

Salt Lake City Field Office

Fugitive Operations Team



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FIELD OFFICE DIRECTOR (FOD) APPROVED
FUGITIVE OPERATIONS PLAN:

OPERATION CROSS CHECK IDAHO FALLS
Dates: September 7, 2017- September 11, 2017

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Enforcement and Removal Operations**

OPERATION CROSS CHECK IDAHO FALLS

Dates: September 7, 2017-September 11, 2017

I. Situation

The objective of Operation Cross Check Idaho Falls (CCIFI) is to apply an organized, methodical approach to the identification, location, and arrest of at-large criminal aliens and public safety threats that present a danger to citizens, immigrants, visitors in the communities of Idaho, or otherwise undermine the integrity of immigration laws and border control efforts. This operation will occur throughout Idaho, within the Salt Lake City (SLC) Area of Operational Responsibility (AOR), consistent with the Department of Homeland Security's (DHS) immigration enforcement priorities.

Operation CCIFI will utilize the following resources:

Idaho: The ERO Boise Fugitive Operations Team (FOT) will utilize the ERO SLC Mobile Criminal Alien Team (MCAT), as well as ERO Idaho Falls Sub-office resources.

Prior to commencement of the operation, teams will evaluate lead information to identify at-large criminal aliens, public safety threats, or aliens who otherwise undermine the integrity of immigration laws and border control efforts. 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 1546. Prosecutions for other offenses will be guided by the August 20, 2007, memorandum, DRO/OI Protocols. ERO Idaho Falls (IFI) will also collaborate with U.S. Citizenship and Immigration Services (USCIS) to evaluate criminal alien case referrals for inclusion in the operation.

Upon approval of the operational plan, the Boise Assistant Field Office Director (AFOD) will collaborate with the USAO in the District of Idaho to seek cooperation in obtaining criminal arrest warrants, indictments, and acceptance of prosecutions.

This operation will consist of five (5) days of enforcement activities from September 7, 2017 – September 11, 2017.

The ERO SLC Field Office Director (FOD) has been briefed on this operational plan and supports its execution.

A) Targeted Aliens – 37

CCIFI will target approximately 37 at-large criminal aliens, public safety threats, or aliens who otherwise undermine the integrity of immigration laws and border control efforts. 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 communities of Idaho.

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CCIFI priority targets include cases as outlined in the Presidential Executive Order: *Enhancing Public Safety in The Interior of The United States, Section 5(4)*. *Removable aliens who:*

- (a) Have been convicted of any criminal offense;
- (b) Have been charged with any criminal offense, where such charge has not been resolved;
- (c) Have committed acts that constitute a chargeable criminal offense;
- (d) Have engaged in fraud or willful misrepresentation in connection with any official matter or application before a governmental agency;
- (e) Have abused any program related to receipt of public benefits;
- (f) Are subject to a final order of removal, but who have not complied with their legal obligation to depart the United States; or
- (g) In the judgment of an immigration officer, otherwise pose a risk to public safety or national security.

The Boise FOT POC will compile a list of eligible targets, which the FOD must review and approve, prior to submission to the National Criminal Analysis and Targeting Center (NCATC) and National Fugitive Operation Program (NFOP) for review. Once approved by Headquarters Enforcement and Removal Operations (HQ ERO), the final list will be disseminated among ERO enforcement personnel.

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 DHS enforcement priorities, 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 the local ERO office. Based on the Prosecutorial Discretion Guidelines, appropriate charging and detention decisions should be made consistent with the Presidential Executive Order: *Enhancing Public Safety in The Interior of The United States, Section 5(4)*, on a case-by-case basis. (See **attached 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 (b)(7)(E) as resources permit. While the operational hours for conducting arrests will be from (b)(7)(E) to (b)(7)(E) Mountain Standard 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 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 6:00 AM or

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(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 the identified targets.

C) Local Situation

The Boise FOT will supplement their officers by utilizing resources from ERO Salt Lake City MCAT team and ERO Idaho Falls sub-office.

D) Operation De-Confliction

The target list will be queried in the (b)(7)(E) _____
(b)(7)(E) _____
(b)(7)(E) _____ to ensure de-confliction with Homeland Security Investigation (HSI) and other law enforcement entities.

E) Local Law Enforcement Agencies (LEAs)

The Boise 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 ERO's arrival and, if that is not feasible, 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).**

F) Sensitive Locations and 4th Amendment

Potential enforcement activities near sensitive locations, as defined in the October 24, 2011, former ICE Director John Morton memorandum *Enforcement Actions at or Focused on Sensitive Locations*, will be avoided unless operationally necessary, and only then when in compliance with the requirements of the 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

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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, the FOD may choose to seek additional training by the Office of Chief Counsel (OCC) prior to the operation.

G) Community Issues or Politically Sensitive Issues

HQ ERO 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 locations 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, surveillance, 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 must be obtained prior to taking enforcement actions.

In the event that non-targeted juveniles are identified, or likely to be encountered, family members, care providers, and community juvenile resources will be identified and a plan of care will be addressed prior to 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 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 encountering 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. **Juveniles will not be targeted during this operation.**

If unaccompanied alien juveniles are encountered, the local Field Office Juvenile Coordinator (FOJC) will be contacted for guidance. If the FOJC is unavailable, the Office of Refugee Resettlement (ORR) must be notified at 202-401-[b)(6)] upon completion of processing.

