy and procedures for U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Special Agents (SAs) and Task Force Officers (TFOs) when investigating criminal gangs within the scope of their authority.

Chapter 2. INTRODUCTION

2.1 The National Gang Unit

As designated in the “ICE Lines of Authority” Directive (ICE Policy Number: 1048.2), dated March 10, 2017, or as updated, HSI is responsible for overseeing the investigation of domestic, transnational, and international criminal activities. This includes investigating and, where appropriate, referring for prosecution any criminal violation of federal law relating to, among others, gangs or criminal syndicates engaged in criminal activity. The National Gang Unit (NGU) plays a critical role in ICE’s mission to combat transnational criminal gangs.

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2.2 Mission

Ensuring public safety is among HSI’s most important missions, and combatting transnational criminal gangs is an integral part of that mission. Gang-related crime, including murder, kidnapping, extortion, home invasion, witness intimidation, and other violent acts, continues to remain a clear and present threat to communities in the United States.

HSI SAs are uniquely qualified to combat transnational criminal gangs through their broad statutory criminal authorities and civil immigration enforcement authority, which provides SAs with the ability to prevent violent criminal acts by immediately removing dangerous gang members from the communities. These two authorities are complementary and, when utilized properly, HSI's criminal and civil immigration enforcement authorities maximize HSI's ability to positively impact public safety.

2.3 Operation Community Shield

In 2005, ICE initiated Operation Community Shield (OCS), an international law enforcement initiative that combines HSI's expansive criminal and civil immigration enforcement authorities to combat the growth and proliferation of transnational criminal gangs, including street gangs, prison gangs, and outlaw motorcycle gangs, throughout the United States. With assistance from other federal, state, local, and foreign law enforcement partners, OCS helps HSI locate, investigate, prosecute, and, where applicable, remove gang members from communities and ultimately from the United States. (Note: OCS is an umbrella term for the HSI gang programmatic area and the primary platform for NGU initiatives.)

Chapter 3. DEFINITIONS AND GANG MEMBERSHIP IDENTIFICATION

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

3.1 Gang¹

A gang is a group, club, organization, or association of three or more individuals whose members collectively identify themselves by adopting a group identity which they use to create an atmosphere of fear or intimidation, frequently by employing one or more of the following:

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The gang's primary purpose, in part, is to engage in a pattern of criminal activity; its members engage in criminal activity or in acts of juvenile delinquency that, if committed by an adult, would be crimes, with the intent to enhance or preserve the gang's power, reputation, or economic resources, often through violence or intimidation.

The gang may also possess some or all of the following characteristics:

¹ See Section I of Appendix A for more information.

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3.2 Transnational Criminal Gang

A transnational criminal gang is defined as one that, in addition to the criteria set forth in Section 3.1 above, possesses at least one of the following criteria:

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The citizenship and nationality of gang members/associates are not the sole factors in determining whether a gang is transnational in nature. SAs should prioritize all transnational criminal gangs, utilizing their broad criminal and/or civil immigration enforcement authorities.

3.3 ICE Gang Membership Identification Criteria²

A gang member is an individual who admits to gang membership or has been convicted of violating Title 18, United States Code (U.S.C.), Section 521 or any other federal or state law criminalizing or imposing civil penalties for gang-related activity.

If an individual does not self-admit or have a gang-related conviction, the following criteria should be used, with one of at least two criteria (for gang members and gang leaders) having occurred within the previous 5 years:

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² See Section II of Appendix A for more information.

(b) (7)(E)

(Note: An individual's proclamation denying gang membership should have no bearing on an SA's determination of the individual's gang affiliation.)

3.4 Gang Member

A gang member is an individual who admits to being in a gang or who has a gang-related conviction. A gang member may also be an individual who exhibits two or more of the "ICE Gang Membership Identification Criteria" with at least one having occurred within the previous 5 years (see Section 3.3 above and Section II of Appendix A).

Admission or a gang-related conviction are the only criteria that do not require a second criteria listed in the "ICE Gang Membership Identification Criteria."

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3.5 Gang Associate

A gang associate is an individual who has exhibited one of the "ICE Gang Membership Identification Criteria" within the previous 5 years (see Section 3.3).

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3.6 Gang Leader

A gang leader is a gang member who holds a leadership position in the gang and directs the gang's criminal and/or recruitment activity in furtherance of the gang's criminal goals.

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3.7 No Gang Involvement

For the purposes of this Handbook, if an arrested individual does not exhibit any of the "ICE Gang Membership Identification Criteria," the individual is determined to have no gang involvement (see Section II of Appendix A).

(b) (7)(E)

3.8 Proper Documentation of Gang Membership

Proper documentation of the gang membership criteria met by an individual is critical for judicial matters – criminal and immigration removal proceedings. As law enforcement officers (LEOs), SAs can document an individual as a gang leader, member, or associate, provided that there are articulable facts to substantiate the gang membership criteria that have been met.

If intended for use in immigration or criminal proceedings, SAs should only use documents that are admissible in court, acknowledging that, once admitted, this documentation will be made available to the respondent/defendant and his or her counsel, if represented.

It is the responsibility of the documenting SA to:

- A. Identify the gang membership criteria met by the individual (see Section II of Appendix A)

AND

- B. Provide clear, concise, and articulable facts that substantiate the assignment of each gang membership criteria to the individual.

Since this documentation will be used in criminal and/or immigration removal proceedings, SAs must document each gang membership criteria met and substantiating facts in the corresponding ICM Report of Investigation (ROI) and in the narrative section of DHS Form I-213, "Record of Deportable/Inadmissible Alien," when completing the individual's booking and enrollment into the Enforcement Integrated Database Arrest Graphic User Interface for Law Enforcement (EAGLE). To avoid any discrepancies, it is recommended that the exact same narrative be used for the ICM ROI and the narrative section of DHS Form I-213. Additionally, any information used to justify a criterion (b) (7)(E) should be included in the investigative case folder, Alien Registration File (A-File), uploaded into the individual's ICM subject record via the "Media" tab, etc.

Although meeting two of the membership criteria is sufficient for an individual to be designated as a gang member, the more criteria are documented in the ICM ROI and the narrative section of DHS Form I-213, the more the government will be able to dispel any potential contest of gang membership designation by individuals.

Examples:

- A. On March 8, 2018, the individual admitted to SA (b) (7)(E) that he or she is a member of La Mara Salvatrucha (MS-13). Additionally, the individual has been seen displaying gang signs/symbols. Please see the attached Facebook photographs.
- B. On April 7, 2018, New Jersey State Police Detective (b) (7)(E) observed the individual flashing gang signs. Additionally, the individual has been arrested with other gang members on two or more occasions. Please see the attached police reports.

In cases involving an allegation of gang membership or association to be presented by the ICE Office of the Principal Legal Advisor's Offices of the Chief Counsel before the U.S. Department of Justice (DOJ)'s Executive Office for Immigration Review (EOIR) Immigration Courts or to be prosecuted by a United States Attorney's Office (USAO) in federal court, it is advisable for SAs to submit a comprehensive DHS Form I-213, ICM ROI, or other written documentation, supported by a Respondent-specific evidence packet.

If SAs are using partner agency information to substantiate gang membership, they must ensure that the partner agency supplying the information provides permission for their documents to be used in criminal and/or immigration removal proceedings. In some instances, a subpoena (grand jury or criminal) must be utilized to enter the gang membership information as evidence in the aforementioned proceedings.

3.9 Gang Training

3.9.1 Street Gang Investigations and Tactical Considerations Course

In coordination with the HSI Academy at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, NGU conducts annual advanced training for SAs and HSI TFOs assigned to Gang/Public Safety/Community Shield Groups.

The Street Gang Investigations and Tactical Considerations (SGITC) course taught at FLETC provides SAs and TFOs with gang identification training, case studies presented by the investigating SAs, prosecutorial strategies, etc. These announcements are sent out via Broadcast Messages. (Note: SAs and TFOs should consult with their local Field Training Program Manager for additional information regarding availability.)

3.9.2 Gang Identification Training

Additional details about gang identification can be found in the “Gang Identification Training” course on the DHS Performance and Learning Management System (PALMS). NGU recommends that all SAs complete this training course.

