



Forging a New Legacy

Homeland Security Investigations Electronic Surveillance Training Program (ICE-SAT) ICE Academy

Terminal Performance Objective

Given a set of case-related facts and access to a Technical Enforcement Officer (TEO)/ Designated Technical Agent (DTA), demonstrate the ability to prepare for and conduct an electronic surveillance in support of an investigation following the techniques and procedures in accordance with the HSI Technical Operations Handbook.

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Enabling Performance Objectives

- Distinguish between all-parties consent, consensual and non-consensual monitoring
Determine DOJ, DHS and HSI policies and procedures for the interception and/or recording of consensually monitored verbal communications
Identify HSI policies and procedures for issuance and control of electronic surveillance equipment and evidence
Use basic functions of selected electronic surveillance equipment, including covert

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Review of the Past

- In Physical Surveillance – discussed: Importance of planning
Surveillances objectives dictate the methods
Electronic surveillance as another method of gaining information
In Legal instruction – covered: Authorities for electronic surveillance
Considerations for electronic surveillance

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Main Ideas

- Primary focus – various types of electronic surveillance equipment, specifically

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Basic

operation of surveillance

equipment Applications in the investigation of
criminal activities

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Agenda

- Use the Technical Operations Handbook as guide
Areas that may result in procedural or legal errors
Consensual and non-consensual monitoring
DOJ and HSI policies and procedures
Basic function/operation of surveillance equipment
Applications in the investigation of criminal activities
Demonstration of use of surveillance equipment
Practice using surveillance equipment

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Non-Consensual Monitoring

Willful intercept or attempt to intercept any wire or oral non-consensual communications without a court order – criminal offense

- Penalty – maximum 5 years of imprisonment

No parties to the conversation have consented to the monitoring – also referred to as:

- “Wiretap” “Title III intercept”

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Consensual Monitoring

At least one party has consented; consenting party is directly or indirectly working for the Government – UC agent or informant

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All party consent – recorded conversation

“Interception”/“monitoring” – aural acquisition by electronic, mechanical, or other

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Establish Prior Consent

Consent can be established and documented by at least two methods:

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Consensual Monitoring Approval Process

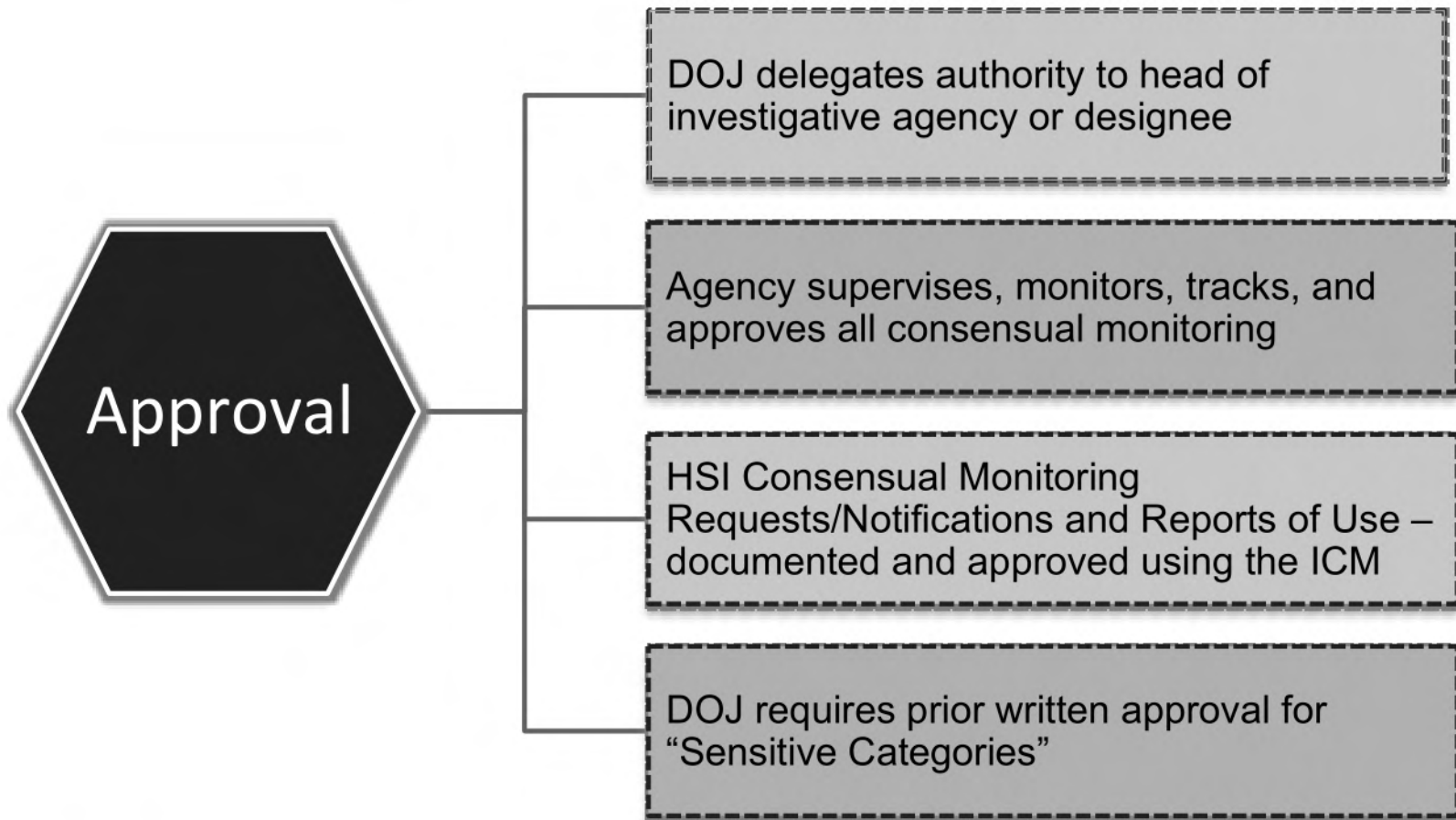
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Taking a closer look