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

Idaho Falls Child Protective Services: (208) 528-(b)(6)

Idaho Statewide 24 hour hotline: (208) 334-(b)(6)

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 history 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-247A, 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 criminal street gang, officers must record the appropriate information on Form I-213 and photograph any tattoos. A copy of the Form I-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 ICE Gang 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 residence for future officer safety concerns.

ICE Definitions of Gang Member and Gang Associate

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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 and/or associates with known gang members.

Subject has been observed 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 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

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 of ICE supports this mandate by performing strategic planning and establishing a policy designed to augment ICE’s ability to locate and arrest these aliens for removal from the United States.

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The objective of Operation CCIFI 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 Idaho communities.

III. Execution

A) Operational Intent

This operation is being conducted in the furtherance of DHS's immigration enforcement priorities. The objectives of these priorities are national security, border security, and public safety.

B) Concept of Operations



This operation will consist of five days of enforcement activities from September 7, 2017 – September 11, 2017.

September 6, 2017: Operational Briefing. All officers participating in the operation will attend the pre-operational briefing.

September 7, 2017 – September 11, 2017: Arrest teams will deploy throughout the state of Idaho to initiate arrests at residences, places of employment, and the offices of Idaho Probation and Parole (P&P).

September 13, 2017: Upon review and approval of the ERO Executive Associate Director, ICE HQ OPA may issue a press release following the completion of the operation.

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C) Tasks

1. Field Office: A copy of the Operation Plan and target list will be sent to the NCATC and NFOP via the HQ ERO, FUGOPS mailbox. Submissions must include the Operation Plan, Signed FOD Signature Page, Target List, and personnel breakdown, along with any additional attachments.
2. FOD: The FOD will be responsible for identifying suitable detention space to accommodate operational needs. Should additional detention resources be required, the FOD will coordinate with HQ/Field Operations.
3. 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 LESG: (b)(7)(E) When calling the LESG, officers should be prepared to provide their LESG Officer ID Number.
4. NFOP: Prior to the operation, NFOP will provide HQ/Field Operations with a copy of the approved operational plan.

IV. Administration

A) Safety

Mandatory Element: **Safety is paramount**

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 POLICE and ICE identifiers.
3. (b)(7)(E).

B) Logistics

1. Primary processing location: All detainees will be transported to local ERO offices for processing.

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- 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 AFOD with concurrence from the appropriate FOD.
2. Lodging and per diem: Lodging and per diem expenses have been 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 actions listed below 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 these documents at the time of arrest will greatly decrease time spent in detention.
 - c. FOTs will not *target* aliens outside the scope of the Operation CCIFI, although other removable aliens falling within DHS enforcement priorities may be arrested as appropriate if encountered during the operation, and circumstances dictate such action in accordance with existing policy.
 - d. Prosecutorial discretion in immigration enforcement matters must be exercised, consistent with all established guidelines with supervisory oversight, by ICE officers. This applies at all levels during the execution of the operation and could be applied during the pre-arrest, arrest, and custody phases. Nothing within this operational plan should be interpreted to

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supersede local management oversight and execution of prosecutorial discretion protocols.

- e. When appropriate, a form of Alternative to Detention (ATD) maybe utilized if authorized by supervisory personnel.

C) General Reporting Requirements

1. Daily Reports: Reports will be submitted to NFOP via the HQERO, FUGOPS mailbox utilizing the HQ approved Daily Operations Report. Reports will be submitted once a day by 4:00 PM EST for the day's activities up to the time of submission of the report.
2. All EAGLE entries pursuant to this operation will use Operation Cross Check in the operational dropdown on the initial event screen.
3. All Operational Management Module (OM2) entries pursuant to this operation will use Operation Cross Check in the operational dropdown on the arrest screen.
4. At the conclusion of daily operations, designated FOT officers will ensure that the OM2 is properly updated with all FOT arrests and that these arrests are validated in EAGLE.
5. Quality Assurance: Officer(s) and/or support staff, as assigned, 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 HQFUGOPS 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. ERO Boise will conduct an after-action briefing as soon as practicable after completion of the operation.
2. Format: The format for issues will be:

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- a. Topic
 - b. Discussion
 - c. Recommendation(s)
3. HQ ICE OPA will coordinate with the Assistant Director for Enforcement and generate a press release upon completion of the operation.

V. Command and Control

- A. Primary means of communication will be via radio, telephone, and e-mail.

General

Emergencies: 911

Sector: 1-800-X-SECTOR (973-2867)

INTERPOL: 202-532-(b)(6);(

INTERPOL 24-hour Command Center (IOCC): 202-616-(b)(6);(

OCC: (b)(6);(b)(7);(801-886-(b)(6)

LESC: (b)(7)(E) [redacted]

NCATC POC: (b)(6);(b)(7)(C) [redacted] 802-951-(b)(6);(

AFOD: (b)(6);(b)(7)(C) [redacted] 208-685-(b)(6);(

SDDO: (b)(6);(b)(7)(C) [redacted] 208-573-(b)(6);(

Radio Frequencies

NATTAC 1 through 4 – Utilized for local team communication

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OPERATION CROSS-CHECK September 7-SEPTEMBER 11, 2017, IDAHO FALLS, ID

APPROVING OFFICIAL

Robert M. Culley
Field Office Director
Salt Lake City Field Office

Date

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ATTACHMENTS: (If applicable)

Attachment 1: Complete Target List

Attachment 2: CPS Contact List

Attachment 3: Personnel List

DISTRIBUTION:

HQ NFOP

NCATC

FOD

DFOD

Operations AFOD

OCC

OPA