Chapter 4. AUTHORITIES/REFERENCES

4.1 Customs Officer and Immigration Officer Authorities

The Homeland Security Act of 2002, in conjunction with the Department of Homeland Security Reorganization Plan of November 25, 2002, and the Reorganization Plan Modification for the Department of Homeland Security of January 30, 2003, authorizes HSI SAs to perform the duties provided to them by law and regulation. Through this legal framework and corresponding delegation orders, the law enforcement authorities granted to customs officers (19 U.S.C. § 1589a and Title 19, Code of Federal Regulations (C.F.R.), Parts 161-162), and to immigration officers (8 U.S.C. § 1357 and 8 C.F.R. § 287.5) were transferred to HSI SAs, authorizing them to perform a number of duties, including, but not limited to, conducting investigations of offenses against the United States; conducting searches without warrant at the border, its functional equivalent, or the extended border; conducting inquiries related to alienage and removability; executing and serving search or arrest warrants; serving subpoenas and summonses; administering oaths; making arrests without warrant; requiring and receiving information relating to offenses; and bearing firearms.

4.2 References

- A. ICE Directive (Policy Number: 1048.2), “ICE Lines of Authority,” dated March 10, 2017, or as updated.
- B. ICE Memorandum (Policy Number: 10082.1), “Use of Public and Non-Public Online Information,” dated June 28, 2012, or as updated.
- C. HSI Handbook (HB) 12-03, “Informants Handbook,” dated August 2, 2012, or as updated.
- D. Office of Investigations (OI) HB 08-04, “Undercover Operations Handbook,” dated April 14, 2008, or as updated.
- E. OI HB 08-02, “Case Management Handbook,” dated February 1, 2008, 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 the policies and procedures set forth in this Handbook.

5.2 Deputy Assistant Director, Illicit Trade, Travel, and Finance Division

The Deputy Assistant Director, Illicit Trade, Travel, and Finance Division, is responsible for ensuring the implementation of the provisions of this Handbook within HSI.

5.3 Unit Chief, National Gang Unit

The NGU Unit Chief is responsible for the implementation of the provisions of this Handbook within HSI. More specifically, the NGU Unit Chief is responsible for programmatic oversight of all HSI investigative activities associated with criminal gang investigations and for managing OCS, Specialized Urban Response Gang Enforcement (SURGE) operations, and criminal gang investigations.

5.4 Special Agents in Charge and Attachés

Special Agents in Charge (SACs) and Attachés are responsible for implementing the provisions of this Handbook within their respective AORs.

5.5 Group Supervisors

Group Supervisors are responsible for ensuring that SAs and other personnel assigned to their HSI Gang/Public Safety/Community Shield Groups comply with the provisions of this Handbook.

5.6 Special Agents and Task Force Officers

SAs and TFOs are responsible for complying with the provisions of this Handbook.

Chapter 6. INVESTIGATIVE STRATEGIES

6.1 Targeting Priorities

(b) (7)(E)



(b) (7)(E)



6.2 Disruption

A disruption occurs when the usual operation of an identified organization is significantly impacted so that it is temporarily unable to conduct criminal operations.

(b) (7)(E)



6.3 Dismantlement

A dismantlement occurs when an identified organization is incapacitated to the point that it is no longer capable of operating as a coordinated criminal enterprise.

The ultimate goal of investigating transnational criminal gangs is the dismantlement of the entire network and organization through federal and/or state prosecutions. (Note: The federal statutes discussed in Sections 6.6-6.9 can greatly assist in dismantling criminal gangs.)

Though designed to be disruptions, SURGE operations and disruption enforcement activities can facilitate larger investigations that can lead to successful dismantlements.

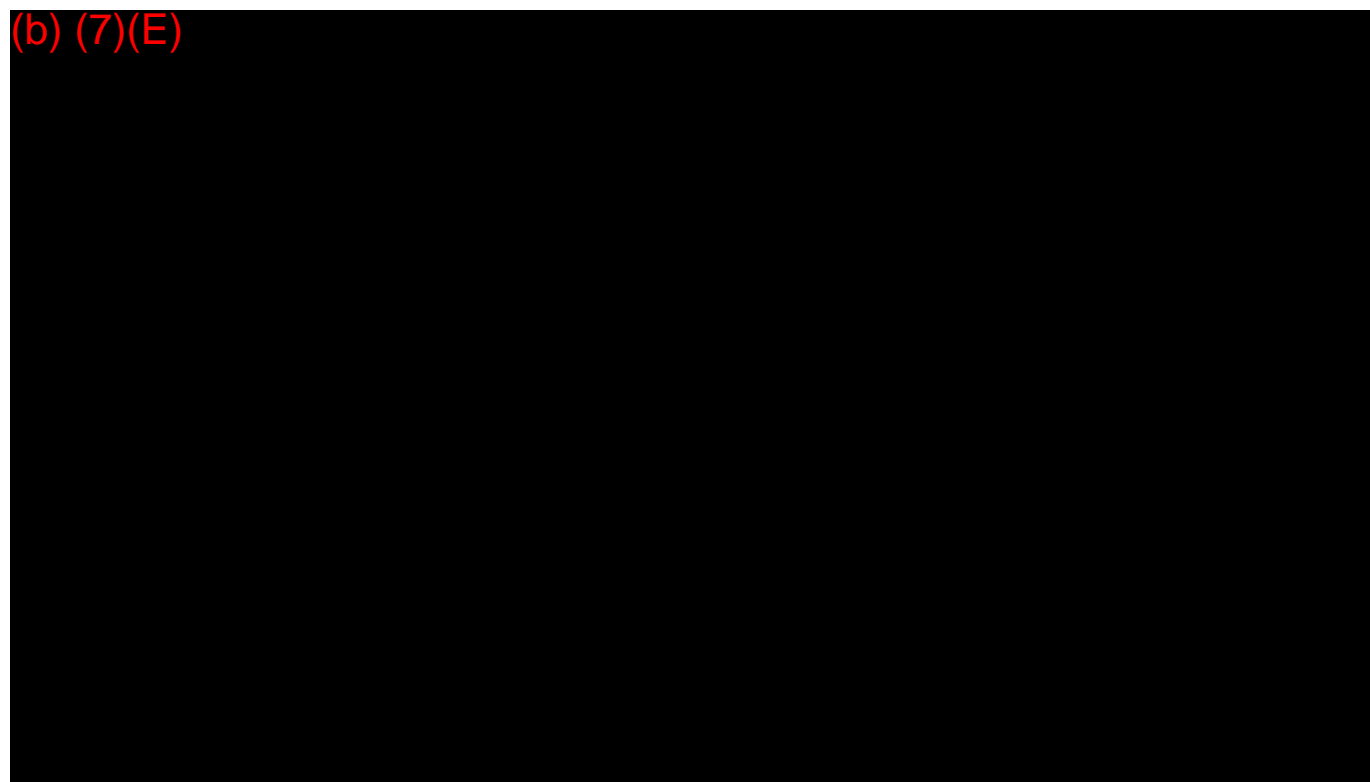
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6.5 (b) (7)(E)

(b) (7)(E)



(b) (7)(E)

6.6 Racketeer Influenced and Corrupt Organizations Act

A. Enactment of the Racketeer Influenced and Corrupt Organizations Act (RICO)

The RICO Act, 18 U.S.C. §§ 1961-1968, was enacted on October 15, 1970, as Title IX of the Organized Crime Control Act of 1970. *See* Pub. L. No. 91-452, 84 Stat. 941 (1970). RICO provides severe criminal and civil penalties for individuals who engage in a “pattern of racketeering activity” or “collection of an unlawful debt” and who have a specified relationship to an “enterprise” that affects interstate or foreign commerce.

