



Homeland Security

April 20, 2009

Catherine McMullen
Chief, Disclosures Unit
Office of Special Counsel
1730 M Street, Suite 300
Washington, D.C. 20036-4505

RE: OSC File No. DI-08-0549

Dear Ms. McMullen:

Per our discussions enclosed please find a redacted copy of the report in the above-mentioned matter. This version of the report is intended for public dissemination. Please do not hesitate to contact me at (202) 447-3029 with any questions. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole M. Heiser", with a long horizontal line extending to the right.

Nicole M. Heiser
Attorney
DHS Office of General Counsel
(202) 447-3029 tel.
(202) 447-3111 fax

2009 APR 22 10 11:02

SEARCH

U.S. Department of Homeland Security
5524 West Cypress Street
Tampa, FL 33607



U.S. Immigration
and Customs
Enforcement

Interoffice Memorandum

To: [REDACTED] Deputy Field Office Director, Miami

From: [REDACTED], Supervisory Detention and Deportation Officer, Tampa

Date: August 17, 2005

Re: Memorandum of Findings: OPR Case No. 200505281

INTRODUCTION

This Management Inquiry was predicated on a complaint received on June 13th, 2005, by OIA. The complaint was filed against Deportation Officer [REDACTED] by Supervisory Deportation Officer [REDACTED] both of who are employees assigned to the Miami Field Office. The Miami Field Office (DRO) assigned the case to me as a Management Inquiry on June 29th, 2005.

In his June 13th, 2005, complaint, Officer [REDACTED] alleged that on June 1st, 2005 Officer [REDACTED] failed to properly perform his official duties. The allegations involve Fourth Amendment violations to include abuse of authority. Specifically, Officer [REDACTED] alleged that Officer [REDACTED]

1. Failed to obtain proper authorization (consent prior to entering the residence of a targeted alien fugitive) to conduct a search.
2. Failed to follow proper procedures as outlined in the National Fugitive Operations Program Policy memorandum published by the Executive Associate Commissioner for Field Operations.

On July 12th, 2005, I conducted the necessary inquiry interviews on the following Officers:

1. IEA [REDACTED]
2. DO [REDACTED]
3. DO [REDACTED]

On August 17, 2005, I conducted the necessary inquiry interviews on the following Officer:

1. SDO [REDACTED]

FINDINGS

During a review of the memorandums submitted by two of the witnesses (DO [REDACTED] and IEA [REDACTED]), it became necessary to clarify the written content. The Warnings and Assurances to all three employees to provide information were read and understood. All three officers exercised their Weingarten rights and retained representation by their Union Steward [REDACTED]. Officer [REDACTED] was present for all three interviews.

Discussion with Subject (Officer [REDACTED])

I decided to begin with the Subject of the inquiry as he (DO [REDACTED]) failed to submit a memorandum when directed to do so by Management (SDO [REDACTED]). DO [REDACTED] was cooperative during the interview and clearly stated to this writer that [REDACTED] failed to obtain consent from the targeted alien who was tenant of his residence. Specifically, Officer [REDACTED] originally directed the landlord/superintendent of the apartment complex to open the door of their target, [REDACTED]. The superintendent was unable to open the door thereby causing DO [REDACTED] to leave the apartment complex and locate their next target as described in exhibit B. Upon their return to the residence of [REDACTED], DO [REDACTED] claims to have found the door open and subsequently entered the residence. Officer [REDACTED] was the Team Leader on this assignment, who in turn gave the other members of [REDACTED] team the authorization to enter the residence of [REDACTED]. The other members of his Fugitive Operations team to enter the residence were Officers [REDACTED] and Officer [REDACTED]. Officer [REDACTED] made reference to a strong gas odor while in the residence however when questioned to his reaction stated that he informed the landlord of the odor prior to departing the area. I asked DO [REDACTED] why he did not contact the Fire Department instead? He stated that he did not think of this decision at the time. Officer [REDACTED] also stated that he does not remember seeing anyone from the media (Miami Herald) in the immediate area. Officer [REDACTED] apologized for any error that he may have made during this high profile Fugitive Operation. This writer asked officer [REDACTED] weather [REDACTED] was familiar with the numerous Fugitive Operations policy's and procedures that are evidenced in this management inquiry (see exhibit's G,H,I,J,L,M). [REDACTED] stated that he was not familiar with any of them. [REDACTED] stated that he failed to obtain written consent on form I-214S (see exhibit L) as is required in all fugitive operations (see exhibit G). Ironically, one of the other two members of [REDACTED] team who provided perimeter security, Officer [REDACTED] is classified as a dedicated 1253 Fugitive Operations Deportation Officer. However, Officer [REDACTED] provided only perimeter security of the residence of [REDACTED] during the unauthorized entry. Officer [REDACTED] never entered the residence at any time nor is there any evidence that [REDACTED] consulted with officer [REDACTED] against this action.

Discussion with Witness (Officer [REDACTED])

Officer [REDACTED] was generally cooperative and somewhat defensive during my questioning of the events that took place on June 1st, 2005. [REDACTED] does not recall if the Team Leader, Officer [REDACTED] obtained proper consent. [REDACTED] stated that for safety and support reasons, he followed Officer [REDACTED] and [REDACTED] into the residence of the targeted fugitive with zealous conviction. Officer [REDACTED] stated that the Miami Herald reporters were not present during their entry into the residence of [REDACTED]. While [REDACTED] was unable to produce the FOTP certificate, Officer [REDACTED] claims to have attended the original fugitive operations course in October of 2001. Officer [REDACTED] also does not recall the topic of obtaining consent prior to entering the residence. Officer [REDACTED] also stated that there was a strong odor of gas in the apartment of [REDACTED]. I also asked DO [REDACTED] why he did not contact the Fire Department instead? He stated that he did not think of this decision at the time and suspects that Officer [REDACTED] handled this issue with the superintendent of the apartment complex who opened the door of [REDACTED] apartment. This writer believes that Officer [REDACTED] was sincere in his testimony.

Discussion with Witness (Officer [REDACTED])

Officer [REDACTED] was very cooperative during my questioning of the events that took place on June 1st, 2005. [REDACTED] stated that Officer [REDACTED] crossed the street of the Apartment complex to retrieve the superintendent. The Superintendent along with Officer [REDACTED] returned to the residence of [REDACTED]. The superintendent of the apartment complex had in his possession a huge set of keys on a large key ring and was having difficulty opening the targeted aliens door. Upon their frustration in gaining access to the aliens' residence, the team departed and officer [REDACTED] remained behind to perform surveillance along with officer [REDACTED]. According to Officer [REDACTED] upon officer [REDACTED] return to the residence of [REDACTED] there was a second, adjacent door that was unlocked and open.