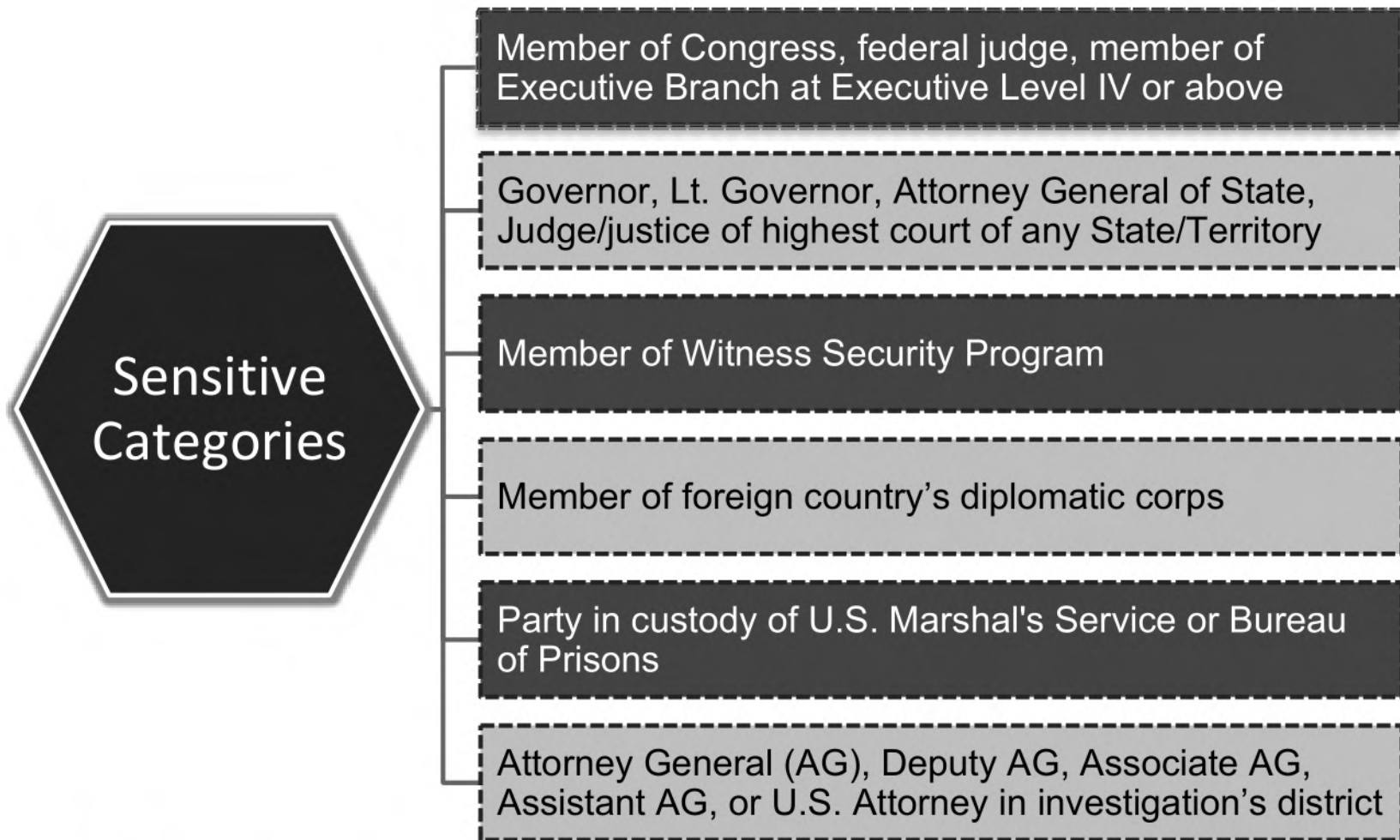
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Consensual Monitoring



