

San Antonio (SNA) Field Office
Fugitive Operations Team



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

ENFORCEMENT AND REMOVAL OPERATIONS

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SAN ANTONIO FIELD OFFICE

Operation Cross Check
Dates: July 10, 2017 through July 19, 2017

I. Situation

The objective of Operation "Cross Check" is to apply an organized, methodical approach to the location and arrest of Immigration and Customs Enforcement (ICE) fugitive aliens, previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the San Antonio Field Office Area of Operational Responsibility (AOR) consistent with the ICE Immigration Enforcement Priorities.

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

A) Targeted Aliens – (238)

Two hundred thirty eight aliens have been identified and will be targeted during this operation. These targets have been reviewed and approved by FOD. The targets are comprised of aliens found within the three tier system of priorities for fugitive operations, which includes aliens amenable to removal proceedings due to their criminal convictions. Of the total number of targets for this operation, twenty-two (22) are tier I fugitive aliens, one hundred fifty-six (156) are tier II previously removed aliens, and sixty (60) are tier III removable aliens convicted of crimes. Enforcement actions may also be taken in this operation for other aliens encountered who are determined to be removable and found to present a public safety threat or otherwise meet ICE enforcement priorities, as provided in this operation plan. If safe, non-targeted aliens encountered during the operation should be checked for criminal and immigration histories while at the arrest location or taken to an ERO office and checked as quickly as possible. Based on the prosecutorial guidelines, appropriate charging and detention decisions should be made on a case by case basis. **(See attachment 1: Excel spreadsheet 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 necessary pre-operational surveillance as resources permit. Operational hours will be from (b)(7)(E) each 2

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day. Although the operational hours for conducting arrests will be from (b)(7)(E) to (b)(7)(E) daily, the team leader(s) will determine the actual duty hours. No operation will begin prior to (b)(7)(E), unless the FOD has reviewed the case and given approval based on specific justification for each case. All activities will be conducted pursuant to the National Fugitive Operations Program (NFOP) Policy and Procedures. Supervisory staff will change shift hours as needed in order to facilitate the operation. Operational hours will be (b)(7)(E). When a daily target list has been exhausted early in the day, consideration should be given to pursuing additional targets originally scheduled for later in the operation.

C) Local Situation

FOTs will conduct the operation with other resources as determined necessary from local CAP and Detained/Non-Detained units, as well as other Law Enforcement Agencies (LEAs): The FOD will commit all necessary resources within their jurisdictions. **(See attached Excel spreadsheet for Team and LEA breakdown)**

Homeland Security Investigations/Harlingen (HSI) will participate in the operation. Five (5) Special Agents (SA) will be assigned and paired with one FOT member from Harlingen.

United States Border Patrol (USBP)/Rio Grande Valley Sector/Rio Grande City Station has agreed to allow ERO to utilize cells within their processing area for any ERO arrests conducted in Starr County. ERO arrests will be transported out of the USBP station at the conclusion of the days operation by contract transportation. An SDDO (at minimum) will be stationed at the USBP station to monitor incoming and outgoing traffic.

D) Operational De-Confliction

Homeland Security Investigations (HSI) has been advised of the operation and has stated that they do not anticipate any conflict in the area and have agreed to participate. No additional request for assistance was made by ERO. The target list has been queried in (b)(7)(E) to ensure de-confliction with HSI and other law enforcement entities.

E) Local Law Enforcement Agencies (LEAs)

The Fugitive Operations Team (FOT) Supervisory Detention and Deportation Officer (SDDO) shall advise local LEAs prior to the execution of any Headquarters (HQ) approved or 3

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FOD approved fugitive operation plan. The standard operating procedure 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. If this is impractical, then affected agencies should be notified as soon as possible thereafter. In the presence of exigent circumstances, it may be prudent not to provide notification of impending fugitive operations within your jurisdiction.

F) Sensitive Locations and 4th Amendment

Potential FOT activities near locations designated as sensitive as defined in the October 24, 2011, Enforcement Actions at or Focused on Sensitive Locations policy memorandum, will be avoided unless operationally necessary, and then only when in compliance with the memorandum. Pre-planned operations conducted near a sensitive area will be reviewed and approved in writing by the FOD or Headquarters 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.