This open door was utilized for the team's entry into the residence. The officers that entered were DO [REDACTED], DO [REDACTED] and IEA [REDACTED] self. IEA [REDACTED] stated that upon searching the residence, there was no one present. [REDACTED] did make reference to the strong gas odor and that DO [REDACTED] inform the superintendent of this odor prior to their departure. This writer believes that Officer [REDACTED] was sincere in his testimony.

Discussion with Witness (SDO [REDACTED])

Ironically, while this management inquiry was initiated by SDO [REDACTED], [REDACTED] became uncooperative during the originally scheduled interview on August 15th, 2005. Only through supervisory intervention (direct order) provided by AOIC [REDACTED] and SDDO [REDACTED] did [REDACTED] agree to cooperate. Our discussion involved the various policies and procedures that have been promulgated through DRO headquarters included as exhibits G-N in this report. SDO [REDACTED] stated that [REDACTED] was familiar with all of these exhibits and had disseminated this information to his Fugitive operations unit upon [REDACTED] control of the unit in January 2005. SDO [REDACTED] also made reference to numerous squad meetings that have taken place under [REDACTED] supervision where [REDACTED] has reiterated the importance of obtaining proper consent prior to entering the residence of a suspected absconder.

Summary

Upon carefully listening to all three officers provide their account of this incident; it appears that there was a gross violation of established policies and procedures under the fugitive operations program. The subject (DO [REDACTED]) failed to obtain proper consent (including written consent) as outlined in the various exhibits in this management inquiry (see exhibit's G,H,I,J,L,M). The documented violation (see exhibit J) of this fugitive operation by the media in a published article only casts a shadow of scrutiny on the Fugitive program that is difficult to undue. This writer has chosen not to contact the media to discuss their version of the incident only because it may bring additional unnecessary negative press on this operation as well as the DRO program within the Miami Field office. Officer [REDACTED] was provided with the necessary training (see exhibit M) to conduct this operation however failed to operate within the parameters of the program. This management inquiry is being forwarded for review and appropriate action.

The supporting documentation is as follows:

EXHIBITS

- A memorandum submitted by SDO [REDACTED] dated June 13th, 2005, titled; "Fugitive Operation (Herald ride along)." is attached as *Exhibit A*.

- A Miami Herald newspaper article dated June 2nd, 2005; titled " Sweep underway for fugitive migrants" is attached as *Exhibit B*.
- A memorandum submitted by IEA [REDACTED] dated June 03rd, 2005, titled, "Fugitive Operation for [REDACTED]" is attached as *Exhibit C*.
- A memorandum submitted by DOES [REDACTED] date June 03rd, 2005, titled; "Fugitive Operation on June 1st, 2005" is attached as *Exhibit D*.
- A memorandum submitted by DOES [REDACTED] date June 03rd, 2005, titled; "Fugitive Operation (Miami Herald Ride Along)." is attached as *Exhibit E*.
- A memorandum submitted by IEA [REDACTED] z dated June 03rd, 2005, titled, "Fugitive Operation for [REDACTED]" is attached as *Exhibit F*.
- A memorandum submitted by Former Director [REDACTED], no date given, titled; "Addition of Chapter 19, Section 5 (Field Operations/Tactics) of the DDFM" is attached as *Exhibit G*.
- A memorandum submitted by Former Executive Associate Commissioner for field Operations, Johnny N. Williams dated September 23, 2002, titled, "National Fugitive Operations Program Policy and Procedure" is attached as *Exhibit H*.
- A photocopy of page III-5 & III-6 of the M-69 manual (The Law of Arrest, search, and Seizure for Immigration Officers) outlining who may give valid consent to enter a residence is attached as *Exhibit I*.
- A photocopy of the fourth amendment to the U.S. Constitution, which summarizes unreasonable searches and seizures, is attached as *Exhibit J*.
- A memorandum generated by Field Office Director Michael D. Rozos dated July 22, 2004, titled, "Fugitive Operations Policy and Procedures is attached as *Exhibit K*.
- Form I-214S (Consent to search premises) that is required in all cases where consent is given to enter a residence is attached as *Exhibit L*. This form is also discussed in Exhibit G
- An Internal email from the DRO academy which documents Officer [REDACTED] attendance to the FOTP course (FOTP # 410) is attached as *Exhibit M*
- A memorandum submitted by Former Director Anthony Tangeman, dated August 25, 2003, titled; "Addition of Chapter 19, Section 2 (General Policies/Authority) of the DDFM" is attached as *Exhibit N*.
- Notes of Interview with DO [REDACTED] is attached as *Exhibit O*
- Notes of Interview with DO [REDACTED] is attached as *Exhibit P*
- Notes of Interview with IEA [REDACTED] is attached as *Exhibit Q*



425 I St., N.W., Room 3260
Washington, D.C. 20536

DATE: August 16, 2005

MEMORANDUM FOR [REDACTED], Supervisory Deportation Officer

FROM: [REDACTED] Supervisory Detention and Deportation Officer
(for) Office of Internal Audit

SUBJECT: Your Required Appearance and Sworn Testimony in Accordance with
Administrative Manual Section 5.5.201

You are hereby directed to be available on August 17, 2005 @ 10:00 am, before [REDACTED]
[REDACTED] Supervisory Detention and Deportation Officer via telephone at (813) 637- 3075.

You are advised that your willful refusal to appear, as directed herein, and provide sworn testimony in accordance with the authority outlined in 8 CFR 103.1(e) and 8 USC 1357(b), may be construed to be insubordination, which in and of itself could result in revocation of any security clearance you may hold and the institution of disciplinary action against you, up to and including dismissal from the Agency.

You will be questioned concerning your knowledge of alleged misconduct relating to:
Management Inquiry—OPR Case # 200505281. Alleged unauthorized entry into the residence of a fugitive

If you are in a bargaining unit, you have a right to Union representation.

Your appearance is requested as:

X A Witness
- Subject

[REDACTED] Supervisory Detention and Deportation Officer
Signature Title

Acknowledgement of Receipt: _____ Date: _____
(Employee Signature)



425 I St., N.W., Room 3260
Washington, D.C. 20536

DATE: August 12, 2005

MEMORANDUM FOR [REDACTED], Supervisory Deportation Officer

FROM: [REDACTED], Supervisory Detention and Deportation Officer
(for) Office of Internal Audit

SUBJECT: Your Required Appearance and Sworn Testimony in Accordance with
Administrative Manual Section 5.5.201

You are hereby directed to be available on August 15, 2005 @ 10:00 am, before [REDACTED]
[REDACTED] Supervisory Detention and Deportation Officer via telephone at (813) 637- 3075.

