

**Boston Field Office**  
**Fugitive Operations Team**



**LIMITED OFFICIAL USE**

**FIELD OFFICE DIRECTOR (FOD) APPROVED  
FUGITIVE OPERATIONS PLAN:  
CROSS CHECK**

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Revised 2/13/2017

2018-ICLI-00007 11042

**ENFORCEMENT AND REMOVAL OPERATIONS  
BOSTON FIELD OFFICE**

**OPERATION CROSS CHECK  
Dates: March 12 – March 15, 2017**

**I. Situation**

The objective of Operation Cross Check is to apply an organized, methodical approach to the identification, location and arrest of at-large criminal aliens and public safety threats who present a danger to citizens, immigrants and visitors in the nation's communities. This operation will occur in the Boston Field Office Area of Operational Responsibility (AOR), consistent with the President's executive orders on border security and interior enforcement.

Operation Cross Check will utilize 6 Boston Fugitive Operations Teams (FOTs) located in the states of Massachusetts, Connecticut, Rhode Island, and Maine located within the FOD Boston AOR, resources from Criminal Alien Program (CAP) and Detained/Non-Detained units, agents from corresponding ICE Homeland Security Investigations (HSI) Special Agent in Charge (SAC) offices within the FOD Boston, as well as federal, state, and local LEAs.

Prior to commencement of the operation, teams will evaluate lead information to identify at-large criminal aliens and public safety threats. Target cases amenable to prosecution will be presented to the U.S. Attorney's Office (USAO) in pursuit of criminal arrest warrants to include, but not limited to, 8 USC 1326 and 8 USC 1253. Prosecutions for other offenses will be guided by the August 20, 2007 memorandum, DRO/OI Protocols. ERO will also collaborate with U.S. Citizenship and Immigration Services to evaluate criminal alien case referrals for inclusion in the operation.

Upon approval of this operational plan, the Field Office Director (FOD) will collaborate with each USAO in the participating AORs to seek cooperation in obtaining criminal arrest warrants, indictments and acceptance of prosecutions.

In addition, the FOD is directed to coordinate with the local SACs, as well as other federal, state and local law enforcement agencies (LEAs) to encourage their participation in this operation. The FOD should coordinate with the United States Marshals Service (USMS) Regional Task Forces, local USMS task forces, and other law enforcement partners. Arrangements should be made with the USMS to ensure space requirements and coordinate initial appearances. Local probation and parole offices should be consulted in target development and 4<sup>th</sup> Amendment waiver considerations during operations.

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This operation will consist of four (4) days of enforcement activity executed simultaneously in the states of Massachusetts, Connecticut, Rhode Island, and Maine located within the FOD Boston AOR, from March 12 – March 15, 2017.

The Field Office Director (FOD), Acting Deputy Field Office Director (ADFOD) and Assistant Field Office Director (AFOD) have been briefed on this operational plan, and support its execution.

### A) Targeted Aliens – (100)<sup>1</sup>

The 6 Boston Field Office FOTs will target approximately 100 at-large criminal aliens and public safety threats in the states of Massachusetts, Connecticut, Rhode Island, and Maine located within the FOD Boston AOR. Teams will generate target lists of at-large criminal aliens and public safety threats who present a danger to citizens, immigrants and visitors in the nation's communities.

Cross Check Targets are restricted to threats to national security, criminal street gang members, convicted felons, aggravated felons, aliens with significant convictions, and aliens that have been arrested or charged with crimes that pose a threat to public safety and security.

Enforcement actions may also be taken against non-targeted aliens encountered during the course of this operation that are determined to be removable and found to present a public safety threat or otherwise meet the President's executive orders on border security and interior enforcement as provided in this operation plan. If safe to do so, and there is articulable reason to believe that the non-targeted aliens encountered during the operation are in the United States unlawfully, immigration and criminal history checks should be conducted while at the arrest location or at a local ERO office. *(See Attachment #1 for Target List)*

### B) Hours of Operation

Prior to the beginning of the operation, team members will be briefed on operational objectives and/or daily activities. Team members will conduct pre-(b)(7)(F) as resources permit. While the operational hours for conducting arrests will be from (b)(7)(E) local time, the team leader(s) will determine the actual duty hours within these timeframes. No operation will begin prior to (b)(7)(E) unless the FOD has

<sup>1</sup> Focus on targets may be subject to change based on HQ operational directives. Subsequent changes relating to target focus and scope will not require a new operational plan.

reviewed the case and given approval based on specific case justifications. However, no approval will be provided to attempt entry into a residence prior to (b)(7)(E) All activities will be conducted pursuant to ICE, ERO, and NFOP Policies and Procedures. Supervisory staff will change shift hours as needed in order to facilitate the operation.

