



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

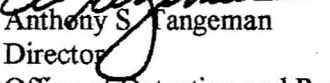
HQDRO 50/12.8

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**

**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 M-69 (Law of Arrest and Seizure) concerning their authority as Immigration Officers. An excellent summary of the authority of Immigration Officers is contained in Appendix 2-1 of the Detention and Deportation Officer's Field Manual (M-489)

## IV. DEFINITIONS

- A. FOD. Field Office Director.**
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- B. Case Officer.** The individual who plans a fugitive operation, and prepares the Field Operations Worksheet (see sample, Appendix 19-1, attached). This officer is responsible for briefing other officers about the case and making contact with the fugitive at his/her residence or place of business.
- C. General Assignment Deportation Officer.** Any deportation officer not assigned to one of the Office of Detention and Removal (HQDRO) designated Permanent Fugitive Teams.
- D. Fugitive Operations Team (FOT).** Any group of deportation officers assigned to full-time fugitive operations. This could be an FOD designated team or a HQDRO designated Permanent Fugitive Team. A FOD designated team shall contain an even number of officers not counting the assigned supervisors, i.e. two, four, six, etc... HQDRO designated Permanent Fugitive Team organization is contained in Appendix 19-2
- E. Final Order of Deportation or Removal.** The order of the Immigration Judge, the Board of Immigration Appeals (BIA) or other such Administrative Officer to whom the Attorney General has delegated the responsibility for determining whether an alien is removable, concluding that the alien is deportable, removable or excludable or ordering removal. A final order is defined in 8 CFR 241.1.

- F. **Fugitive:** Any subject, not in ICE custody, who:
- Is an alien who failed to depart the United States under either a grant of voluntary departure or removal order.<sup>1</sup>
  - Is an alien who has failed to appear for a hearing before an Immigration Judge.
  - Is an alien who has failed to report to an ICE officer after receiving a legal order to do so.
  - Is an alien who has failed to comply with any conditions placed on him/her when released on bond, order of recognizance or order of supervision.
  - Is an alien who has failed to comply with the provisions of any program that requires him/her to report to ICE for any reason.
  - Is any subject who is wanted by the Directorate for Border and Transportation Security for criminal violations of the Titles 8, 18, 19 and 21.
- G. **Incidental Arrest.** The apprehension of a person other than a fugitive alien. Officers conducting fugitive operations shall take these subjects into custody and process for removal in accordance with the Standard Operating Procedures for Enforcement Officers: Arrest, Detention, Processing and Removal.
- H. **Informed Consent.** Permission to enter or remain on a premises given by an owner, tenant, or resident of legal age.
- I. **Law Enforcement Officer (LEO).** An officer or employee of an agency engaged in the administration of criminal justice pursuant to statute or executive order, including (1) courts; (2) a government agency or component which performs the administration of criminal justice as defined in 28 CFR Part 20 including the performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. [See 28 CFR 287.1(e)]

V. **GENERAL POLICY**

- (a) Supervisory oversight is critical in ensuring that the NFOP is implemented consistently throughout the Service. As such, supervisors will ensure officers will receive all training, equipment, and leadership necessary to safely and effectively

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<sup>1</sup> For purposes of clarity a removal order is any order issued either under the INA prior to or after April 1 1997.

conduct fugitive operations. FODs are encouraged to establish local policy and procedure manuals that complement this manual but do not restrict operations that can be conducted under the authority of this manual. Local manuals shall concentrate on local considerations when conducting Fugitive operations.

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(g) Criminal prosecutions under Title 8 United States Code Section 1253 (a) and (b), and Section 1326, as they relate to fugitives, shall be pursued as practicable.

(h) All training related to fugitive operations provided to ICE officers will be documented and maintained by a supervisor or designated Training Officer.

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- (i) Local supervisors will provide a copy of this manual to all officers conducting fugitive operations. They shall maintain a written record of all officers who have received a copy or been made familiar with this manual.