You are advised that your willful refusal to appear, as directed herein, and provide sworn testimony in accordance with the authority outlined in 8 CFR 103.1(e) and 8 USC 1357(b), may be construed to be insubordination, which in and of itself could result in revocation of any security clearance you may hold and the institution of disciplinary action against you, up to and including dismissal from the Agency.

You will be questioned concerning your knowledge of alleged misconduct relating to:
Management Inquiry—OPR Case # 200505281. Alleged unauthorized entry into the residence of a fugitive

If you are in a bargaining unit, you have a right to Union representation.

Your appearance is requested as:

A Witness

A Subject

[REDACTED SIGNATURE]

Supervisory Detention and Deportation Officer

Signature

Title

Acknowledgement of Receipt: _____ Date: _____

(Employee Signature)

U.S. Department of Homeland Security
7880 Biscayne Boulevard
Miami, Florida 33138



U.S. Immigration
and Customs
Enforcement

Interoffice Memorandum

To: [REDACTED], SDDO
Tampa, Florida

Through: [REDACTED] OIC
Bradenton, Florida

From: [REDACTED]
Deputy, Field Office Director
Detention and Removal
Miami, Florida

Date: June 28, 2005

Subject: Management Inquiry – OPR Case No. 200505281
Alleged unauthorized entry into the residence of a fugitive

I have selected you to perform the management inquiry for the attached OPR case.
If this selection presents an operational burden at this time, please call me to discuss.

The investigative report should include the OPR file number. Please forward the report
(with attachments, if applicable) to my cc:mail address.

I expect your full cooperation in providing the completed management inquiry to me
no later than July 20, 2005.

Enclosure



U.S. Immigration and Customs Enforcement

June 27, 2005

MEMORANDUM FOR: [REDACTED]
Field Office Director
Miami, FL

FROM: [REDACTED]
Acting Assistant Director for Management

SUBJECT: Referral for Management Action
RE: OPR Case No. 200505281

The attached case is for your review and action. The OPR file relating to this issue will remain open pending receipt of a written response from your office. Headquarters Office of Detention and Removal point of contact for this action is [REDACTED]. The response is due by **July 28** and should outline any action taken, to include any disciplinary action. If you determine that additional time is needed for the completion of these cases, please notify [REDACTED] at least 5 days prior to the response due date. Management Inquiries or Investigative reports should not be forwarded to this office.

The written response should be directed electronically to [REDACTED]. Your response needs to include the OPR Case number, subject, allegation, if the allegation is substantiated or not substantiated, and the action taken, if any.

If you have any questions you may contact [REDACTED] at [REDACTED].

Attachment

DEPARTMENT OF HOMELAND SECURITY
ICE

1. TECS ACCESS CODE: 3

2. PAGE: 1

3. FILE ID: 200505281

R E P O R T O F I N V E S T I G A T I O N

TITLE: [REDACTED] /INSA/INCIDENTS /DADE FL

FILE STATUS: INIT RPT

REPORT DATE	ASSIGN DATE	CLASS	FILE DESC CODES	RPT NBR.
06132005	06132005	2	110	001

1. RELATED FILE IDS:

2. UNDLV LEADS TO:

3. TYPE OF REPORT:
INITIAL SOURCE DOC.

TOPIC: ALLEGED UNAUTHORIZED ENTRY INTO THE RESIDENCE OF A FUGITIVE

4. SYNOPSIS:

On June 13, 2005, the Joint Intake Center (JIC), Washington, D.C., received a memorandum from U.S. Immigration and Customs Enforcement (ICE) Supervisory Deportation Officer (SDO) [REDACTED], Miami, FL, regarding a fugitive operation conducted by Miami Deportation Officers. SDO [REDACTED] alleged that ICE DO [REDACTED] Miami, FL, gained entry to the target's apartment without the subject or landlord being present or obtaining proper authorization.

A file has been created by the JIC on this matter.

DISTRIBUTION:	16. ORIGINATOR: JASON JULIE A
	(TITLE) INVESTIGATIVE ASST OA
17. APPROVED BY: PIGNONE CHRISTOPHE W	(TITLE) SUPERVISORY INTAKE SPECIALIST
18. ORIGIN OFFICE: IS INTAKE SITUATION ROO	19. PHONE: 202 344 3375
	20. TYPIST: JASON

DOCUMENT, LOANED TO YOU FOR OFFICIAL USE ONLY, REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY, ICE. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO ICE HEADQUARTERS TOGETHER WITH A COPY OF THE DOCUMENT.

DEPARTMENT OF HOMELAND SECURITY
ICE

1. PAGE: 2
2. FILE ID: 200505281
3. REPORT NUMBER: 001

REPORT OF INVESTIGATION
CONTINUATION

DETAILS OF INVESTIGATION:

On June 13, 2005, the Joint Intake Center (JIC), Washington, D.C., received a memorandum from U.S. Immigration and Customs Enforcement (ICE) Supervisory Deportation Officer (SDO) [REDACTED], Miami, FL, regarding a fugitive operation conducted by Miami Deportation Officers. SDO [REDACTED] alleged that ICE DO [REDACTED], Miami, FL, gained entry to the target's apartment without the subject or landlord being present or obtaining proper authorization.

The following is a verbatim recreation of the information received by the JIC:

<Begin>

U.S. Department of Homeland Security
7880 Biscayne Blvd. 6th Floor
Miami, Florida 33138

U.S. Immigration and Customs Enforcement

Interoffice Memorandum

To: [REDACTED]
Field Office Director
Miami, Florida

From: [REDACTED] //S//
Supervisory Deportation Officer
Miami, Florida

Date: June 13, 2005

Subject: Fugitive Operation (Herald ride along) [REDACTED]

Re: PER YOUR REQUEST

On June 1, 2005, Miami Field Office Bag and baggage unit hosted the Miami Herald on a ride along with permission of [REDACTED] the Miami Field Office Director.

On June 3, 2005 upon my return from approved leave I read the article written by the Herald (see attached article). I noticed that the author stated that the officers gained entry into the subjects apartment found one and cleared the area.

THIS DOCUMENT, LOANED TO YOU FOR OFFICIAL USE ONLY, REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY, ICE. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO ICE HEADQUARTERS TOGETHER WITH A COPY OF THE DOCUMENT.