When a daily target list has been exhausted early in the day, consideration should be given to pursuing additional targets and/or conducting additional casework related to identified targets.

### C) Local Situation

The 6 FOTs will conduct the operation with other resources from local CAP and Detained/Non-Detained units, as well as from federal, state, and local LEAs. The FODs must commit all available resources within their jurisdictions. *(See Attachment #2 for Supporting Agency Contact info)*

### D) Operational De-Confliction

The target list will be queried in TECS utilizing SQAD, SQ11, SQ16, and NN16 to ensure de-confliction with Homeland Security Investigations (HSI) and other law enforcement entities. Each FOD will inform their respective HSI Special Agent in Charge (SAC) of the operation and offer them the opportunity to participate.

### E) Local Law Enforcement Agencies (LEAs)

The FOT Supervisory Detention and Deportation Officer (SDDO) shall advise local LEAs prior to the execution of this operational plan. The standard operating procedures for local law enforcement agencies will vary from location to location and should be established through proactive liaison. During the course of the operation, if a target is found to be in an area outside the jurisdictions originally notified as part of the plan, every reasonable effort will be made to notify the newly affected LEA prior to the FOT's arrival and, if that is not possible, as soon as practicable thereafter. In the presence of exigent circumstances, it may be prudent to not provide notification of impending fugitive operations within each jurisdiction. **(If this is the case, the FOD must be made aware of these circumstances and concur with written justification not to notify the local LEAs.)**

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## F) Sensitive Locations and 4<sup>th</sup> Amendment

Potential enforcement activities near sensitive locations as defined in the October 24, 2011, memorandum from John Morton, former ICE Director, entitled *Enforcement Actions at or Focused on Sensitive Locations*, will be avoided unless operationally necessary, and only then when in compliance with the requirements of memorandum. Pre-planned operations conducted near a sensitive area must be reviewed and approved in writing by the FOD and the Assistant Director for Field Operations or the ERO EAD according to the memorandum, and outlined in this section of the operational plan. All personnel assigned to the operation will be briefed on the policy prior to the operation and that briefing documentation will be attached to the plan. (*None identified*)

All personnel assigned to the operation must be current on 4<sup>th</sup> Amendment training requirements. In addition, FODs may choose to seek additional training by their respective Office of Chief Counsel (OCC) prior to the operation, as is the case with national operations. During or prior to the pre-operational briefing, the Office of Chief Counsel will provide a 4<sup>th</sup> Amendment overview.

## G) Community Issues or Politically Sensitive Issues

HQERO will provide the ICE Offices of Public Affairs (OPA) and Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and location of the initiative. If the operation can reasonably be expected to result in a negative community response, this must be specifically communicated to these offices and the Assistant Director for Field Operations. No proactive outreach shall be conducted with non-law enforcement entities on the planning or execution of this operation.

## H) Juveniles

The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, (b)(7)(E) and diligent research of available indices, to the extent possible. Should available information indicate that such non-targeted juveniles will likely be present, authorization from an AFOD or higher should be obtained prior to taking enforcement action. In the event that non-targeted minors are identified, or likely to be encountered, family members, care providers and community, as well as state and county, juvenile resources, will be identified and a plan of care for non-targeted juveniles will be addressed prior to the commencement of operations. Non-targeted juveniles will be turned over to county resources only as a last resort. Such enforcement activity will be conducted consistent with the requirements of ICE Policy No. 11064.1: *Facilitating*

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*Parental Interests in the Course of Civil Immigration Enforcement Activities*  
(Aug. 23, 2013).