B. RICO Elements

In a criminal prosecution, the U.S. Government must prove the following RICO elements beyond a reasonable doubt:

- 1) Existence of an enterprise (*can be association-in-fact*);

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- 2) The enterprise engaged in, or its activities affected, interstate or foreign commerce (*only a de minimis effect on interstate or foreign commerce need be demonstrated*);

(b) (7) (E)

(b) (7)(E)



D. Racketeering Activity

Under 18 U.S.C. § 1961, “racketeering activity” can consist of specified state and/or federal offenses, including, but not limited to, the following (see 18 U.S.C. § 1961 for a complete list of “racketeering activity”):

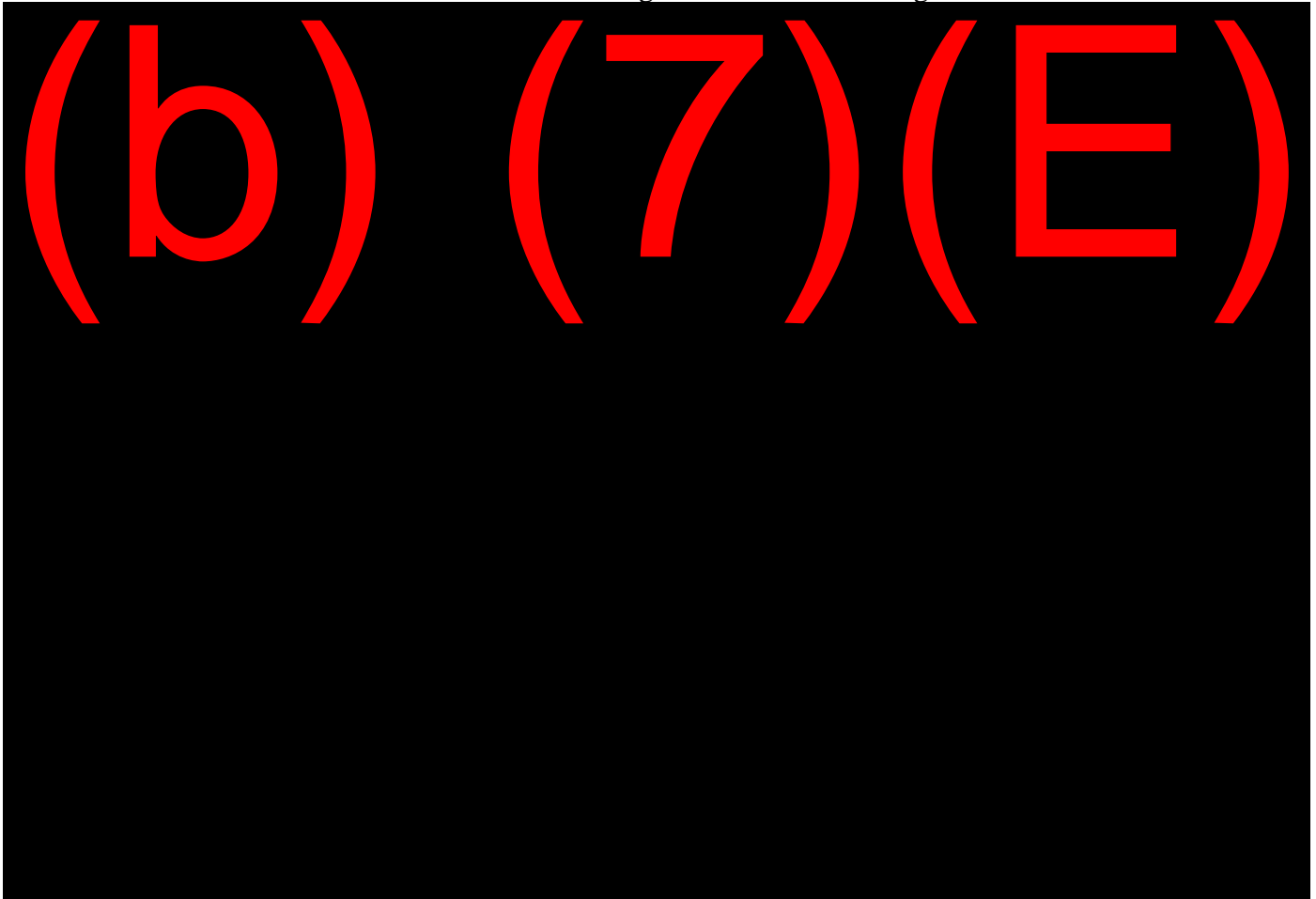
- 1) State offenses punishable by imprisonment for more than 1 year, including:
 - a) Murder;
 - b) Kidnapping;
 - c) Robbery;
 - d) Extortion;
 - e) Dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act); and
 - f) Conspiracy.
- 2) Federal offenses, including, but not limited to, 18 U.S.C. §§:
 - a) 1341 (mail fraud);
 - b) 1343 (wire fraud);
 - c) 1344 (financial institution fraud);
 - d) 1503 (obstruction of justice);
 - e) 1510 (obstruction of criminal investigations);
 - f) 1511 (obstruction of state or local law enforcement);
 - g) 1512 (tampering with a witness, a victim, or an informant);
 - h) 1513 (retaliating against a witness, a victim, or an informant);
 - i) 1951 (interference with commerce, robbery, or extortion);
 - j) 1952 (racketeering);
 - k) 1956 (laundering of monetary instruments);

- l) 1957 (engaging in monetary transactions in property derived from specified unlawful activity);
- m) 1958 (use of interstate commerce facilities in the commission of murder-for-hire);
- n) 1960 (illegal money transmitters); and
- o) any offense involving the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance or listed chemical (as defined in Section 102 of the Controlled Substances Act) punishable under any law of the United States.