EXHIBIT A



U.S. Immigration
and Customs
Enforcement

Interoffice Memorandum

To: [REDACTED]
Field Office Director
Miami, Florida

From: [REDACTED]
Supervisory Deportation Officer
Miami, Florida

Date: June 13, 2005

Re: Fugitive Operation (Herald ride along) [REDACTED]

AS PER YOUR REQUEST

On June 1, 2005, Miami Field Office Bag and baggage unit hosted the Miami Herald on a ride along with permission of [REDACTED] the Miami Field Office Director.

On June 3, 2005 upon my return from approved leave I read the article written by the Herald (see attached article). I noticed that the author stated that the officers gained entry into the subjects apartment found no one and cleared the area.

I was then concerned with the entry gained by the officers and spoke to the FOD and DFOD. I was asked to gather the information and to report back to them with my findings. Attached you will find memos from officers involved except D.O. [REDACTED] and D.O. [REDACTED]. They were asked to submit memos last week and have not done so.

Officers revealed that Mr. [REDACTED] had gained entry into the dwelling without the subject or the landlord being present.

I recommend that this incident be further investigated.

EXHIBIT B

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News **LIVE**

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Posted on Thu, Jun. 02, 2005

IMMIGRATION

Sweep underway for fugitive migrants

BY ALFONSO CHARDY
achardy@herald.com

Lightning flashed in predawn darkness and thunder echoed through nearly empty streets as the convoy of federal SUVs and sedans sped to an address in Northwest Miami on Wednesday.

They pulled up outside a one-story house in the 200 block of Northwest 32nd Street. And they waited.

Nearly an hour later, as a man emerged from the house, lugging a backpack, they jumped out of their vehicles, surrounded him and handcuffed him.

The target for this team of U.S. Immigration and Customs Enforcement officers was Alejandro Bautista, 47, a Dominican national who was ordered deported in January because of a drug-related criminal conviction but who allegedly has been hiding.

Nationwide, ICE says more than 400,000 people have absconded after immigration judges ordered them deported — and in the aftermath of the Sept. 11, 2001, terrorist attacks, the Department of Homeland Security organized special teams to round them up.

On Wednesday, immigration officials allowed a reporter and photographer from The Herald to ride with the South Florida teams, providing rare access to one of the nation's most controversial immigration enforcement initiatives.

Immigrant rights advocates say ICE's "fugitive teams" are one of several examples of how tight immigration enforcement is spreading fear among immigrants. Advocates say that people often are unaware they have been targeted because expulsion notices are sent to the wrong address or they have not been present at key court hearings.

"President Bush's War on Terror has transgressed into a War on Immigrants," according to a report titled "Securing Our Borders: Post 9/11 Scapegoating of Immigrants," that was released by the Miami-Illinois Immigrant Advocacy Center.

10-YEAR GOAL

RELATED CONTENT



TIM CHAPMAN

ROUNDUP: An immigration officer takes Alejandro Bautista into custody Wednesday in Miami. Dominican national was ordered deported in January because of a drug-related conviction.

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ICE's National Fugitive Operations Program, launched Feb. 25, 2002, is part of a strategy aimed at getting those who brush aside an immigration judge's final order of removal, said Michael R. ...

Nina Pruneda, an ICE spokeswoman in Miami, said that 7,782 fugitive migrants have been detained nationwide since Oct. 1 — including 694 in Florida. She said nationals from Mexico, Honduras, Guatemala and Haiti are detained most frequently.

"ICE continues to work diligently at restoring integrity to the nation's immigration system by arresting those who brush aside an immigration judge's final order of removal," said Michael R. ... For the fugitive aliens still trying to avoid deportation, he warned, you are a target and ICE will find you and send you back home."

IN SOUTH FLORIDA

Six of the South Florida fugitive team's 20 officers gathered at 4:30 a.m. Wednesday in the park old U.S. Immigration and Naturalization Service building at the corner of Biscayne Boulevard and 79th Street in Miami.

The six, who asked that their names not be published, wore blue T-shirts adorned with a white I front and the word "POLICE" in large print on the back. They carried side arms and donned bullet proof vests before leaving.

They had already done surveillance on some targets. They knew where they were going.

"Let's roll," one of the officers said, and they sped off in convoy formation, communicating on radio cellphones.

One of their stops was a two-story apartment building at the corner of Northwest Sixth Avenue and 79th Street.

Four officers climbed the stairs to the top floor. One knocked loudly. "Police, open up!"

He shone a bright flashlight into the apartment through a window. No one came to the door.

Officers cannot legally force their way into suspects' homes because they don't carry search warrants. They generally wait for suspects to open the door and come out willingly. It can be a long wait.

An officer suggested that the suspect, a Haitian on probation, may be hiding in the apartment.

"The television set is on," the officer said. "He was watching Scarface."

Officers summoned a man from another apartment who said he had a key to the suspect's apartment but couldn't open the door. Finally, the team decided to move on to the next target — leaving one of the officers across the street on watch.

Some of them returned after taking Bautista into custody. The officer who had stayed behind saw no movement.

A short time later, a property manager opened the apartment door and officers searched the place.

"He's not here," one announced later.

It was 10 a.m. The officers said they would continue looking for the Haitian until they found him.

Rezos, the field office director, said the teams work around the clock -- and he plans to expand the program.

"We recognize that having tens of thousands of fugitives is unacceptable. That's why we work to catch them 24 hours a day, seven days a week," he said.

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ICE's National Fugitive Operations Program, launched Feb. 25, 2002, is part of a strategy aimed from the country, within 10 years, all foreign nationals with final orders of deportation whose cases stalled because of backlogs or an inability to find them.

Nina Pruneda, an ICE spokeswoman in Miami, said that 7,782 fugitive migrants have been detained nationwide since Oct. 1 — including 694 in Florida. She said nationals from Mexico, Honduras, Guatemala and Haiti are detained most frequently.

"ICE continues to work diligently at restoring integrity to the nation's immigration system by arresting those who brush aside an immigration judge's final order of removal," said Michael R. office director for detention and removal operations in Florida. "For the fugitive aliens still trying deportation, be warned, you are a target and ICE will find you and send you back home."

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"He's not here," one announced later.

It was 10 a.m. The officers said they would continue looking for the Haitian until they found him.

Rozos, the field office director, said the teams work around the clock — and he plans to expand

"We recognize that having tens of thousands of fugitives is unacceptable. That's why we work these cases 24 hours a day, seven days a week," he said.