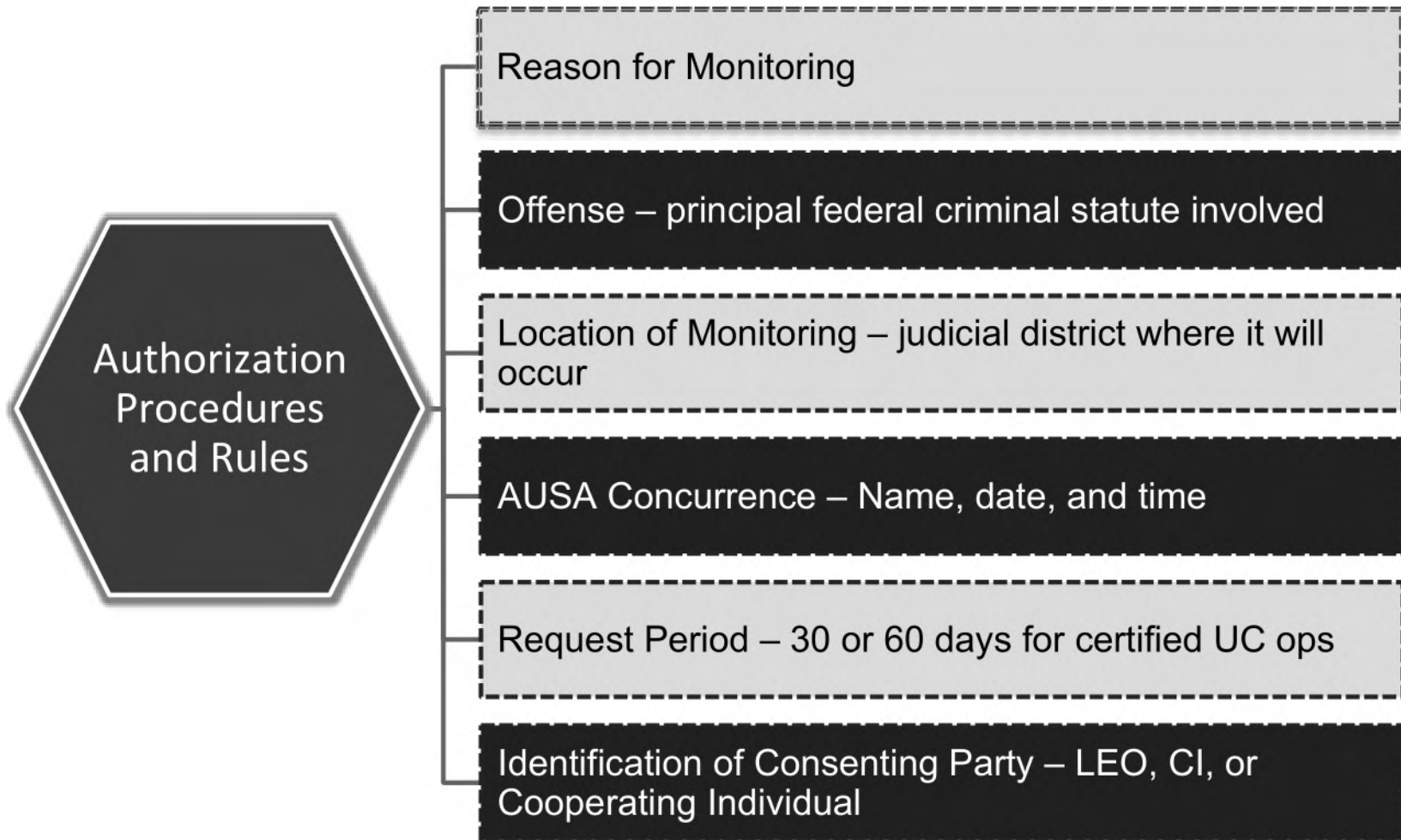
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Consensual Monitoring



