

U.S. Department of Homeland Security
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Washington DC 20536



U.S. Immigration
and Customs
Enforcement

DEC 11 2006

MEMORANDUM FOR: Field Office Directors
Assistant Directors
Deputy Assistant Directors

FROM: John P. Torres
Director

A handwritten signature in black ink, appearing to read "John P. Torres".

SUBJECT: Standard Operating Procedures, Escapes and Releases

Purpose

This memorandum serves to ensure that the Field Offices develop an Escapee Locate Plan, follow a standard protocol, and report their activities in a timely manner when locating aliens who escape from U.S. Immigration and Customs Enforcement (ICE) secure detention or are erroneously released. This memorandum does not supersede my July 14, 2006, memo, which established a directive on Escape Reporting; but does provide additional guidance in the reporting and locating of escapees. In the event of an escape, the Field Office's Fugitive Operations Team (FOT), or other assigned Deportation Officers, will focus on the investigation, tracking, and locating of the escapee as described below. Officers will also maintain close liaison with their local Detention Management representative.

Background

DRO has a procedure in place regarding the reporting of escapes from ICE secure detention. The following checklist will act as a guide for the Field Offices to ensure consistency with regards to their investigations. These investigations may be similar to the Fugitive Operations investigations the field conducts in the location of aliens with final removal orders, yet the high-profile nature and urgency of these escapee or erroneous release cases require stricter compliance with investigation and capture procedures.

Responsibilities

The Fugitive Operations Supervisor or Supervisory Detention and Deportation Officer (SDDO) of the team assigned to the investigation will be the senior officer in charge of the escape investigation. He or she will have the responsibility for:

- A. Directing and immediately opening a "locate" case under the National Fugitive Operations Program (NFOP) Standard Operating Procedures (SOP);
- B. Ensuring that the Field Office maintains 24/7 coverage on National Crime Information Center (NCIC) callouts concerning the case;

- C. Compiling a list of personnel, equipment, and funding requirements needed to support the location of the escapee;
- D. Ensuring compliance with the Headquarters notification requirements outlined in the July 14, 2006, policy memorandum entitled "Escape Reporting," and providing updates via the Significant Incident Report (SIR) notification process and other case management systems to assist with de-confliction within multi-jurisdictional areas;
- E. Ensuring that the local Victim/Witness coordinator is notified of escape, if applicable; and
- F. Completing all required actions as specified in the attached "Escapee Checklist." Each action shall be initialed and dated by the case officer upon completion of each individual task. The Fugitive Operations Supervisor or responsible SDDO shall review and sign off on the checklist at the bottom of the form. The checklist will be forwarded via fax to the Fugitive Operations Branch at Headquarters upon completion of the investigation (Fax Number: 202-616-8762).

Procedures

A. Database Entry

The case officer should complete the following prior to the investigation:

1. Enter the case into the (b)(7)(E)
(b)(7)(E)
2. Enter the escape information into the (b)(7)(E)
(b)(7)(E)
3. (b)(7)(E)
4. (b)(7)(E)

B. Notifications

1. The officer in charge of the escape investigation (case officer) shall coordinate with the ICE Office of Investigations (OI).
2. At the Field Office Director's (FOD's) discretion, the case officer shall notify the local and state police, United States Marshals Service, the Federal Bureau of Investigation, and the United States Attorney's Office. If federal or state warrants exist on the escapee, notify and coordinate with the aforementioned agencies, as appropriate.
3. The case officer should prepare "wanted" posters for distribution to various law enforcement agencies with a need to know of the escape.
4. The case officer should contact the local U.S. Marshal Electronic Surveillance Unit (ESU), in order to ascertain its requirements for accepting cases.
5. The case officer should notify the Joint Intake Center (JIC).

C. Investigation

At the FOD's discretion, Field Offices which experience a detainee escape should determine whether federal prosecution should be sought under 18 U.S.C. § 751 (a). If prosecution is anticipated, the FOD should oversee ICE efforts to assist in the preparation of a complaint by the United States Attorney's Office. If the escapee is indicted before a Grand Jury and a Warrant of Arrest is issued, the LESC shall be notified for entry into NCIC.