EXHIBIT C

U.S. Department of Homeland Security
70 Kimball Avenue
South Burlington, VT 05403



U.S. Immigration
and Customs
Enforcement

Interoffice Memorandum

To: SDO [REDACTED]

From: IEA [REDACTED]

Date: June 03, 2005

Re: Fugitive Operation for [REDACTED] from HAITI

On June 1, 2005 I was assigned to an operation with DO [REDACTED], DO [REDACTED], DO [REDACTED], DO [REDACTED], IEA [REDACTED] and the Miami Herald. At approx 04:55 A.M hours we approach [REDACTED] MIAMI, FL 33150 DO [REDACTED] who was the team leader knock on the apartment door and identify himself as a police officer en shouted police open the door there was no response. DO [REDACTED] then made contact with the manager of the building inquire as the whereabouts of the person living there in apt 14? DO [REDACTED] come back with the manager to the apartment? The manager came with a set of keys to try to open one of the doors to the apartments but had no success due to an obstruction placed at the door.

All officers then departed the area to proceed to another target with the exception of IEA [REDACTED] and myself to maintain surveillance of the place. Later that morning the officers came back to the building. At this time DO [REDACTED] informed us that the door was open and he was making an entry into the apartment at myself and DO [REDACTED] provided back up. DO [REDACTED] checked the place with negative results. All officers then departed the area. Miami Herald was not present the second time when officers went in the apartment.

[REDACTED]

EXHIBIT D



U.S. Immigration
and Customs
Enforcement

Interoffice Memorandum

To: [REDACTED] Supervisory Deportation Officer

From: [REDACTED] Deportation Officer

Date: June 3, 2005

Re: Fugitive Operation on June 1, 2005

On or about 0430 on June 1, 2005, we met at the Miami Field Office, and later departed in three vehicles. The first was DO [REDACTED] which was driven by Deportation Officer [REDACTED] with passengers from the Miami Herald and our PIAO. The second vehicle was Deportation Officer [REDACTED] which was driven by DO [REDACTED] and with DO [REDACTED] as partner/passenger. The third vehicle was DO [REDACTED] which contained IEAs [REDACTED] and [REDACTED].

At approximately 0500, we proceeded to the address of [REDACTED] Miami, Florida 33150 in an effort to apprehend fugitive/Aggravated Felon [REDACTED]. We were unable to locate the subject. As a result, IEAs [REDACTED] and [REDACTED] stayed at the [REDACTED] residence doing surveillance, while all other vehicles and parties went to the second target's address [REDACTED] which we were able to locate and apprehend.

Once [REDACTED] was in custody, we returned to [REDACTED] address. Once there, decision was made to go upstairs. Team Leader [REDACTED] advised that the door was open and went inside. For Officer Safety reasons/provide cover due to the subject's criminal history (arrests/conviction to include **Loitering/Prowling; Marijuana Possession; Carrying Concealed Weapon; Possession of Burglary Tools; Burglary, and Violation of Probation**), IEA [REDACTED] and DO [REDACTED] followed DO [REDACTED] into the apartment, DO [REDACTED] and IEA [REDACTED] remained outside the apartment watching other Windows in an effort to deter the subject from absconding, jumping out.

Once we went in the apartment, we were not able to locate the subject, and exited the apartment enroute to the Miami Field Office.

EXHIBIT E

Miami Field Office

U.S. Department of Homeland Security
7880 Biscayne Blvd
Miami, FL 33138



U.S. Immigration
and Customs
Enforcement

Interoffice Memorandum

To: [REDACTED]
Supervisor Deportation Officer

From: [REDACTED]
Deportation Officer

Date: June 3, 2005

Re: Fugitive Operations (Miami Herald Ride Along)

On June 2, 2005 this officer was assigned to take part in fugitive operations that was being observed by a reporter and photographer from the Miami Herald. I was assigned to drive them around so they could observe fugitive operations.

The question was posed to this officer is how officers gained entry into the residence during the attempted arrest of a fugitive alien, [REDACTED], a [REDACTED] Miami, Florida.

This officer was not present at the time officers gained entry into the residence. I left the scene to drive the passengers in my vehicle back to the Miami Field Office for a personal break. When this officer returned to the address, officers had already gained entry into the residence. I asked Deportation Officer [REDACTED] how [REDACTED] gained entry; [REDACTED] explained to me that [REDACTED] obtained permission from the Property Manager.

EXHIBIT F



U.S. Immigration
and Customs
Enforcement

Interoffice Memorandum

To: S.D.O. [REDACTED]

From: LE.A. [REDACTED]

Date: 06/03/2005

Re: June 1st 2005 fugitive Operation
Subject [REDACTED]

On June 1st 2005 I was one of six team members assigned to conduct fugitive operation duties. My team members included the following, DO [REDACTED] (Team Leader), DO [REDACTED], DO [REDACTED], DO [REDACTED], and IEA [REDACTED]. DO [REDACTED] was assigned to take the Miami Herald reporter and photographer on the operations as observers. At approximately 0500 Hours we arrived at the wanted subjects residence located at [REDACTED] in Miami. DO [REDACTED] lead the team upstairs to the subjects apartment door where DO [REDACTED] knocked on the door while at the same time identifying himself out loud as the Police. I was positioned and under protective cover along side a wall next to a window adjacent to the main door of the apartment. After several attempts that went unanswered to have someone from inside open the door, DO [REDACTED] made contact with a gentleman who said he was either the Manager or Landlord of the property. The gentleman went upstairs to the apartment with a set of keys and attempted to open the apartment door. Due to some type of obstruction placed on the inside of the door, it could not be opened. All team members then retreated back to our vehicles where myself along with IEA [REDACTED] were instructed by DO [REDACTED] to remain at the location and maintain surveillance. DO [REDACTED] along with the other team members then departed and drove off to another Subjects address along with DO [REDACTED] and the reporters.

The team returned back to our location approximately two hours later in which DO [REDACTED] wanted to make another attempt at getting someone from inside the apartment to open the door. I repositioned myself at the previous location and DO [REDACTED] was at the front door when he shouted out that the door was open. DO [REDACTED] then said he was going inside the apartment in which he did along with IEA [REDACTED] and DO [REDACTED]. DO [REDACTED] and I Maintained coverage outside of the apartment door where we had a good view of the living room. DO [REDACTED] then yelled out that everything was clear and exited the apartment along with IEA [REDACTED] and DO [REDACTED]. DO [REDACTED] with the reporters a short time later.

