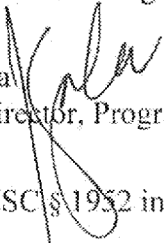




**U.S. Immigration
and Customs
Enforcement**

JAN 21 2010

MEMORANDUM FOR: Assistant Director, Operations
Deputy Assistant Directors
Special Agents in Charge

FROM: Janice Ayala 
Assistant Director, Programs

SUBJECT: Use of 18 USC § 1952 in Combating Cash Couriers

The Office of Investigations (OI) is issuing the following guidance concerning the utilization of 18 USC § 1952 as a law enforcement tool that can assist in the prosecution of illicit cash couriers.

All too often federal law enforcement officers are confronted with a scenario in which they are able to establish probable cause that currency is derived from unlawful activity, but they are unable to connect the courier to that unlawful activity. Consequently, the currency seized is subject to a civil in rem forfeiture while the courier is free to continue operating his or her illicit enterprise. Routinely, this situation occurs during traffic stops when a canine alerts to narcotics residue on the bulk currency. The nexus to illegal narcotics activity makes the currency subject to forfeiture, while the money courier, often a willing participant in the larger criminal enterprise, is released.

18 USC § 1952, also known as the "Hobbs Act" or the "Travel Act," can provide an invaluable tool for ICE Special Agents to pursue an arrest of a money courier. The Hobbs Act makes it a crime to travel in interstate or foreign commerce with the intent to distribute the proceeds of any unlawful activity, to promote, manage, establish or carry on of any unlawful activity, or to commit a violent crime in furtherance of any unlawful activity.

The predicate acts for a successful Hobbs Act prosecution include a business enterprise involving gambling, prostitution, or narcotics (and controlled substances as defined by section 102(6) of the Controlled Substances Act), in addition to extortion, bribery, and any act indictable under subchapter II of chapter 53 of Title 31, United States Code. In addition, any act which is indictable under sections 1956 and 1957 of Title 18, United States Code, constitutes a sufficient predicate offense for the Hobbs Act.

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Violators of the distribution and/or facilitation components of a Hobbs Act violation are subject to imprisonment up to five years. Those found guilty of committing a violent act in furtherance of a predicate offense are subject to imprisonment up to twenty years (or life imprisonment if the crime results in death). An individual found guilty of a Hobbs Act violation is subject to a monetary fine of up to \$250,000 or twice the gain or loss associated with the criminal activity. 18 U.S.C. §§ 3571(b)(3), (d). It is important to note that property is not subject to confiscation by virtue of a Hobbs Act violation, but must be seized pursuant to an underlying predicate offense.

The Hobbs Act provides a valuable tool for agents pursuing the arrest of illicit cash couriers and strengthens ICE's ability to obtain valuable intelligence information. Prosecutions under 18 U.S.C. § 1952 will further strengthen ICE's efforts to combat the illicit transportation of bulk currency by allowing for the identification of criminal associates and the dismantling of criminal organizations, in addition to depriving these organizations of their bounty.

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ICE has discussed the value of the Hobbs Act in its effort to combat bulk cash couriers with the Asset Forfeiture and Money Laundering Section (AFMLS) of the Department of Justice. AFMLS has agreed to provide appropriate guidance to local AUSA's to ensure that they are also aware of the value of 18 U.S.C. § 1952 prosecutions. For further questions, please contact the Bulk Cash Smuggling Center (BCSC) Section Chief **(b)(6),(b)(7)(C)**

(b)(6),(b)(7)(C) [@dhs.gov](mailto:(b)(6),(b)(7)(C)@dhs.gov) at 802-872-**(b)(6),(b)(7)(C)** or BCSC Criminal Research Specialist **(b)(6),(b)(7)(C)**

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