Officers will limit contact with any identified juvenile to the extent officer safety is not compromised. In addition, the utmost care and consideration will be used when dealing with juveniles, especially when juveniles are present during interviews or encounters with adults. The questioning of juveniles will be kept to a minimum and conducted in the least threatening manner and environment possible. If unaccompanied alien juveniles are encountered, the local juvenile coordinator will be contacted for guidance. If this person is unavailable, the Office of Refugee Resettlement (ORR) must be notified at 202-401-5709 upon completion of processing. ***(There are no juvenile targets)***

In the event that juvenile(s) is/are present, and their presence was not anticipated during operational enforcement activities, the FOT SDDO and team leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the FOT SDDO and team leaders will be in possession of the agency's appropriate contact numbers, to be used as necessary throughout the entirety of the operation. ***(See Attachment #3 for list of CPS names, contacts and phone numbers)***

Whenever possible, non-targeted juveniles will be placed in the care of immediate family members who have no ascertainable criminal history, are not otherwise enforcement priorities, and/or are not targets of this operation. If there are no other options, primary care providers who fall within DHS enforcement priorities and are subject to removal but have no ascertainable criminal record and are not targets of this operation, *may* be placed on an Order of Supervision or Order of Release on Recognizance, as appropriate, with SDDO/AFOD approval.

#### **I) Prosecutions**

In instances where an alien is amenable to prosecution, the case will be presented to the USAO/State Attorney's Office as appropriate. If the case is accepted for prosecution, a Form I-247, Detainer – Notice of Action, will be filed with the agency assuming custody of the alien. If the USAO/State Attorney's Office declines to prosecute, the declination will be recorded in the narrative portion of the Form I-213 and included in the file.

#### **J) Gangs**

In the event ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on Form I-213 and photograph any tattoos. A copy of the Form I-

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213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE gang database. Entry of information into the ICEGangs database about suspected gang members and associates is required within 72 hours of encounter. Where operationally safe, photos will be taken in residences where gang tags and/or paraphernalia are present, to include a photo of the front of the house for future officer safety concerns.

## **ICE Definitions of Gang Member and Gang Associate**

**Gang Member:** A gang member is defined as anyone who admits gang affiliation, convicted of violations associated with 18 U.S.C. § 521 or any other Federal or state law punishing or imposing civil consequences for gang-related activity or association, or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source or by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest occurred in the past five years, the "previous five years" requirement is deemed to have been met).
- Subject has been identified as a gang member by a jail, prison, or other LEA.
- Subject has been identified as a gang member through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.
- Subject has been identified as a gang member through documented reasonable suspicion.

**Associate Gang Member:** An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The officers/agents conducting the arrest will determine whether indications of association are present.

## **II. Mission**

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To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of immigration laws and border control efforts. ERO upholds America's immigration laws at, within, and beyond our borders through efficient enforcement and removal operations.

One of the most important ICE mandates is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification and removal of dangerous, often recidivist, criminals engaged in crimes such as murder, predatory sexual offenses, narcotics trafficking, alien smuggling, and a host of other crimes that have a profoundly negative impact on our society. The Fugitive Operations Division supports this mandate by performing strategic planning and establishing policy designed to augment ICE's ability to arrest and locate these aliens for removal from the United States.

The objective of Operation Cross Check is to apply an organized, methodical approach to the identification, location and arrest of at-large criminal aliens and public safety threats who present a danger to citizens, immigrants and visitors in the nation's communities.

### III. Execution

#### A) Operational Intent

This operation is being conducted in furtherance of the President's executive orders on border security and interior enforcement.

#### B) Concept of Operations





This operation will consist of four (4) days of enforcement activities from March 12, 2017 through March 15, 2017.

March 9, 2017: Operational briefing. All officers participating in the operation will attend the pre-operational briefing. Prior to or during the briefings, a representative from the Office of Chief Counsel must address 4<sup>th</sup> Amendment and other pertinent legal considerations.

March 12, 2017 through March 15, 2017: Arrest teams will deploy in Massachusetts, Rhode Island, Connecticut, and Maine to initiate arrests.

March 20, 2017: If advisable, the Boston ICE OPA will issue a press release following the completion of the operation once approved by the FOD.