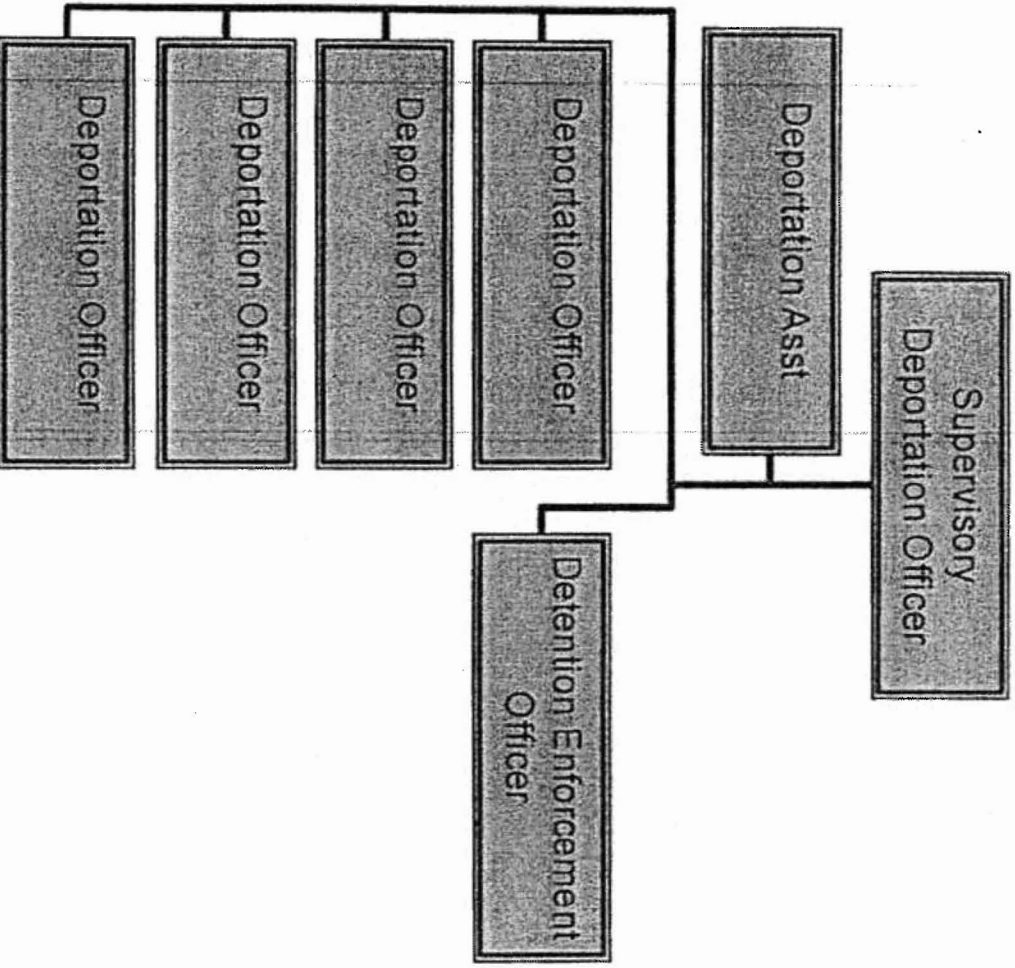
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## VI. TRAINING

An officer must have completed ICE<sup>3</sup> basic law-enforcement training, as identified under 8 CFR 281.1(g), before the FOD will authorize his/her participation in fugitive operations. Until time and training resources permit, deportation officers assigned to non-permanent fugitive operations teams shall conduct operations in accordance with this manual. ICE personnel from programs other than DRO may be tasked with assisting in fugitive operations. Their participation in the NFOP will not begin, however, until they have received and become familiar with a copy of this Policy and have received the requisite training.

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<sup>3</sup> For purposes of this manual officers who graduated from the Immigration Officer Academy (Special Agent, Immigration Enforcement Agent and Deportation Officer) or the United States Border Patrol Academy have met the basic training requirement enumerated in 8 CFR 281.1(g).



Standard Fugitive Operations Team