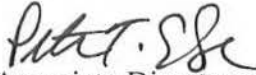




**U.S. Immigration  
and Customs  
Enforcement**

**APR 03 2018**

MEMORANDUM FOR: Thomas D. Homan  
Deputy Director and  
Senior Official Performing the Duties of the Director

THROUGH: Peter T. Edge   
HSI Executive Associate Director and  
Senior Official Performing the Duties of the Deputy Director

FROM: Derek N. Benner /s/  
HSI Deputy Executive Associate Director and  
Senior Official Performing the Duties of the Executive Associate  
Director

SUBJECT: U.S. Immigration and Customs Enforcement Reporting Following  
a Designated National Security Event/U.S.-based Terrorist Attack

Purpose:

Homeland Security Investigations (HSI) proposes establishing a unified reporting protocol for the Deputy Director and Senior Official Performing the Duties of the Director following the declaration of a National Security Event (NSE)/U.S.-based terrorist attack that is deemed International Terrorism. This memorandum recommends having all entities within U.S. Immigration and Customs Enforcement (ICE) report directly to HSI National Security Investigations Division (NSID) Counter-Terrorism Section (CTS) if such an event occurs. This process will implement a unified command structure and ensure accurate and timely reporting to ICE leadership. Situational reporting will continue throughout the duration of the immediate investigative response, until directed to return to normal reporting protocol by NSID. This protocol does not change any other reporting requirements outside of a designated NSE. Further, this memorandum will be followed by an ICE-wide Directive memorializing this policy establishing a unified reporting protocol and outlining roles and responsibilities.

Background:

The United States has faced an increased threat posture as a result of numerous U.S.-based terrorist attacks. Following these attacks, ICE leadership requires a stream of timely and accurate reporting to make crucial decisions to protect American lives.

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NSID is uniquely situated to provide the most accurate real-time reporting, based on its placement and access within the International Terrorism Operations Section (ITOS) of the Federal Bureau of Investigation's (FBI) Counterterrorism Division (CTD). ITOS is the command and control center for all U.S.-based terrorism events; since 2001, NSID CTS has been embedded at ITOS to streamline coordination on all Joint Terrorism Task Force (JTTF) investigations, threat streams, and counter-terrorism responses.

Following several post-attack after-action reviews, HSI JTTF agents have expressed frustration about receiving redundant requests for similar information and updates from various entities within ICE in the aftermath of the attack. These redundancies create undue distractions in the field and can ultimately lead to inaccurate (and sometimes unvetted) reporting to ICE leadership.

Discussion:

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The primary function of an HSI JTTF Special Agent or Enforcement and Removal Operations (ERO) officer is to mitigate threats and assist in the resulting investigation. Due to the massive volume of information gathered during the initial stages of an International Terrorism event, it is impractical to have nonlinear reporting to ICE leadership and concurrently conduct crucial investigative and enforcement activities in the midst of a terrorist attack. At present, both HSI

and ERO staff the JTTFs in the field and, per pre-established policy (ICE Directive 10086.1 paragraph 5), HSI is responsible for ICE consolidated reporting. To maintain the single flow of information, the HSI supervisor will provide updates to NSID CTS during these critical incidents.

In situations where ICE components develop information they deem important to the counter-terrorism investigation, including leads, and/or anticipate a need for possible production of Intelligence Information Reports or press releases, these offices will obtain prior concurrence from NSID CTS and the affected JTTF office prior to action. This includes the issuance of administrative subpoenas outside of the JTTF construct. Leads should be provided to CTS and the affected JTTF concurrently for review.

All events begin as a domestic investigation before being classified as an NSE/U.S.-based terrorist attack. For HSI, since the initial conduit for all reporting from the field is Domestic Operations, NSID will immediately advise HSI Domestic Operations, and all other ICE reporting components when NSID CTS is assuming reporting responsibilities following the declaration of an NSE. NSID CTS will continue to keep all ICE components advised of ICE JTTF field activity. Finally, NSID CTS will advise HSI Domestic Operations and all other ICE reporting components when the event will be managed under normal reporting protocols.

Recommendation:

I recommend that all entities within ICE report directly to HSI NSID CTS following the declaration of an NSE/U.S.-based terrorist attack that is deemed to be International Terrorism. This process will initiate a command structure and ensure accurate and timely reporting to ICE leadership. HSI NSID CTS will subsequently report all information through the HSI NSID Assistant Director to ICE leadership. Upon approval, these policies and procedures will be codified in an ICE Directive.

I respectfully request approval of this recommendation to ensure HSI, ICE, and ultimately U.S. Department of Homeland Security leadership is provided accurate, consistent, and timely reporting during, and in the immediate days following, responses to an NSE/U.S.-based terrorist attack.

Approve  Disapprove \_\_\_\_\_  
Modify \_\_\_\_\_ Needs Discussion \_\_\_\_\_