EXHIBIT G

DEPARTMENT OF HOMELAND SECURITY
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT

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U.S. Department of Homeland Security
Bureau of Immigration and Customs Enforcement

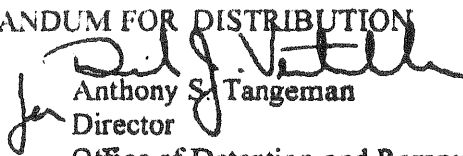
HQDRO 50/12.8

Office of the Director

801 I Street NW
Washington, DC 20536

MEMORANDUM FOR DISTRIBUTION

FROM:


Anthony S. Tangeman
Director

Office of Detention and Removal

SUBJECT: Addition of Chapter 19, Section 5 (Field Operations/Tactics) of the Detention and Deportation Officer's Field Manual (DDFM)

Memorandum for Distribution
Subject: Addition of 19.5 to the DDFM

EXHIBIT H

DEPARTMENT OF HOMELAND SECURITY
U.S. IMMIGRATION AND CUSTOMS
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HQOPS 50/12.3

Office of the Executive Associate Commissioner

425 I Street, NW
Washington, DC 20536

SEP 23 2002

MEMORANDUM FOR DISTRIBUTION LIST

FROM: **Johnny N. Williams**
Executive Associate Commissioner
Office of Field Operations

SUBJECT: National Fugitive Operations Program Policy and Procedure

On February 25, 2002, this office issued a memorandum directing the Headquarters Office of Detention and Removal (HQDRO) to provide a Standard Operating Procedure (SOP) as field guidance for their National Fugitive Operations Program (NFOP). The attached SOP relates solely to the Detention and Removal Operations NFOP and is effective immediately. It replaces and supercedes all previously issued versions of policy and procedures and field directives relating to the location and apprehension of fugitives. While field offices should augment this SOP with additional procedures that are specific to their office's operating needs, they may not, in any way, conflict with the NFOP policy.

The mission of locating, arresting, and removing fugitive aliens from the United States will be carried out in a safe, humane and legal manner. Training and supervisory oversight is critical in ensuring that the Service's mission is carried out consistently. The attached guidance is to be distributed to all Detention and Removal Operations (DRO) personnel or any other personnel assigned to duties under the auspices of the NFOP. Following the preparation of local policy guidance and examples specific to your district, this SOP should be discussed during in-service training.

This SOP is intended to reinforce existing regulations and policies (e.g., National Detention and Transportation Policy, AM Section 20.012, Headquarters Juvenile Protocol Manual) and reporting procedures for circumstances (e.g., Critical Incidents, Matters Involving juveniles, Cross-gender Arrest and Search) that officers are likely to encounter while conducting field fugitive operations.

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National Fugitive Operations Program

I. INTRODUCTION AND BACKGROUND

The removal of criminal aliens from the United States has been an INS priority and a matter of Congressional concern for many years. This document, however, reflects the Service's commitment to encouraging *all* aliens to comply with properly issued Removal, Deportation, and Exclusion Orders and taking affirmative steps to enforce existing orders. Unless the Service takes practical steps in this regard, the practice of ignoring adverse orders of the Executive Office of Immigration Review (EOIR), the Board of Immigration Appeals (BIA), and federal courts will continue and adversely affect the Service's mission.

II. MISSION

The mission of the National Fugitive Operations Program (NFOP) is to identify, locate, apprehend, process, and remove fugitive aliens from the United States. This mission will be carried out in a safe, humane and legal manner.

III. AUTHORITY

Sections 236 and 287 of the Immigration and Nationality Act (INA) contain the authority INS officers have to arrest, detain and remove certain aliens from the United States. Each officer participating in fugitive operations will be familiar with the laws, policies and procedures relating to search and seizure and the enforcement authorities under the INA.

EXHIBIT I

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1993

III - 5

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January 1993

1993

III

January 1953

For Official Use Only

III

100-10-10

EXHIBIT J

LII

U.S. Constitution

Bill of Rights

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Amendment II

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Amendment III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

- [Next Amendment](#)
- [Table of Articles and Amendments](#)
- [Overview of Full Constitution](#)

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EXHIBIT K

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U.S. Immigration
and Customs
Enforcement

11/22/2011

MEMORANDUM FOR: ALL SUPERVISORY DEPORTATION OFFICERS
ALL SUPERVISORY DETENTION AND DEPORTATION OFFICERS
MIAMI FIELD OFFICE

FROM: MICHAEL D. ROZOS
FIELD OFFICE DIRECTOR

SUBJECT: Fugitive Operations Policies and Procedures

This memorandum is being forwarded in order to ensure that supervisors within this field office are holding their officers accountable to the product of work being generated within the fugitive operations program. It is imperative that deportation officers and immigration enforcement agents (DO/IEA's) understand that fugitive casework neither begins or terminates with the apprehension of the alien. Proper case preparation and processing subsequent to arrest, is the responsibility of the apprehending officer and thus the responsibility of that officer's supervisor to ensure accuracy and completeness, prior to the case being turned over to the detained docket.

All SDO, SDDO's supervising personnel conducting fugitive operations will ensure that their subordinates are familiar with Chapter 19 of the Detention and Deportation Officer's Field Manual (DDFM), which outlines national policies and procedures regarding fugitive operations. The procedures outlined in this memorandum are meant to compliment the DDFM and increase the efficiency and effectiveness of fugitive operations within the Miami Field Office, as well as attempt to reduce the amount of days apprehended fugitives are detained prior to removal.

Prior to a fugitive case being assigned for locate efforts, DO/IEA's must make certain that a valid, outstanding order of removal/deportation still exists. In addition to confirming that a final order was issued, the alien file (A-File) must be reviewed in order to determine if the alien has applied for, or received, any benefits that would unnecessarily increase detention time or prohibit removal. Consideration should be given on a case-by-case basis as to whether or not it is in the best interest of the government to immediately pursue those fugitives whose removal cannot be affected in a timely manner. A properly issued Warrant of Removal (Form I-205) and Warning to Alien Ordered Removed or Deported (Form I-294), will be included within the A-File.

Subsequent to apprehension, the arresting DO/IEA is responsible for completely processing the case prior to the alien being transported to a detention facility. The following actions will be taken:

[REDACTED]

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

1964

1

2

3

4

5

EXHIBIT L

EXHIBIT M

Date: 7/12/2005 7:56 AM

Sender: [REDACTED]

To: [REDACTED]

Priority: Urgent
Receipt requested

Subject: Re Fwd[3] OPR case 200505281
Thank you for your prompt response.