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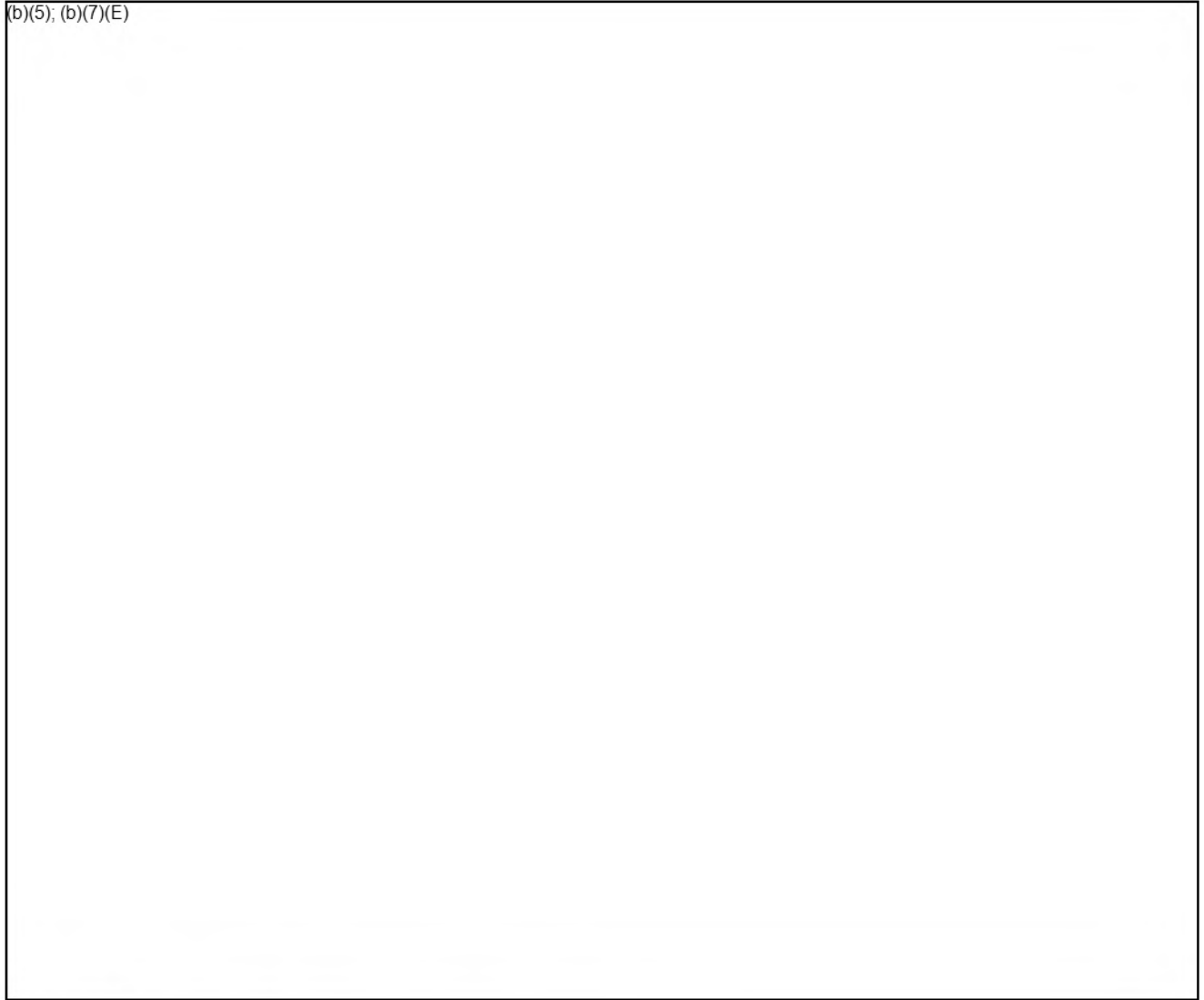
Consensual Monitoring

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Telephone Intercepts

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Electronic Surveillance Equipment

INCLUDE

DOES NOT INCLUDE

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Technical Support for Criminal Investigations

DTA

Designated Technical Agent

- ❖ SA who supports criminal investigations through electronic surveillance and techniques

TEO

Technical Enforcement Officer

- ❖ Primary LEO who supports through use of electronic surveillance equipment and techniques Primary responsibility is gathering of evidence in furtherance of criminal prosecutions



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Storage and Issuance

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About Using Another Agency's Equipment

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Planning the Operation

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Discussion and Demonstration #1

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Discussion and Demonstration #2

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Discussion and Demonstration #3

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Practice

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Summary

- Electronic surveillance – essential investigative tool
New electronic technology enhances SAs' ability to conduct successful surveillances
Specific guidelines – for use, procurement, storage
Willful intercept of wire or oral non-consensual communications without court order = possible imprisonment
Engage TEO/DTA early in planning stage



Protecting the Borders Against Illicit Trade, Travel, and Finance