All personnel assigned to the operation must be current on 4th Amendment training requirements. In addition, FODs may choose to seek additional training by the Chief Counsel just prior to the operation, as is the case with national operations.

G) Community Issues or Politically Sensitive Issues

Three days prior to the execution of the operation, the field office will provide the Office of Public Affairs (OPA) and Office of 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.

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. In the event that minors are identified or likely to be encountered at a particular residence, family members, care providers and community, as well as state and 4

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county juvenile resources, will be identified and a plan of care for juveniles will be addressed prior to the commencement of operations. Juveniles will be turned over to county resources only as a last resort. Prosecutorial discretion will be applied as appropriate. 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. **No juveniles will be targeted during this operation.**

If unaccompanied alien juveniles are encountered, the local juvenile coordinator will be contacted for guidance. If they are unavailable, the Office of Refugee Resettlement (ORR) will need to be notified at 202-401-(b)(6);(c) after all processing tasks are performed.

In the event that juvenile(s) 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 are in possession of the agency's appropriate contact numbers, to be used as deemed necessary throughout the entirety of the operation. See attachment

Whenever possible, juveniles will be placed in the care of immediate family members that have no ascertainable criminal history. If there are no other options, sole care givers who are subject to removal, that have no ascertainable criminal record may be placed on an Order of Supervision or Order of Release on Recognizance with SDDO/AFOD approval. **HRO- DO (b)(6);(b)(7)(C) 619-571-(b)(6);(c) and DO (b)(6);(b)(7)(C) 956-535-(b)(6);(c) SNA DO (b)(6);(b)(7)(C) 210-663-(b)(6);(c) and (b)(6);(b)(7)(C) 210-889-(b)(6);(c) San Antonio CPS 210-333-(b)(6);(b) Austin CPS 512-438-(b)(6);(c) Harlingen CPS 956- 412-(b)(6);(c)**

I) Prosecutions

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

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J) Gangs

In the event that 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 I-213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE gang database. Additionally, in houses where gang tags are prevalent, photos will be taken, as well as 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 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.
- Subject has been identified by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest has occurred in the past five years, the "previous five years" requirement is deemed to have been met).
- Subject has been identified by a jail or prison as a gang member.
- Subject has been identified through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.
- Subject has been identified 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

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 our immigration laws and our border control efforts. ERO upholds America's immigration laws at, 6

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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 remove these aliens from the United States.

Operation "Cross Check" is an effort to apply an organized, methodical approach to the location and arrest of ICE fugitive cases previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the San Antonio Field Office(s) AOR. The sustained cooperation of other LEAs throughout the area is paramount in order to be successful in this initiative.

Definitions

Operation Return to Sender: An enforcement initiative that applies an organized and methodical approach to the identification, location and arrest of ICE fugitive aliens.

Operation Secure Streets: An enforcement operation that targets National Fugitive Operations tier priority aliens who have been convicted of violations concerning the operation of a motor vehicle while under the influence of alcohol or drugs.

Operation Cross Check: A nationwide effort that serves as the operational umbrella for all other focused enforcement efforts conducted by Fugitive Operations Teams that target specific groups, such as aliens who have been convicted of specific crimes and remain at-large.

Operation SOAR: A coordinated foreign-born sex offender enforcement operation that builds on ongoing efforts to target the worst criminal aliens and remove them from our communities.

III. Execution

A) Director's Intent

This operation is being conducted in furtherance of the national Immigration Enforcement Priorities and pursuant to the National Fugitive Operations Program Handbook. The objective of the

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NFOP is to reduce the backlog of ICE fugitives throughout the United States and to apprehend and remove previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large in the community.

B) Concept of Operations



- July 10, 2017: Operational briefing. All officers participating in the operation will attend the pre-operational briefing.
- July 10, 2017 to July 19, 2017: Officers from the San Antonio FOTs will deploy throughout the AOR to initiate arrests at residences and places of employment.
- July 20, 2017: If advisable, the San Antonio 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 Fugitive Operations Support Center (FOSC): A copy of the Operational Plan and target list has been sent to the FOCS 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.