I have faxed a copy of the student Roster for 410 and a lesson plan for the 4th Amend consent class to:

[REDACTED]
Tampa
Division II

[REDACTED]

Reply Separator

Subject: Fwd[3]:OPR case 200505281

Author: [REDACTED]

Date: 7/11/2005 3:34 PM

Forward Header

Subject: Fwd[2]:OPR case 200505281

Author: [REDACTED]

Date: 7/11/2005 2:11 PM

[REDACTED]
Officer [REDACTED] attended FOTP 410 (05/17/04 to 05/27/2004) however initial records checks shows no record for Officer [REDACTED]. I can fax a copy of the student Roster for 410 and a lesson plan for the 4th Amend/consent class if necessary.

In response to the inquiry- Yes, we teach the need for consent directly out of the M-69 "The Law of Arrest, Search, and Seizure for Immigration Officers" The M-69 p. III-5: clearly states that consent must be given by an adult with the primary right to occupy the premises or a third party who possesses authority over, or other sufficient relationship to, the premises or effects sought to be inspected. It also states that consent may not be obtained by trick or coercion. The M-69 booklet is issued directly to all the students attending FOTP. Besides the 2hr. class on Search and Seizure, students are placed in scenarios where they have to apply consent issues when conducting operations. We also recommend the use of form I-214S to document the consent.

Please feel free to have anyone contact me direct if there are anymore questions on this issue.

[REDACTED]
[REDACTED]

Forward Header

OPR case 200505281

Author: Eddie Vasileopoulos
Date: 7/11/2015 11:29 AM

Good morning [REDACTED]

I am currently handling a management inquiry within the Miami Field office involving obtaining consent when entering a residence. Specifically, I am looking to obtain proof of attendance of the Fugitive Operations Course for the following employees:

Deportation Officer [REDACTED] (MIA)
Deportation Officer [REDACTED] (MIA)

After consulting with the National Fugitive Operations Chief, [REDACTED] I understand that a crucial part of this training involves the obtaining of consent prior to entry into a private residence to include the signature of a consent form. Please fax these documents to me at [REDACTED] I can be reached at [REDACTED] or cell [REDACTED] to discuss this matter.

Thank You

[REDACTED]
SDDO/TAM
Division II

EXHIBIT N

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U.S. IMMIGRATION AND CUSTOMS
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U.S. Department of Homeland Security
Bureau of Immigration and Customs Enforcement

HQDRO 50/12 8

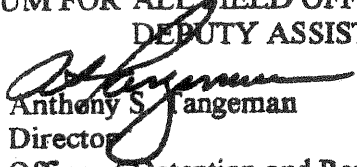
Office of the Director

801 I Street NW
Washington, DC 20536

August 25, 2003

MEMORANDUM FOR ALL FIELD OFFICER DIRECTORS
DEPUTY ASSISTANT DIRECTOR FOR FIELD OPERATIONS

FROM:


Anthony S. Tangeman
Director
Office of Detention and Removal

SUBJECT: Addition of Chapter 19, Section 2 (General Policies) of the Detention and
~~Deportation Officer's Field Manual (DDFM)~~

The DDFM is changed to reflect the addition of Section 2, Chapter 19. Accordingly, the DDFM is changed as follows:

19.2 General Policies

I. INTRODUCTION AND BACKGROUND

The removal of criminal aliens from the United States is a Bureau of Immigration and Customs Enforcement (ICE) top priority and a matter of Congressional concern for many years. This manual reflects ICE's commitment to encourage all aliens to comply with properly issued Removal, Deportation, and Exclusion Orders. It also represents ICE's commitment to locating, apprehending and removing aliens who have been ordered removed or granted the privilege of voluntary departure from the United States but failed to comply with those orders. Unless ICE takes practical steps in this regard, the practice of aliens ignoring adverse orders of the Executive Office of Immigration Review (EOIR), the Board of Immigration Appeals (BIA), and federal courts will continue.

II. MISSION

The mission of the National Fugitive Operations Program (NFOP) is to identify, locate, apprehend, process, and remove fugitive aliens from the United States. This mission will be carried out in a safe, professional manner.

III. AUTHORITY

Section 287 of the Immigration and Nationality Act (INA) contains the authority ICE officers have to arrest, detain and remove certain aliens from the United States. Each officer participating in fugitive operations will be familiar with the laws and procedures relating to search and seizure and the enforcement authorities under the INA. Officers will review the ~~Memorandum of Understanding~~ concerning their authority as Immigration Officers. An excellent summary of the authority of Immigration Officers is contained in ~~Appendix 2 to the Determination Report of ICE on the Memorandum~~ ~~289~~.

Memorandum for All Field Office Directors
Subject: Addition of 19.2 to the DDFM

Page 3

Memorandum for All Field Office Directors
Subject: Addition of 192 to the DDFM

Page 4

Memorandum for All Field Office Directors
Subject: Addition of 19.2 to the DDFM

Date: 5

EXHIBIT O

[Redacted]

[Redacted]

... ..

... ..

- * - Claims he smelled gas in apartment
 since he went out - did not smell fire
 - made decision to enter residence.
 - Dedicated 1253 employee lived
 in apartment [Redacted]

* Did not get lot in suit.

- [Redacted] record file.

EXHIBIT P

[REDACTED]

[REDACTED]

[REDACTED]

primary [REDACTED]

- [REDACTED] appeared to [REDACTED]
- [REDACTED] not [REDACTED]
- [REDACTED] to [REDACTED] [REDACTED]
- [REDACTED] [REDACTED] [REDACTED]

- [REDACTED] [REDACTED] was [REDACTED] [REDACTED]
- [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

1st. Contact was [REDACTED]

- [REDACTED] not [REDACTED] consent as part of [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

EXHIBIT Q

[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]

- The building was built in 1970.
- DO [REDACTED] of the building manager
received building records with a
 bunch of keys
- There were two doors (the record
 door was open, IFA [REDACTED])

[REDACTED]

[REDACTED]

~~Q~~ Did you enter the residence at [REDACTED]?

2- Who allowed you into the residence?

3- Did you follow the established plan? /
part of but the [REDACTED] of the operation?

4- Was there a Supervisor overseeing the operation? - Who was in charge?

5- Did you make a judgment as to the entry into the residence?

6A- Who made the decision as to the residence?