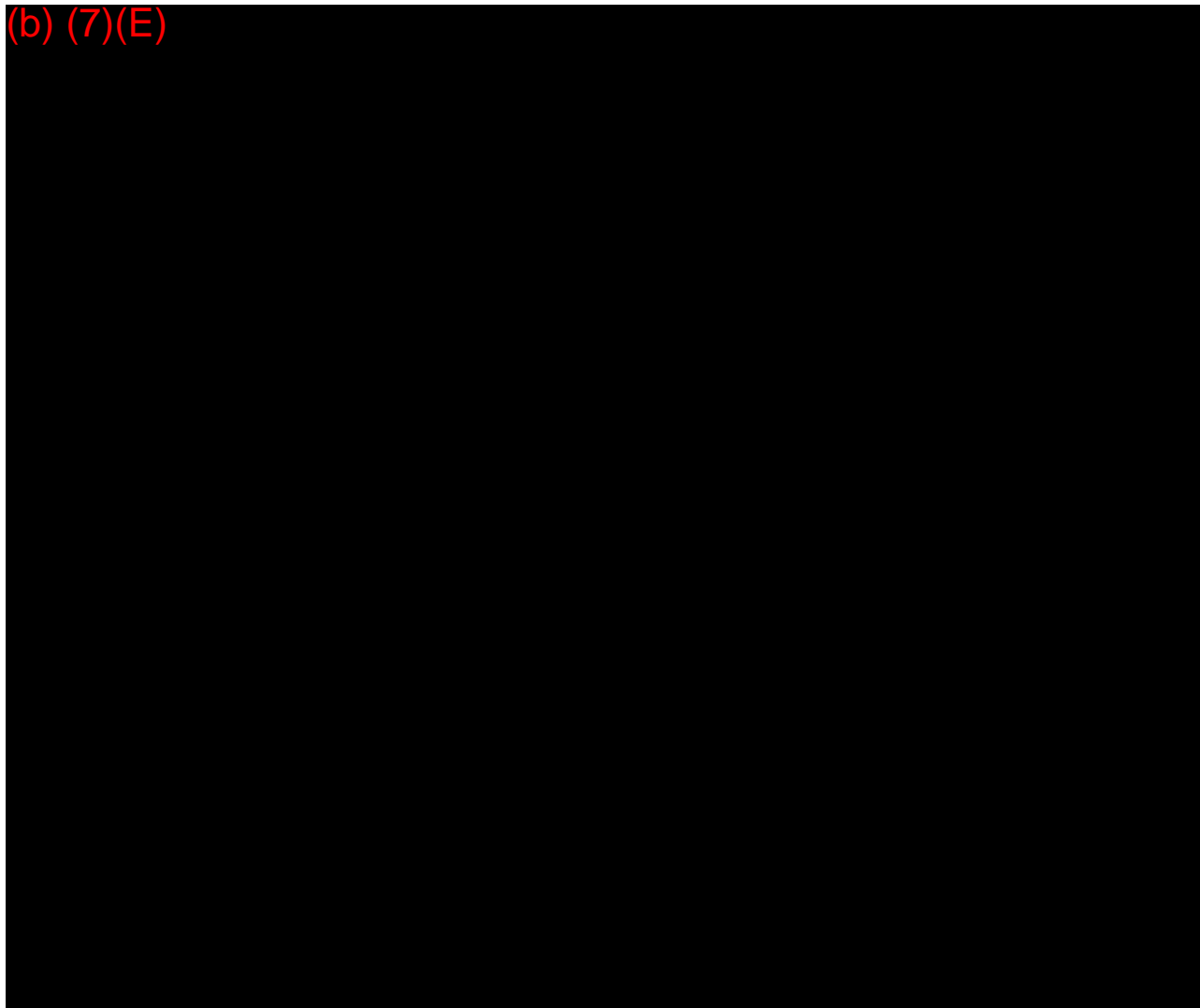
6.7 RICO Conspiracy

RICO Conspiracy, 18 U.S.C. § 1962(d), does not require the U.S. Government to prove that each defendant personally participated in a racketeering act (or even in an overt act) in support of the conspiracy. The U.S. Government need only prove that the defendant agreed that a conspirator would commit at least two racketeering acts in the conduct of the affairs of the enterprise.

HSI SAs involved in RICO cases should be cognizant of the following:



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6.8 Violent Crimes in Aid of Racketeering

The VICAR statute, 18 U.S.C. § 1959, makes it a crime to:

- A. Commit murder, kidnap, maim, assault with a dangerous weapon, assault resulting in serious bodily injury upon,

OR

- B. Threaten, attempt, or conspire to commit a crime of violence against any individual in violation of the laws of any state or the United States, in return for anything of pecuniary (monetary) value from an enterprise engaged in racketeering activity, or for the purpose of gaining entrance to or maintaining or increasing a position in such an enterprise.

(b) (7)(E)

6.9 Hobbs Act

The Hobbs Act, 18 U.S.C. § 1951, makes it a crime to, in any way or degree, obstruct, delay, or affect interstate or foreign commerce, or the movement of any article or commodity in commerce, by robbery or extortion, or to attempt or conspire to do so, or commit or threaten physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section and provides for a fine or imprisonment for not more than 20 years, or both.

(b) (7)(E)

6.10 Leveraging Financial Authorities

More stringent federal laws against money laundering, along with anti-money laundering measures adopted by traditional financial institutions, have forced criminal organizations, including transnational criminal gangs, to shift the movement of their illicit proceeds outside of the established financial industry. To avoid the scrutiny of law enforcement, these criminal organizations increasingly employ non-traditional methods to move funds, including through the use of bulk cash smuggling and money remittances.

The enactment of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) (Pub. L 107-56) criminalized the international smuggling of bulk cash under 31 U.S.C. § 5332. This bulk cash smuggling statute makes it a crime for anyone to knowingly conceal more than \$10,000 and transport or transfer, or attempt thereof, the currency or monetary instruments into or out of the United States.

In October 2012, HSI worked with the U.S. Department of the Treasury to designate MS-13 as a Transnational Criminal Organization. As a result of the designation, any property or property interests in the United States, or in the possession or control of U.S. persons in which MS-13 has an interest, are blocked. In addition, subject to 50 U.S.C. § 1705, U.S. persons are prohibited from engaging in transactions with MS-13 and are subject to civil monetary penalties up to \$250,000 and imprisonment up to 20 years.

The following are additional financial statutes SAs can use when targeting criminal gangs:

- A. 18 U.S.C. § 1952, Interstate and Foreign Travel or Transportation in Aid of Racketeering Enterprises;
- B. 18 U.S.C. § 1956, Laundering of Monetary Instruments;
- C. 18 U.S.C. § 1957, Engaging in Monetary Transactions in Property Derived from Specified Unlawful Activity;
- D. 18 U.S.C. § 1960, Prohibition of Unlicensed Money Transmitting Businesses; and
- E. 50 U.S.C. § 1705, Violation of Executive Order

Chapter 7. DATA ANALYSIS AND DEPLOYMENT OF TECHNOLOGY

7.1 Exploiting Communications

(b) (7)(E)



(b) (7)(E)



7.2 Social Media

(b) (7)(E)



7.3 Mobile Forensic Tools

(b) (7)(E)



administrative proceedings, NGU recommends that all SAs utilizing mobile forensic tools attend relevant training provided by the Computer Forensics Unit.

7.4

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)



7.5

(b) (7)(E)

(b) (7)(E)



7.6 HSI Forensic Laboratory

The HSI Forensic Laboratory (HSI-FL) is capable of processing latent print evidence, and HSI-FL Fingerprint Examiners can draw on administrative fingerprint databases that may not be available to other crime laboratories. HSI-FL also specializes in the examination and

authentication of both U.S. and foreign identification documents which can be critical in providing court testimony in identity fraud and counterfeiting cases. The evidence processing capabilities available in HSI may strengthen evidence used in both gang investigations and administrative proceedings.

Chapter 8. LAW ENFORCEMENT PARTNERSHIPS

8.1 Operation Community Shield Task Forces

Since the creation of OCS in 2005, several OCS Task Forces have been established in HSI offices across the nation and the world. Through these OCS Task Forces, HSI is able to leverage its extensive investigative authority through partnerships with the state and local authorities who have more periodic interactions with gang members and associates. These regular interactions result in the collection of significant amounts of intelligence on which SAs are able to capitalize. By combining resources, joint investigations between SAs and their law enforcement partners allow for the use of additional investigative methods, force multiplication, utilization of state and local informants, and added jurisdictional opportunities (i.e., state search and arrest warrants).

HSI utilizes approximately 2,000 TFOs nationwide as a force multiplier. 19 U.S.C. § 1401(i) provides a mechanism for HSI to designate federal, state, local, and foreign LEOs as “Customs Officers.” The unique resources and subject matter expertise of these officers complement HSI investigations to effectively combat transnational crime, including criminal gangs. Cross-designated LEOs harness their invaluable experience with this unique federal authority to collectively enhance joint investigations of narcotics smuggling, money laundering, and fraud-related activities that disrupt and dismantle criminal organizations. With this authority, cross-designated LEOs have the ability to execute and serve arrest warrants, subpoenas, and summonses in compliance with customs laws.

8.2 Organized Crime Drug Enforcement Task Force

The Organized Crime Drug Enforcement Task Force (OCDETF) identifies, disrupts, and dismantles the most serious drug trafficking and money laundering organizations. OCDETF is the centerpiece of the Attorney General’s drug supply reduction strategy, and focuses its resources on coordinated, nationwide investigations targeting the entire infrastructure of major drug trafficking organizations. As a result, OCDETF designated investigations can receive increased support through funding and other resources.

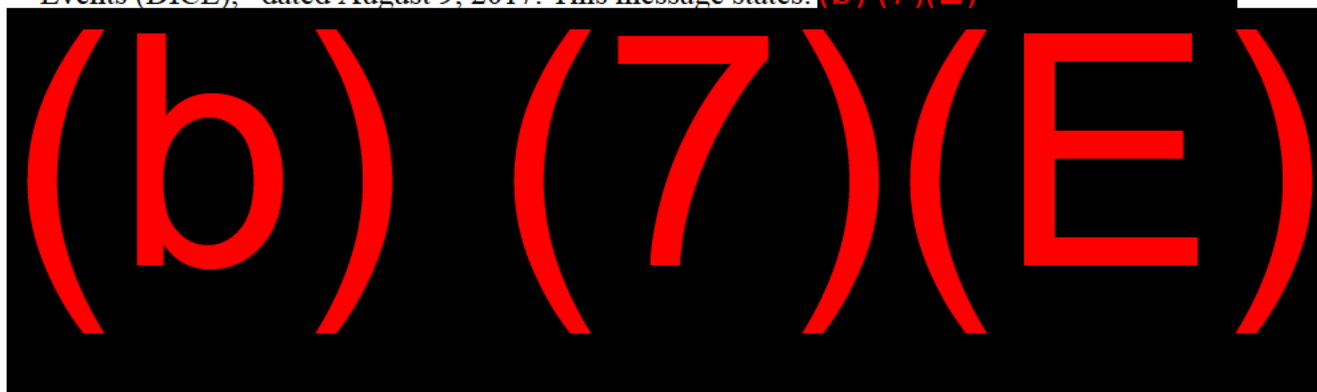
Through an approved National Strategic Gang Initiative, OCDETF has expanded its scope and funding mechanisms for investigations targeting criminal gangs. HSI SAs should consider submitting cases for OCDETF designation as early as possible in the investigation to capitalize on this additional funding. (Note: For additional information and guidance, SAs should contact their HSI OCDETF Regional Coordinator.)