At a minimum, the case officer should initiate the following investigative leads:

1. Interview institution official or agent who last had custody of the escapee;
2. Interview cellmate or close friends if applicable;
3. Obtain copies of visitor logs from any institution the escapee may have been detained;
4. Obtain copies/recordings from these institutions of recent phone numbers/conversations between the escapee and the outside parties;
5. Obtain copies of closed circuit television recording the day of the escape;
6. Obtain copies of all contacts the escapee listed in the administrative A-file or Detention folder;
7. Obtain copies of computer indices checks, (e.g., (b)(7)(E) local criminal checks, Department of Motor Vehicles checks, commercial databases, etc.);
8. Complete thorough background check on all family members, spouse (current and former), and or girlfriends/boyfriends, and other known associates, utilizing any of the aforementioned databases; and
9. Consult 01, the Compliance Enforcement Unit (CEU) within OI, financial databases, and any other applicable databases.

D. Reporting/Closing Actions

Upon any initiation of field surveillance in an attempt to locate an escapee, Field Offices should provide weekly Reports of Investigation (G-166c) to the Unit Chief of the National Fugitive Operations Program at headquarters detailing the status of leads and case progress.

Upon arrest of the escapee, Field Offices should promptly (i.e., within one hour) notify the Unit Chief of the National Fugitive Operations Program at DRO headquarters with a follow up SIR, via the SEN database.

Field Offices should also initiate the following database closures:

1. Notify the Detention Management Division so it can initiate closure in the National Escape Tracking System;
2. Report arrest via SIR;

3. Update "case comments" screen in (b)(7)(E)
4. Coordinate removal of case from (b)(7)(E)
5. Notify law enforcement personnel involved in efforts to locate escapee; and
6. Update (b)(7)(E) and Detention and Removal modules, when deployed.

Please contact (b)(6),(b)(7)(C) the National Fugitive Operations Program Unit Chief at 202-616-
(b)(6),(b)(7)(C) with any questions.

Attachment



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Escape Checklist

DATABASE ENTRY

Date Initials

- Ensure SIR & Escape Report were completed
- Enter case into ENFORCE/IDENT lookout
- Enter case information into DACS case comments
- Contact LESC for emergency entry in NOC/NLETS lookout system
- Enter case as a lookout in TECS

NOTIFICATIONS

- Notify HQDRO through SIR within 24 hours/Forward Escape report to HQDRO Detention Management Div.
- Notify ICE Office of Investigations (mandatory)
- Notify local and state police (at discretion)
- Notify US Marshals (at discretion)
- Notify Federal Bureau of Investigation - FBI (at discretion)
- Notify United States Attorney's Office (at discretion)
- Create Wanted Posters for distribution to law enforcement
- Contact US Marshals Electronic Surveillance Unit (ESU) if phone numbers available

INVESTIGATION

- Interview institution official or agent who last had custody of the escapee
- Interview cellmate or close friends (if applicable)
- Obtain copies of visitor logs from any institution the escapee may have been detained
- Obtain copies/recordings of institutions recent phone numbers/conversations with escapee and die outside
- Obtain copies of CCTV recording the day of the escape (in an institution or in the field)
- Obtain copies of all contact the escapee listed in the Alien file or Detention folder
- Obtain copies of computer indices checks (i.e. NCIC/II, TECS, DMV checks, commercial databases, etc.)
- Complete thorough background checks on all family members found through database checks
- Coordinate CEU, commercial and other OI database checks with Office of Investigations

REPORTING/CLOSING ACTIONS

- Provide weekly G-166c to the Chief of FUGOPS detailing leads and case progress
- Upon arrest, notify the Chief of FUGOPS within one hour of arrest with follow up SIR
- Notify Detention Management Division so they can initiate closure on NETS
- Report arrest/capture via SIR
- Notify appropriate law enforcement personnel involved in search of escapee
- Update case comments in DACS
- Coordinate removal of case from TECS and NCIC
- Route file to appropriate SDDO for preparation of written report to HQDRO

Signature of SDDO

Date