[REDACTED]

[REDACTED]

[REDACTED]

DISCIPLINARY ACTION

Field Office Director

U.S. Department of Homeland Security
7880 Biscayne Boulevard
Miami, Florida 33138



U.S. Immigration
and Customs
Enforcement

November 16, 2005

[Redacted]
Deportation Officer
ICE Detention and Removal
Miami, Florida

Dear [Redacted]

Re: Confirmation of Oral Admonishment

I am in receipt of your letter dated October 11, 2005 in which you respectfully submitted a rebuttal to my decision of issuing a letter of reprimand served to you on September 22, 2005 for noncompliance with standards, policies, regulations or instructions issued by the Agency. Specifically, on June 1, 2005, you failed to obtain proper consent prior to entering the residence of a targeted alien. Based on my review of the allegations reported in the OPR Case 200505281 I considered that your misconduct warranted a letter of reprimand. In your rebuttal letter you clarified that all officers on the scene conducted themselves in a manner consistent with the fugitive operation regulation for entry in search of a fugitive. I decided to mitigate the penalty. You are required to review and sign acknowledgement of all the National Fugitive Operations Policy. This is to confirm the oral admonishment session I conducted with you on October 20, 2005.

This notice will not be placed in your Official Personnel File (OPF). However, please be aware that your first-line supervisor will keep a copy of this notice.

You are requested to acknowledge receipt of this notice by signing in the space provided below.

Sincerely,

[Redacted]
Field Office Director
Detention and Removal

Receipt of Notice of Confirmation of Oral Admonishment:

[Redacted]
Employee's Signature

12/8/2005
Date/Time of Receipt

[Redacted]
Witness' Signature

EMPLOYEE'S NAME/TITLE: [REDACTED] Deportation Officer

ACKNOWLEDGMENT OF RECEIPT

Please sign this acknowledgment as evidence that you have received the National Fugitive Operations Policies. Your acknowledgment of receipt should be returned to the bearer of this notice.

I acknowledge receipt of the FOP 12/08/2005
Date:

Employee's Signature [REDACTED]

Witness/Bearer's Signature [REDACTED]

[Handwritten notes]



U.S. Immigration and Customs Enforcement

Interoffice Memorandum

To: [Redacted]

From: [Redacted] DO

Date: 10/11.2005

Re: Official Reprimand

This memorandum is with regards to the Reprimand received on September 16, 2005. In that Reprimand, I was advised that I failed to obtain proper consent prior to entering the residence of a targeted alien on June 1st of this year. I obtained permission to enter the property from the owner of the property, who was in legal and physical control of the apartment. The targeted alien was not a legal resident of the apartment property, nor did the alien have any type of lease that would give him property rights with the owner of the apartment/property. As such, I disagree with the conclusion that I failed to obtain proper legal consent to enter the apartment in search of a targeted alien.

Likewise, with reference to the conclusion that persons were placed in danger, I again disagree with your finding. Officers on the scene conducted themselves in a manner consistent with entry in search of a fugitive. No standard operating procedures were violated. Moreover, you indicate this generated negative publicity for DRO. Again, the Reporter was not present at the time of the entry, and as such, was not in any physical danger. The Reporter, in detailing the events in the referenced News Article praised the work that D & R conducts on a daily basis. As such, your conclusion that negative publicity was generated is without factual basis. Therefore I am appealing the reprimand.

*10/20/05 - Referred to oral administrative and
...
...
...
[Redacted]*

U.S. Department of Homeland Security
7880 Biscayne Boulevard
Miami, Florida 33138



U.S. Immigration
and Customs
Enforcement

September 16, 2005

[REDACTED]
Deportation Officer
ICE, Detention and Removal
Miami, Florida

Dear [REDACTED]

I have carefully reviewed the allegations of noncompliance with standards, policies, regulations or instructions issued by the Agency. I concluded that an official reprimand is warranted. Accordingly, this notice constitutes an official reprimand. This notice is based on the following reason and is being taken for just and sufficient cause in order to promote the efficiency of the Agency.

REASON: Failure to follow regulations, policies, procedures – as outlined in the National Fugitive Operations Program Policy.

Specification:

On June 1, 2005 you failed to obtain proper authorization “consent” prior to entering the residence of a targeted alien fugitive to conduct search.

The evidence indicates that you were negligent and your actions demonstrated a lack of good judgment. Your actions could have had a significant impact on your coworkers of the fugitive operations team causing deadly harm or threat. This incident caused negative press on the operation as well the Miami Field Office DRO Program.

In determining this action, I considered the nature and seriousness of your misconduct, your employment record and the guidance contained in Administrative Manual (AM) 1.1.204. I considered, as mitigating factors, your years of service in the Agency and that your past performance evaluations have all be acceptable or better. While these mitigating factors weigh in your favor, they do not outweigh the seriousness of your actions. Be aware that future incidents of this nature may result in progressive disciplinary action up to removal from employment with the Agency.

You have the right to grieve this action through the administrative grievance procedure as outlined in U. S. Department of Justice Human Resources Order DOJ 1200.1m Chapter 3-2, “Agency Grievance Procedure.” Any grievance must be in writing and filed no later than fifteen (15) calendar days after you acknowledge receipt of this official reprimand. You should submit your grievance to [REDACTED] Director Miami Field Office, Detention and Removal.

Also, I would like to remind you that the Employee Assistance Program (EAP) is available to assist you in a variety of situations if you feel that personal issues may be affecting your conduct. If you believe that the EAP could be of assistance, you may contact EAP at (800) 467-3277.

[REDACTED], Employee Relations Specialist of the Headquarters Human Resources Office is available to answer any questions you may have about your procedural rights in this matter. [REDACTED] telephone number is [REDACTED]

You should acknowledge receipt of this notice by signing the copy provided for that purpose and returning it to the bearer of this notice. Acknowledgment in no way constitutes agreement or disagreement with the contents.

All material upon which this reprimand is based is enclosed.

Sincerely,

[REDACTED]

Deputy, Field Office Director
Detention and Removal

Enclosure

ACKNOWLEDGMENT OF RECEIPT

Please sign this acknowledgment as evidence that you have received the cited letter. Your signature does not mean that you agree or disagree with the contents, and by signing, you do not forfeit any of the rights cited above. Your acknowledgment of receipt should be returned to the bearer of this notice.

I acknowledge receipt of the Proposal Notice dated 08/16/04

Employee's Signature [Redacted] Date [Redacted]

Witness/Bearer's Signature _____ Date _____

ACKNOWLEDGMENT OF RECEIPT

Please sign this acknowledgment as evidence that you have received the cited letter. Your signature does not mean that you agree or disagree with the contents, and by signing, you do not forfeit any of the rights cited above. Your acknowledgment of receipt should be returned to the bearer of this notice.

I acknowledge receipt of the Proposal Notice dated 09/16/05

Employee's Signature Jose G. Navarro Date 09/22/05

Witness/Bearer's Signature _____ Date _____