8.3 Deconfliction and Coordination

All HSI cases, whether or not they are conducted under the auspices of OCS Task Forces, should be deconflicted and coordinated with the other LEAs in local SAC office AORs. There are several methods of deconfliction that can be used, including DICE. SAs should also fully engage their respective USAO.

SAs should also deconflict targets with ERO to ensure that those targets are not administratively arrested by ERO without prior notification. Additionally, SAs should coordinate with ERO for additional resources throughout investigations.

(Note: For further information, SAs should see the HSI Broadcast Message from the EAD titled, “Reminder of the Mandatory Deconfliction of All Investigative Identifiers and Enforcement Events (DICE),” dated August 9, 2017. This message states: (b) (7)(E)



Chapter 9. FOREIGN INVESTIGATIONS

Coordination and communication are critical in successfully combatting transnational criminal gang activity. Therefore, it is essential that SAs coordinate and collaborate with their foreign counterparts through the appropriate HSI Attaché office.

9.1 HSI’s Role in Gang Investigations in Foreign Countries

HSI has vast investigative foreign responsibilities outside the criminal gang investigations arena, including, but not limited to, drug smuggling, human smuggling and trafficking, money laundering, commercial trade fraud, child exploitation, and cybercrimes. Through its Attaché offices, HSI serves as DHS’ investigative component in U.S. Embassies for coordinating policy and operations within DHS and between DHS and other federal departments and agencies. This coordination transcends multiple programmatic areas, including preventing the entry of illegal criminal gang members into the United States and tracking the movement of criminal gang members internationally. Accordingly, HSI Attaché offices are responsible for coordinating and deconflicting all international gang enforcement activities with their counterpart agencies.

HSI International Operations has operational Transnational Criminal Investigative Units (TCIU) and International Task Forces in various countries. The purpose of the TCIUs is to enhance

cooperation between HSI and partner nations in order to identify, disrupt, and dismantle criminal enterprises that threaten regional stability and pose a significant threat to the public and national security of the partner nations and the United States.

TCIUs are multi-discipline units comprised of foreign law enforcement and prosecutors, customs, immigration, and intelligence officials who are vetted to ensure that shared information and operational activities are not compromised. TCIUs provide operational support to HSI personnel stationed abroad who do not possess law enforcement authorities abroad. HSI works with the TCIUs to conduct foreign operations and investigations abroad in compliance with host country laws, agreements, treaties, and U.S. mission policies.

9.2 International Operation Community Shield Task Forces

The first international HSI OCS was established in Tegucigalpa, Honduras, in February 2010. The mission of that international OCS is to disrupt and dismantle transnational criminal gang organizations in Honduras and the United States. The OCS anti-gang group is comprised of HSI SAs and Honduran National Police Officers and Intelligence Analysts.

Since February 2010, additional international OCSs have been established. If one exists in the country where SAs need assistance, they should contact the HSI Attaché office to coordinate assistance through the International Operations Community Shield Task Forces, the local TCIU, or the host country law enforcement partners.

Chapter 10. REPORTING

10.1 Case Category and Sub-Categories

(b) (7)(E)

A. Gangs – General Investigations

This sub-category is used exclusively for tracking general investigative activities/ hours involving gangs.

B. Gangs – Criminal Organizational Investigations

This sub-category is used exclusively for tracking complex gang investigations targeting organizations involved in criminal enterprises.

C. Gangs – Criminal Individual Investigations

This sub-category is used exclusively for tracking gang investigations involving single individuals who violate federal law within the jurisdiction of HSI.

D. Gangs – Firearms Investigations

This sub-category is used exclusively for tracking gang investigations involving firearms violations, including aliens in possession of a firearm.

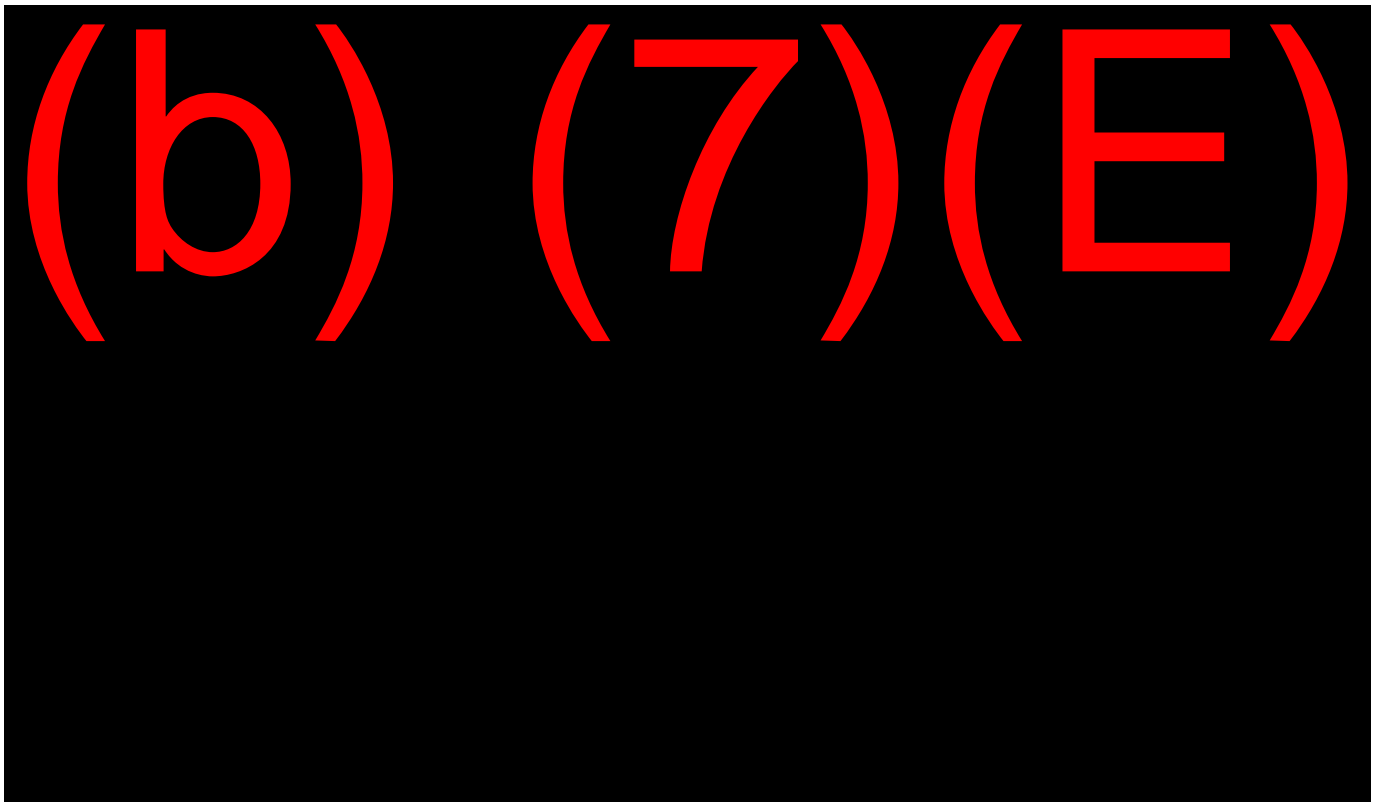
E. Gangs – Illegal Re-Entry Investigations

This sub-category is used exclusively for tracking gang investigations involving illegal re-entry.

F. Gangs – Administrative Alien Investigations

This sub-category is used exclusively for tracking gang investigations involving aliens who are inadmissible or otherwise deportable under the Immigration and Nationality Act.