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2. The Law Enforcement Support Center (LESC) is available 24 hours a day, seven days a week and can provide support to Fugitive Operations Teams conducting operations. It is recommended that all officers/agents participating in the operation have the contact number for the LES C (b)(7)(E) (b)(7)(E)

IV. Administration

A) Safety

Mandatory Element: **Safety is paramount.**

1. All participating officers will be fully equipped with both deadly and non-deadly force weapons, (b)(7)(E)
2. Beyond identifying themselves verbally as law enforcement officers/agents, ERO 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, if utilized during enforcement operations, outer garments must be prominently affixed with both the words "ICE" and "Police."
3. (b)(7)(E).
4. No additional training will be necessary prior to this operation.

B) Logistics

1. Primary processing location: All detainees will be transported to the local detention facilities for processing.
 - a. Secondary detention and processing site(s) to be determined as needed.
 - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Operations AFOD with concurrence from the San Antonio FOD.

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2. Lodging and per diem: will not be required for the 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: It is the intent of the FOD to expeditiously remove all ICE fugitive aliens and non-fugitive aliens from the United States. The below actions have been performed to facilitate this objective:
 - a. Once arrested, all detainees will be transported to the local Immigration and Customs Enforcement office for initial processing. All files will be reviewed by the Fug Ops team leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.

No health & safety inspection 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 these documents at the time of arrest will greatly decrease time spent in detention.
- c. Any non-fugitive 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. The OPLA/SNA and EOIR/SNA have been advised and contacted as to the availability to approve stipulated removals during the operation.
- d. FOTs will not target non-tier aliens, though such aliens may be arrested as appropriate if encountered during operations, and circumstances dictate such action. In keeping with ERO's overarching mission of addressing public safety threats, including FAR cases, confirmed gang members and certain gang associates, such cases may be targeted with FOD concurrence even if they do not necessarily fall within one of the tier priorities.
- e. Prosecutorial discretion in immigration enforcement matters must

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be exercised consistent with all established guidelines and with supervisory oversight. This applies at all levels during the execution of the operation and could be applied during the pre-arrest, arrest, and custody phase. Communication within the local field office is imperative and 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 detention can be utilized if authorized by supervisory personnel. The San Antonio Alternatives to Detention (ATD) Units have been advised of this operation and will be available should alternative detention methods be needed.

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)

Quality Assurance: An officer, 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 stated to be not validated and subject to change.

- 2. Weekly Reports: Standard HQ FUGOPS reporting via OM2
- 3. 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 incidences occur that warrant their generation in accordance with established policy and procedures.
- 4. Report Format: At the conclusion of field operations, the team leaders will ensure that OM2 is properly updated with all FOT arrests from the operation that are to be validated as FOT arrests in ENFORCE by close of business (COB) each day.

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5. Director Notes: Director Notes should be submitted for events or incidents that warrant their generation in accordance with established policy and procedures.

D) After Action Reporting Requirements

1. Initial after action conferences will be conducted as follows:
 - a. Key operational personnel involved in the final phase(s) of the enforcement operation will be held on July 14, 2017 via teleconference.
2. Format: The format for issues will be:
 - b. Topic
 - c. Discussion
 - d. Recommendation(s)
3. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review as necessary.
4. San Antonio Field Office ICE OPA will coordinate with the FOD and generate a press release upon completion of the operation as necessary. ICE Public Affairs Officer (b)(6);(b)(7)(C), 210-889-(b)(6);(b)(7)(C)

V. Command and Control

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

General

Emergencies: 911
Sector: 1-800-X-SECTOR (973-2867)
ORR: 202-401-(b)(6);(b)(7)(C)
LESC: (b)(7)(E)
LESC POC: (b)(7)(E)
NCATC POC: (b)(6);(b)(7)(C) 302-657-(b)(6);(b)(7)(C)
San Antonio Operations Center 1-866-441-2283

Local

AFOD: (b)(6);(b)(7)(C) 956-535-(b)(6);(b)(7)(C)

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SDDO: (b)(6);(b)(7)(C) 956-793-(b)(6) 7

SDDO: (b)(6);(b)(7)(C) 956-433-(b)(6);(

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APPROVING OFFICIAL

Daniel Bible
Field Office Director
San Antonio Field Office

ATTACHMENTS: (If applicable)

Attachment 1: Complete Target List
Attachment 2: Team Rosters

DISTRIBUTION:

HQ NFOP
FOSC/NCATC
FOD
DFOD
Operations AFOD

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