### C) Tasks

1. The NFOP and the National Criminal Analysis and Targeting Center (NCATC): A copy of the Operational Plan and target list has been sent to the NCATC and HQ NFOP via submission to the HQ ERO, FUGOPS Mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, Target List, and Personnel breakdown, along with any additional attachments as necessary.
2. The Law Enforcement Support Center (LESC) is available 24 hours per day, seven days per week and will provide support to FOTs conducting operations. All officers/agents participating in the operation should have the contact number for the LESL: (b)(7)(E) When calling the LESL, officers should be prepared to provide their LESL officer ID number.
3. Detention Operations Coordination Center (DOCC): Detention space is suitable within the FOD Boston AOR and detention locations have been identified. Although DOCC assistance was not requested they have been provided a copy of this operational plan and have concurred with the operation.

## IV. Administration

### A) Safety

Mandatory Element: **Safety is paramount.**

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1. All participating officers/agents will be fully equipped with both deadly and non-deadly force weapons, (b)(7)(E)
2. Beyond verbally identifying themselves as law enforcement officers, all enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, outer garments, must be prominently affixed with both the words "ICE" and "Police."
3. (b)(7)(E)

## B) Logistics

1. Primary processing location: All detainees will be transported to local detention facilities for processing.
  - a. Secondary detention and processing site(s) will be determined as needed.
  - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the FOT AFOD with concurrence from the appropriate FODs.
2. Lodging and per diem: Lodging and per diem expenses **are not authorized** for this operation. In the event that the need arises to utilize lodging and per diem, it will be funded at the FOD level.
3. Removal efforts: Pursuant to ERO's mission of ensuring efficient removal in order to uphold America's immigration laws, the below actions will be performed to facilitate this objective:
  - a. Once arrested, all detainees will be transported to the nearest ERO office for initial processing. All files will be reviewed by the FOT team leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.

No health and safety inspection is required for any facility or equipment being utilized for this operation.  
No contracts need to be reevaluated.
  - b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining 10

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these documents at the time of arrest will greatly decrease time spent in detention.

- c. Any arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal to aid in the reduction of detention time, if deemed appropriate by supervisory personnel. To the extent possible, FODs will work with their Office of Chief Counsel and EOIR to ensure their availability to approve stipulated removals during the operation.
- d. FOTs will not *target* aliens outside the scope of Operation Cross Check, although other removable aliens falling within the President's executive orders on border security and interior enforcement may be arrested as appropriate if encountered during the operation, and circumstances dictate such action in accordance with existing policy.
- e. Prosecutorial discretion in immigration enforcement matters must be exercised, consistent with all established guidelines with supervisory oversight, by ICE officers/agents. This applies at all levels during the execution of the operation and could be applied during the pre-arrest, arrest, and custody phase. Nothing within this operation plan should be interpreted to supersede local management oversight and execution of prosecutorial discretion protocols.
- f. When appropriate, a form of alternative to detention may be utilized if authorized by supervisory personnel.

### C) General Reporting Requirements

1. Daily Reports: Submitted to the AFOD and HQ NFOP via the HQ FUGOPS mailbox utilizing the HQ approved Fugitive Operations Daily Report spreadsheet. Via/Transmission: E-mail (HQERO, FUGOPS), Due: 2400 daily, Period Covered: That day's 24-hour period (0001-2400 hours)
2. ALL EAGLE entries pursuant to this operation will use "Operation Cross Check" in the operational dropdown on the initial event screen.
3. ALL Operations Management Module (OM2) entries pursuant to this operation will use "Operation Cross Check" in the operational dropdown on the arrest screen.

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4. At the conclusion of daily operations, each team leader will ensure that the OM2 is properly updated with all FOT arrests and that these arrests are validated in EAGLE.
5. Quality Assurance: An officer(s), and support staff as needed, who are not involved with the operation, will review target files against the daily report to ensure that the statistics reported are accurate. This review must be completed daily and at the conclusion of the operation. If asked to provide statistics prior to validation, the information must be clearly identified as not validated and subject to change.
6. Weekly Reports: Standard HQ FUGOPS reporting via OM2.
7. Significant Event Notification (SEN): A SEN/Significant Incident Report (SIR)/Significant Proposed Enforcement Activity Report (SPEAR) will only need to be submitted if events or incidents occur that warrant their generation in accordance with established policies and procedures.