10.2 **(b)** Program Codes



10.3 Significant Case Report Module

A Significant Case Report (SCR) allows HSI to identify, categorize, and report on investigations that target the greatest threats facing the homeland while also documenting HSI's commitment to disrupt and dismantle criminal activity.

As investigations progress, SAs should remain cognizant of the SCR criteria contained in the Significant Case Report Handbook for a “Significant Investigation” and make every effort to complete an SCR submission at the earliest possible time. Initially, a SAC office requesting approval should coordinate with Domestic Operations for review and approval, including that of the Assistant Director for Domestic Operations. (b) (7)(E)

[REDACTED]

Part of NGU’s responsibilities is to advocate for gang investigations to be included under the SCR module.

10.4 Criminal Gang Enforcement Statistics

NGU routinely provides HSI statistical reporting regarding gang enforcement to ICE executive leadership and to all levels of the Executive and Legislative branches of the U.S. Government. Therefore, it is critical that SAs ensure that the information and coding used in ICM arrest and seizure reports are accurate.

Failure to ensure statistical integrity negatively impacts HSI’s appropriations and performance measures, which, in turn, negatively impacts HSI’s daily gang operations.

(b) (7)(E)

[REDACTED]

10.5 Criminal Affiliation Field in (b) (7)(E)

To promote HSI’s statistical integrity in the gang programmatic area, NGU has worked with OTCD to make the “Criminal Affiliation” fields in ICM and EAGLE mandatory.

When creating a subject record in ICM, Section 4, Subject Record Information, “Criminal Affiliation” is a mandatory field that must be completed indicating the criminal gang affiliation of the individual. As referenced in Chapter 3 of this Handbook, the options are (b) (7)

(E)

[REDACTED]

EAGLE also contains a mandatory criminal gang affiliation section in the “Booking Data” entitled “Criminal Affiliations.” SAs should ensure that the information input in this section

matches the ICM Criminal Affiliation field to reduce data quality issues when statistics are pulled.

For both administrative and criminal arrests of gang members processed through EAGLE, SAs should also select “Operation Community Shield” from the drop-down menu on the initial event screen in addition to (b) (7)(E) (Gangs) and any other appropriate [redacted] and/or Program Codes.

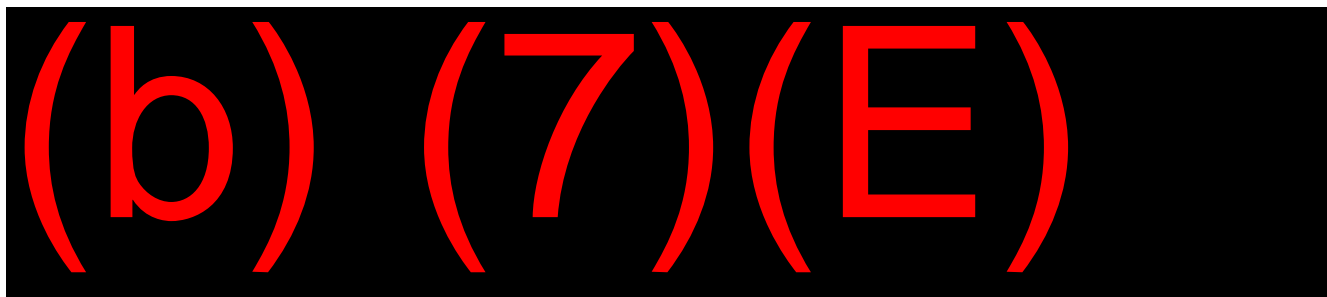
Chapter 11. ADDITIONAL FUNDING MECHANISMS

As with any major investigation or project, funding is a critical component in successfully investigating transnational criminal gangs. There are many funding options available to SAs, all of which should be considered and exploited to optimize the range and impact of investigations.

11.1 SAC Budget

General criminal investigation support is funded at the discretion of the SAC in the respective AOR. Each SAC designates priorities for his or her office and funding is dispensed accordingly. SAs should consult with local management regarding investigative funding.

11.2 (b) (7)(E) [redacted]



11.3 Organized Crime Drug Enforcement Task Force

As detailed in Section 8.2, “Organized Crime Drug Enforcement Task Force,” of this Handbook, OCDETF has funding available for gang investigations. (Note: For additional information and guidance, SAs should contact their HSI OCDETF Regional Coordinator.)

11.4 National Gang Unit

On a case-by-case basis, NGU can fund certain operational expenses for gang investigations. Requests for NGU funding must be sent through the local HSI office’s chain of command to their Domestic Operations point of contact before it is routed to NGU for review. Prior to drafting a request, it is suggested that SAs or their Group Supervisors contact NGU for availability of funds at (b) (7)(E) [redacted] @ice.dhs.gov.

11.5 Domestic Operations

Domestic Operations has multiple funding mechanisms to assist with investigations, including from the Treasury Executive Office for Asset Forfeiture (TEOAF). Funding is available to SAs based on the resources and assets remaining in TEOAF after all mandatory budget requirements have been addressed. Funding availability fluctuates from year to year depending on deposits to TEOAF from previous years. Due to the limited amount of funding HSI receives each year, SAs should keep in mind that all other potential funding resources within HSI must be exhausted first.

State and Local Overtime (SLOT) funds may be used to reimburse certain expenses incurred by local, county, and state LEAs when their members participate in joint operations with HSI or other participating TEOAF agencies. The reimbursable expenses can include overtime, travel, fuel, training, equipment, and/or other related expenses. In order for SLOT to be utilized, a Memorandum of Understanding must first be entered into by the local SAC office and the respective local, county, state, or tribal LEA. Therefore, it is essential that SAs coordinate with their local management early in an investigation to ensure that the required paperwork is completed. SLOT is provided directly to the local HSI office through Domestic Operations.

(Note: Domestic Operations provides guidance on the current process to request funds under the “Domestic Ops” tab on HSI Net. For any questions, SAs can also coordinate with their respective Operations Manager or by emailing (b) (7)(E) @ice.dhs.gov.)

DEFINITIONS AND GANG MEMBERSHIP IDENTIFICATION

I. Gang

(Note: The case law referenced below is offered as a resource related to some factors considered by courts in gang-related prosecutions. Cases should not be cited or quoted directly without confirming that the case is published and precedential according to rules of the governing jurisdiction and has not been impacted by a subsequent court decision, legislation, etc.)

A gang is a group, club, organization, or association of three or more individuals whose members collectively identify themselves by adopting a group identity which they use to create an atmosphere of fear or intimidation, frequently by employing one or more of the following:

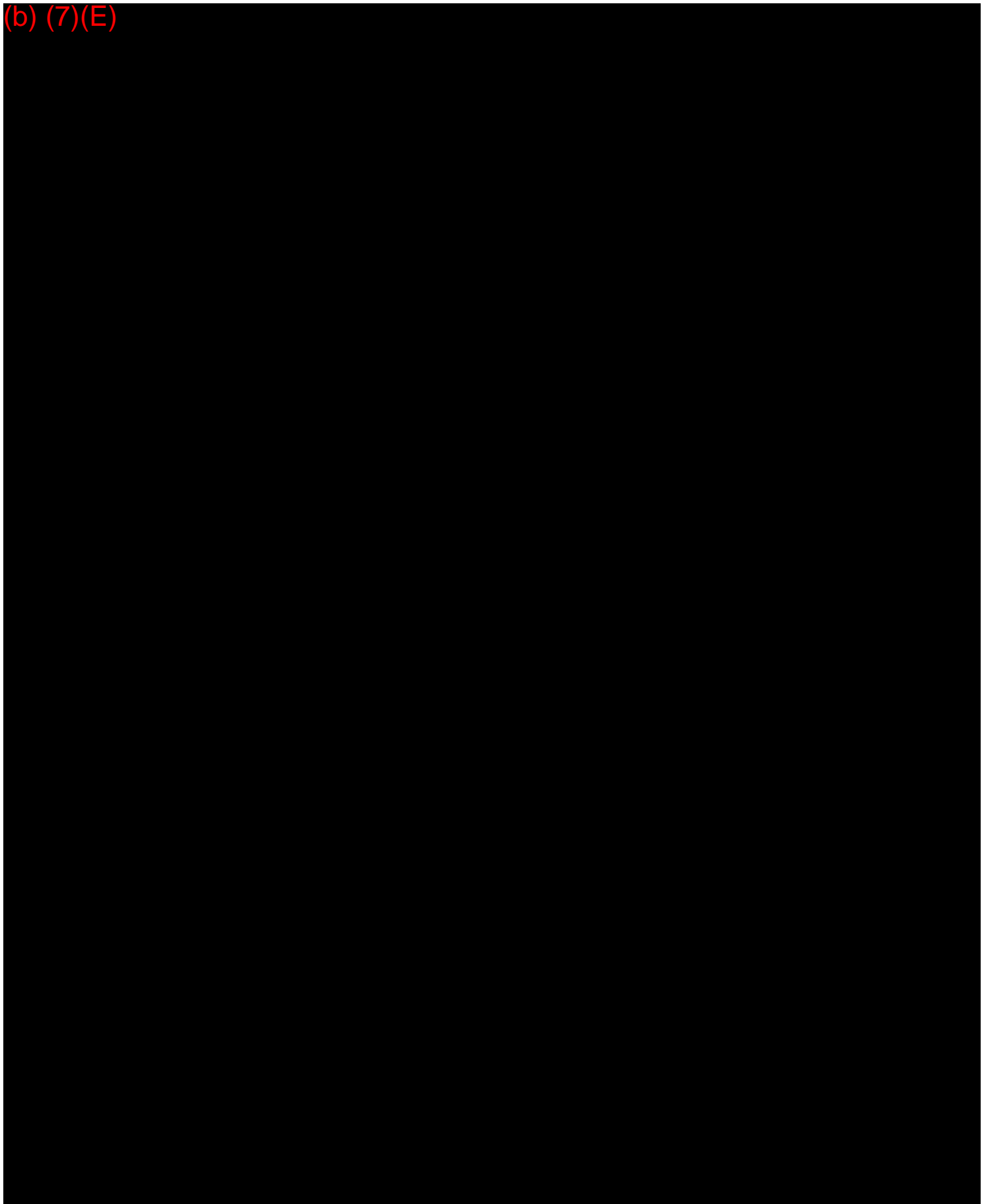
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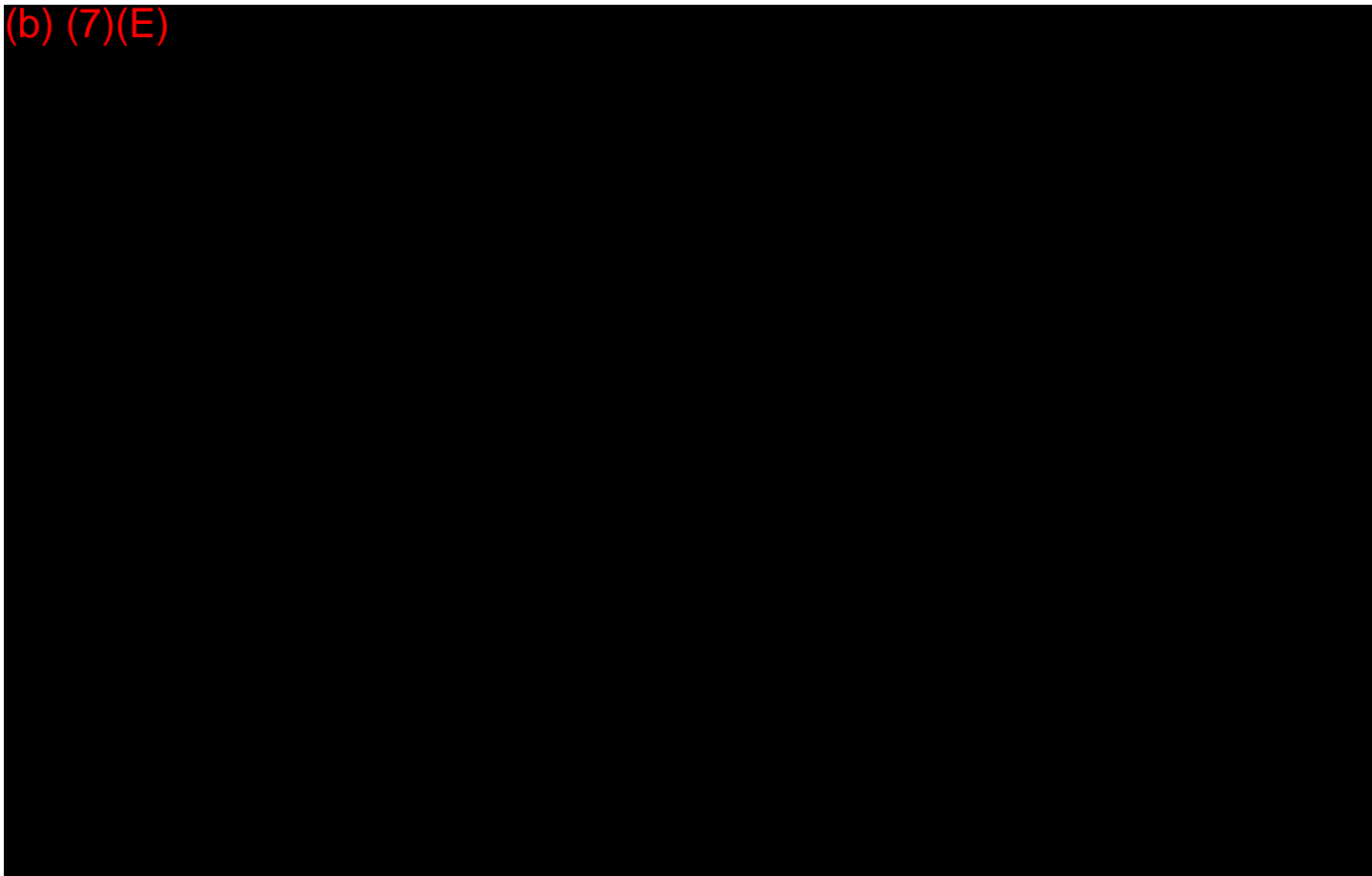
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(b) (7)(E)



(b) (7)(E)

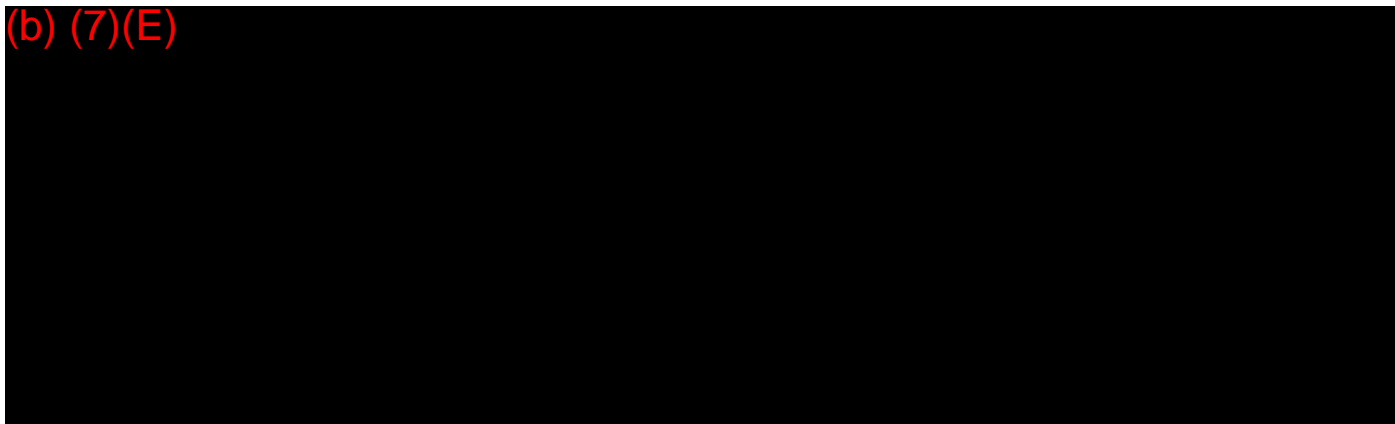


II. ICE Gang Membership Identification Criteria

A gang member is an individual who admits gang membership or has been convicted of violating 18 U.S.C. § 521 or any other federal or state law criminalizing or imposing civil penalties for gang-related activity.

