



Forging a New Legacy

Homeland Security Investigations

Arrest Authority

ICE HSI Special Agent Training

ICE Academy

Homeland Security Investigations (HSI)

Arrest Authority

Arrest – a critical component of your job is arresting individuals who have committed a crime

Homeland Security Investigations (HSI)

Investigative Phases

HSI SA Case Assignment



Investigative Plan Development

(b)(7)(E)



Investigative Phases, cont'd



(b)(7)(E)



Homeland Security Investigations (HSI)

Agenda

- Arrest authority Demonstration Practice activity

Homeland Security Investigations (HSI)

Terminal Performance Objective

Given a law enforcement scenario with the arrest of a subject, determine arrest authority in accordance with Titles 8 and 19 of the U.S. Code.

Homeland Security Investigations (HSI)

Enabling Performance Objectives

- Explain federal authorities. Explain state arrest authorities.

Homeland Security Investigations (HSI)

Federal Arrest Authorities

19 U.S.C. § 1589a: An “officer of the customs” (as defined by 19 U.S.C. § 1401) is authorized to: Carry a firearm. Execute and serve any order, warrant, subpoena, summons, or other process issued under the authority of the United States. Make an arrest without a warrant for any offense against the United States committed in the officer’s presence, or Make an arrest without a warrant for a felony, cognizable under the laws of the United States committed outside the officer’s presence if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

Homeland Security Investigations (HSI)

Federal Arrest Authorities, cont'd

8 U.S.C. § 1357(a)(2) – An “immigration officer” is authorized to make a warrantless arrest of an alien who: In his presence or view, enters or attempts to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission, exclusion, expulsion, or removal of aliens; or is in the United States, if he has reason to believe (probable cause) that the alien so arrested is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained for his arrest.

Homeland Security Investigations (HSI)

Federal Arrest Authorities, cont'd

8 U.S.C. § 1357(a)(4) – An “immigration officer” is authorized to make a warrantless arrest of: Anyone who has committed an immigration-related felony; If he has probable cause to arrest; and The person is likely to escape before a warrant can be obtained.

Homeland Security Investigations (HSI)

Federal Arrest Authorities, cont'd

8 U.S.C. § 1357(a)(5)(A) – An “immigration officer” is authorized to: Arrest anyone for committing any federal crime; in the agent’s presence; where the person is likely to escape before obtaining a warrant; but only if the agent was performing immigration duties at the time of the arrest. The general arrest authority provided by § 1387(a)(5)(B) has not been implemented.

Homeland Security Investigations (HSI)

Warrantless Arrests

All Arrests must be based on PC	Immigration Felony	Immigration Misdemeanor/Administrative	Non-Immigration Felony	Non-Immigration Misdemeanor
If act occurs in presence of agent	Warrantless Arrest	Warrantless Arrest	Warrantless Arrest	Warrantless Arrest
If act occurs outside agent's presence	Warrantless Arrest		Warrantless Arrest	

See Student Guide p. 5

Homeland Security Investigations (HSI)

Demonstration

(b)(7)(E)

Homeland Security Investigations (HSI)

State Arrest Authority

- States grant state arrest authority to a HSI
SAPeace Officer Status Limited Arrest Authority
Private Citizens Arrest ICE Policy permits Arrests
for outstanding state felony warrants Responses to
lawful requests for assistance from state or local
law enforcement officers Arrests for serious violent
crimes

See Student Guide p. 6



Homeland Security Investigations (HSI)

Example

(b)(7)(E)

Homeland Security Investigations (HSI)

Practice

(b)(7)(E)

Homeland Security Investigations (HSI)

Summary

Federal arrest authority1. 19 U.S.C. § 1589a – An “officer of the customs”2. 8 U.S.C. § 1357(a)(2) – An “immigration officer”3. 8 U.S.C. § 1357(a)(4) – An “immigration officer”4. 8 U.S.C. § 1357(a)(5)(A) – An “immigration officer”

State arrest authority1. State Peace Officer status, state statute, and citizen’s arrest2. ICE Policy – Responding to State Crimes, Directive Number 13-01, 5-30-2013.

Homeland Security Investigations (HSI)

Looking Ahead

- This lesson addressed Special Agents' arrest authorities. The next lesson will discuss Special Agents' post-arrest obligations.



Protecting the Borders Against Illicit Trade, Travel, and Finance