#### **D) After-Action Reporting Requirements**

1. Initial after-action conferences will be conducted as follows:
  - a) Key operational and administrative personnel involved in the final phase(s) of the enforcement operation will be held March 16, 2017 at the ERO Boston Field Office.
2. Format: The format for issues will be:
  - a. Topic
  - b. Discussion
  - c. Recommendation(s)
3. After action report: A memorandum of results will be generated and forwarded to the FOD for review, if necessary.
4. HQ BOS ICE OPA will coordinate with the FOD and generate a press release upon completion of the operation as necessary. ICE Public Affairs contact number: (b)(6);(b)(7)(C) (mobile).

#### **V. Command and Control**

1. Primary means of communication will be via radio, telephone and E-mail.

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**General**

Emergencies: 911  
Sector: 1-800-X-SECTOR (973-2867)  
INTERPOL: 202-532-(b)(6);(f) 24-hour Command Center (IOCC): 202-616-(b)(6);  
ORR: 202-401-(b)(6);(f)  
LESC: (b)(7)(E)  
NCATC POC: (b)(6);(b)(7)(C) 802 951-(b)(6);(f) 781 556-(b)(6);(f)(mobile)

**Local**

**AFODs:**

Boston

(b)(6);(b)(7)(C)

Portland

Hartford

Providence

**SDDOs:**

Boston

Portland

Hartford

Providence

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AUTHORIZING OFFICIAL

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Chris Cronen  
Field Office Director  
Boston Field Office

APPROVING OFFICIAL

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Thomas E. Feeley  
Acting Assistant Director  
Enforcement

ATTACHMENTS:

- Attachment 1: Target List
- Attachment 2: Supporting Agency Contact Information
- Attachment 3: CPS Contact List

DISTRIBUTION:

- HQ NFOP
- HQ NCATC
- HQ Field Operations
- FOD
- DFOD
- Fugitive Operations AFOD

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**To:** (b)(6);(b)(7)(C)  
**Cc:**  
**From:**  
**Sent:** Thur 8/17/2017 6:45:40 PM  
**Subject:** OMEGA Draft Broadcast

(b)(6);(b)(7)(C)

I am out tomorrow. Here is a clean/cleared version of the broadcast just in case it upstairs gives the green light to send out. The operation dates may need to be changed. Thanks (b)(6);(b)(7)(C)

*This message is sent on behalf of (b)(6);(b)(7)(C), Acting Assistant Director for Enforcement, with the concurrence of Nathalie Asher, Acting Assistant Director for Field Operations:*

**To:** Field Office Directors, Deputy Field Office Directors, and Assistant Field Office Directors for Fugitive Operations

**Subject:** Cross Check VII - MEGA – Saturday, September 09 through Thursday, September 14, 2017

(b)(7)(E)

For further information, please contact National Fugitive Operations Program (NFOP) Unit Chief (b)(6);(b)(7)(C) at (202) 732-(b)(6);(b)(7)(C) or the NFOP point-of-contact for your AOR. You may also send a message to the **HQERO, FUGOPS** mailbox, subject “**MEGA.**”

**1. General Requirements**

(b)(7)(E)

(b)(7)(E)

\*Operation plans submitted from the field will only be accepted in word format. Only the signature page should be scanned and sent as a separate document. There will be TDY travel funding and overtime funds available.

## 2. Target Development

Each field office is responsible for the below number of targets.

(b)(7)(E)



(b)(7)(E)

*Thank you,*

(b)(6);(b)(7)(C)

Section Chief  
Department of Homeland Security  
National Fugitive Operations Program  
Fugitive Operations & Training Division  
Office of Enforcement & Removal Operations  
500 12th Street SW  
Washington, D.C. 20536

(b)(6);(b)(7)(C)

(202) 732-(b)(6); office)  
(202) 345-(b)(7)(C) (cell)

**FOD-BALTIMORE**

(b)(6);(b)(7)(C) On September 25, 2017, ICE ERO Fugitive Operations targeted (b)(6);(b)(7)(C) COC: El Salvador, at (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) Gaithersburg, MD as part of Operation Safe City. (b)(6);(b)(7)(C) entered the US at an unknown place and unknown date. On March 16, 2016, he was convicted of Driving Under the Influence. (b)(6);(b)(7)(C) was encountered outside his residence at 5:45 AM on September 25, 2017, and taken into ICE custody. (b)(6);(b)(7)(C) was issued a Notice to Appear and detained in ICE custody with a \$25,000 dollar bond.