If an individual does not self-admit or have a gang-related conviction, the following criteria¹ should be used, with one of at least two criteria (for gang members and gang leaders) having occurred within the previous 5 years:

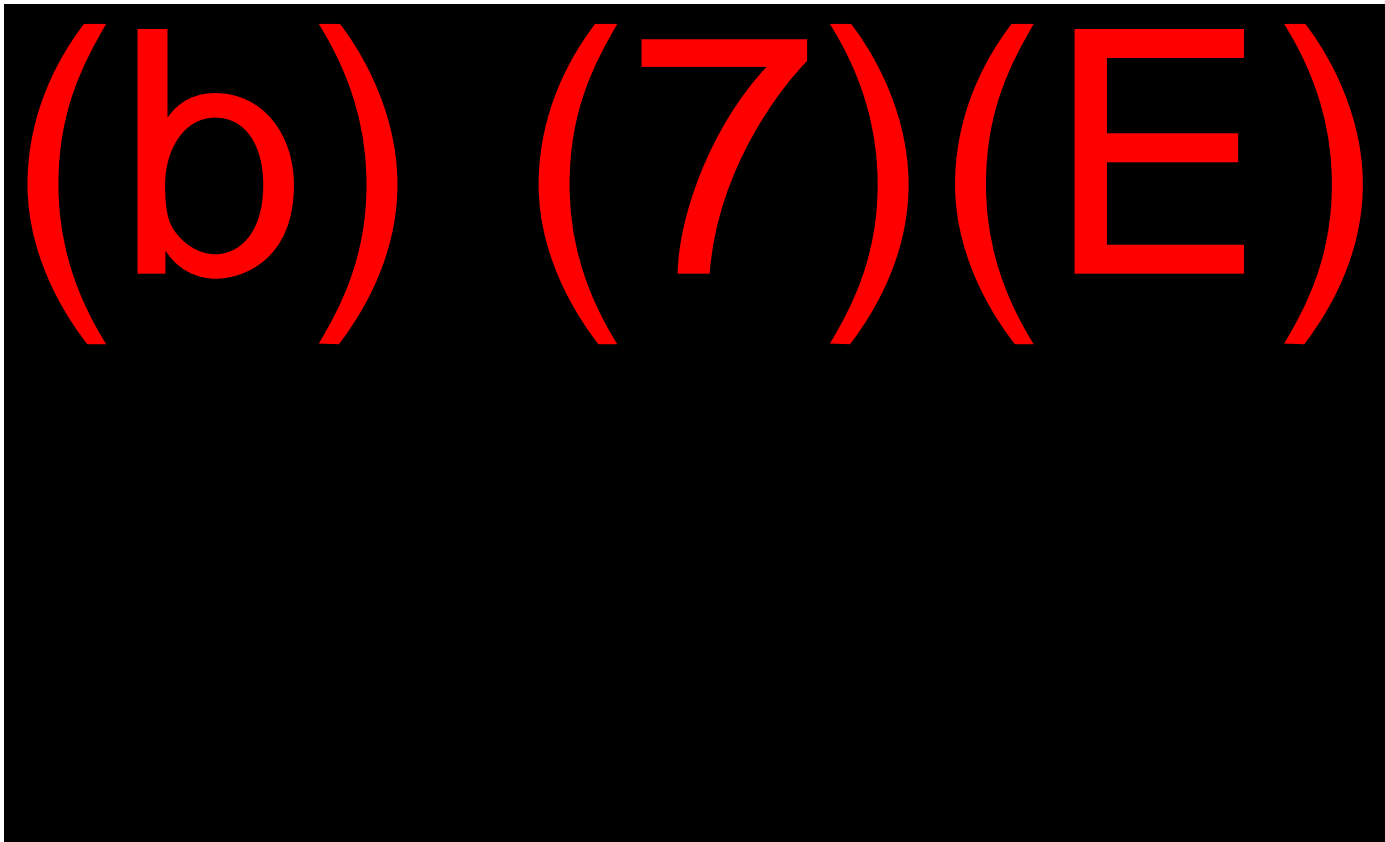
(b) (7)(E)



¹ The criteria listed are the “ICE Gang Membership Identification Criteria,” which are also referenced in Section 3.3 of the Handbook.

(b) (7)(E)





(Note: An individual's proclamation denying gang membership should have no bearing on an HSI SA's determination of the individual's gang affiliation.)

GANG SPECIFIC PROGRAM CODES

(b) (7)(E)



SUPERSEDED DOCUMENTS

The Criminal Gangs Investigations Handbook supersedes the following ICE Office of Investigations policy memoranda:

- “Operation Community Shield – Guidance,” dated March 7, 2005.
- “Expansion of Operation Community Shield,” dated May 26, 2005.
- “Criminal Gang Enforcement as a Programmatic Area for Certified Undercover Operations,” dated March 6, 2006.
- “Procedures for the Identification of Gang Members and Associates and the Reporting of Gang Statistics,” dated August 24, 2007.
- “TECS-II Subject Record Enhancements for Worksite Enforcement/Community Shield,” dated April 4, 2008.
- “TECS Case Category Code for Gang Investigations,” dated August 26, 2008.

(Note: ICE Directive 10067.1 (former number: 7-2.0), “ICEGangs Database: Data Entry and Use,” dated August 4, 2006, was cancelled by then Director of ICE Sarah H. Saldaña in a memorandum titled, “Discontinued Use of the ICEGangs Database,” dated October 19, 2016. In this same memorandum, ICE Director Saldaña also authorized the discontinuation of the use of the ICEGangs Database.)

ACRONYMS

A-File	Alien File
ADW	Assault with a Deadly Weapon
AOR	Area of Responsibility
BFT	Blue Force Tracking
C.F.R.	Code of Federal Regulations
CI	Confidential Informant
CUC	Certified Undercover
DICE	De-Confliction Information Coordination Endeavor
DHS	Department of Homeland Security
DOJ	Department of Justice
EAD	Executive Associate Director
EAGLE	Enforcement Integrated Database Arrest Graphic User Interface for Law Enforcement
EDDIE	EAGLE Directed Identification Environment
EID	Enforcement Integrated Database
EOIR	Executive Office for Immigration Review
ERO	Enforcement and Removal Operations
FBI	Federal Bureau of Investigation
FI	Field Interview
FLETC	Federal Law Enforcement Training Center
FOUO	For Official Use Only
GLD	Gang Leader
GMM	Gang Member
GSS	Gang Associate
GPS	Global Positioning System
HB	Handbook
HQ	Headquarters
HSI	Homeland Security Investigations
HSI-FL	HSI Forensic Laboratory
ICE	U.S. Immigration and Customs Enforcement
ICM	Investigative Case Management
IDENT	Automated Biometric Identification System
LEA	Law Enforcement Agency
LEO	Law Enforcement Officer
MDM	Mobile Device Management
MS	La Mara Salvatrucha
NCIC	National Crime Information Center
NGI	No Gang Involvement
NGU	National Gang Unit
OCDETF	Organized Crime Drug Enforcement Task Force
OCS	Operation Community Shield

OI	Office of Investigations
P2PE	Point-to-Point Encryption
PALMS	Performance and Learning Management System
RICO	Racketeer Influenced and Corrupt Organization
ROI	Report of Investigation
SA	Special Agent
SAC	Special Agent in Charge
SCR	Significant Case Report
SGITC	Street Gang Investigations and Tactical Considerations
SLOT	State and Local Overtime
SOU	Special Operations Unit
SURGE	Specialized Urban Response Gang Enforcement
TCIU	Transnational Criminal Investigative Unit
TEOAF	Treasury Executive Office for Asset Forfeiture
TFO	Task Force Officer
TLS	Telecommunications Linking System
UC	Undercover
UFED	Universal Forensic Extraction Device
UNHCR	United Nations High Commissioner for Refugees
UOU	Undercover Operations Unit
USAO	United States Attorney's Office
USA PATRIOT Act	Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act
USB	Universal Serial Bus
U.S.C.	United States Code
VICAR	Violent Crimes in Aid of Racketeering