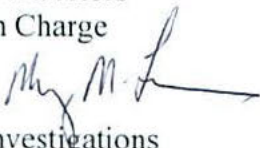




U.S. Immigration
and Customs
Enforcement

APR 30 2008

MEMORANDUM FOR: All Assistant Directors
All Deputy Assistant Directors
All Special Agents in Charge

FROM: Marcy M. Forman 
Director, Office of Investigations

SUBJECT: Using the (b) (7)(E) Group Code

Background

To identify (b) (7)(E) Cases and Reports of Investigation (ROIs) eligible for sharing with the regional Law Enforcement Information Exchange (LInX) Northwest member agencies, SAC Seattle Special Agents were required to review all closed, non-level 4, January 2000 and later Cases and ROIs to determine whether or not they could be shared with law enforcement. In this review process, agents retrieved Cases and ROIs from (b) (7)(E), reviewed the narrative for sensitive information, and recorded the "share / no share" decision in a separate database specially developed to track sharable Cases and ROIs. This was a time-consuming process for agents that required significant support from SAC Seattle and the Executive Information Unit Program Management Oversight Office (EIU/PMO).

Discussion

The EIU/PMO has implemented the (b) (7)(E) Group Code in (b) (7)(E) for agents to use to identify new and open existing Cases and ROIs as sharable with federal, state, local, tribal, and foreign law enforcement. By entering the (b) (7)(E) Group Code at the time of record creation, agents will avoid the need to review the record at a later date to determine if it can be shared. Not only is this more efficient, but it is more likely to prevent the accidental release of a Case or ROI that should not be shared.

Attached are guidelines for categorizing Cases and ROIs as sharable with law enforcement. Each SAC is authorized to adapt the guidelines to address special case sensitivities within his or her jurisdiction. At the present time, sharing of case information will be limited to, state,

SUBJECT: Using the (b) (7)(E) Group Code

Page 2

local, tribal, and other federal law enforcement agencies in the Area of Responsibility (AOR) of the SAC offices; however, DHS may also elect to share ICE case information nationally and with selected international partners in the future.

The SACs and Special Agents should be made aware that monthly reports will be run to determine the number of times agents use the (b) (7)(E) code and the percentage of use compared to the total number of Cases and ROIs initiated during the reporting period. SACs will be notified if the reports indicate that agents are statistically underusing the group code.

If you have any questions, please contact or have a member of your staff contact (b)(6) (b)(7)(C) Unit Chief, Information Sharing and Infrastructure Management, Mission Support, at (b)(6); (b)(7)(c) or via e-mail at (b)(6); (b)(7)(c) @dhs.gov

Attachment

Guidance on What Cases and ROIs Should Be Shared with Law Enforcement

Case records containing sensitive information, such as cases involving undercover operations, wiretaps, and Grand Jury investigations, should never be shared. The following table provides guidance on (b) (7)(E) entries that, if used, exclude a Case or ROI from being shared. If any of these (b) (7)(E) entries is used, then the SHAR Group Code should not be used.

Exclusion Requirement	Identifying TECS Entry
Exclude Certified Undercover Operations cases	Exclude case records with Program Code descriptor that starts with (b) (7)(E) and exclude records that have the (b) (7)(E) (b) (7)(E) code indicator marked with (b) (7)(E)
Exclude Joint Terrorism Task Force (JTTF) cases	Exclude case records with the (b) (7)(E) case marked with "Y"
Exclude sensitive cases	Exclude all case records with an Access Level that is <u>not</u> (b) (7)(E)
Exclude sensitive ROIs	Exclude all ROI records with an Access Level that is <u>not</u> (b) (7)(E)
Exclude cases with ROIs that refer to Terrorism, Bank Secrecy Act, Sources of Information, and Third Party investigations	Exclude ROI records that have an ROI Type code of (b) (7)(E)

If the (b) (7)(E) entries are not used, then the agent must pay particular attention to the narrative of the Case or ROI. The following table provides a list of sensitive term categories for guidance. If an agent uses a term associated with one of these categories, it may indicate that the Case or ROI should not be shared. It is left to the discretion of the agent, under direction from his SAC, to determine whether or not to share the Case or ROI.

Sensitive Term Categories	Sensitive Term Categories
(b) (7)(E)	(b) (7)(E)

Group Codes are entered on the (b) (7)(E) Record Access Information Screen. After an agent has completed all data entry for a Case, ROI, or Subject, he will access this screen by selecting (b) (7)(E)

The second item on the (b) (7)(E) Record Access Information Screen is "Group Codes". An agent will tab to this section and then type in SHAR to identify that the Case, ROI, or Subject may be viewed by state, local, or federal (non-DHS) law enforcement officers or agents.