



**Forging a New Legacy**

# **Homeland Security Investigations**

Introduction to Investigative Planning

HSI Special Agent Training

**ICE Academy**

# Homeland Security Investigations (HSI)

## Terminal Performance Objective

...d fact  
...ntify the  
...oints of  
...n supporting  
prosecution of the case in accordance with  
HSI policies and guidelines



# Homeland Security Investigations (HSI)

## Enabling Performance Objectives

Select an investigative strategy based on preliminary information and describe the priorities in developing an appropriate investigative plan

Explain the purpose and benefits of conducting parallel investigations

Identify the need for collateral investigations and/or investigative referrals

# Homeland Security Investigations (HSI)

## Enabling Performance Objectives (Cont'd)

Describe the types of investigative information and assistance available from various federal and state law enforcement agencies and organizations

Describe open source databases and electronic and physical sources of information and the potential problems associated with their use in an investigation

Identify legal requirements associated with open source research

# Homeland Security Investigations (HSI)

## Enabling Performance Objectives (Cont'd)

Select an investigative method to collect evidence and information in support of an investigative plan and case strategy

Select the appropriate subpoena, summons, or search warrant for the collection and analysis of documentary and physical evidence in an investigation

# Homeland Security Investigations (HSI)

## Review of the past– During CITP

Practiced a number  
of investigative  
techniques

Studied  
documentation and  
report writing

Learned about the  
search warrants

Applied techniques  
during labs and the  
continuing case  
scenario

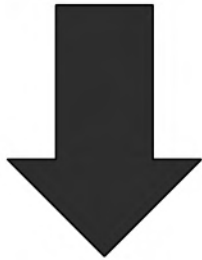
Trained in federal  
criminal law

# Homeland Security Investigations (HSI)

## Main Idea Scenario

Read the brief scenario

The Scenario is in your student guide



Discuss issues the scenario presents

Discuss investigative techniques you would use



# Homeland Security Investigations (HSI)

## Agenda

Investigative priorities and strategies

Parallel and collateral investigations

DHS automated systems

Information/assistance from various federal and state law enforcement agencies and organizations

Open source databases

Electronic and physical sources of information





# Homeland Security Investigations (HSI)

## Agenda (Cont'd)

Legal requirements of open source research

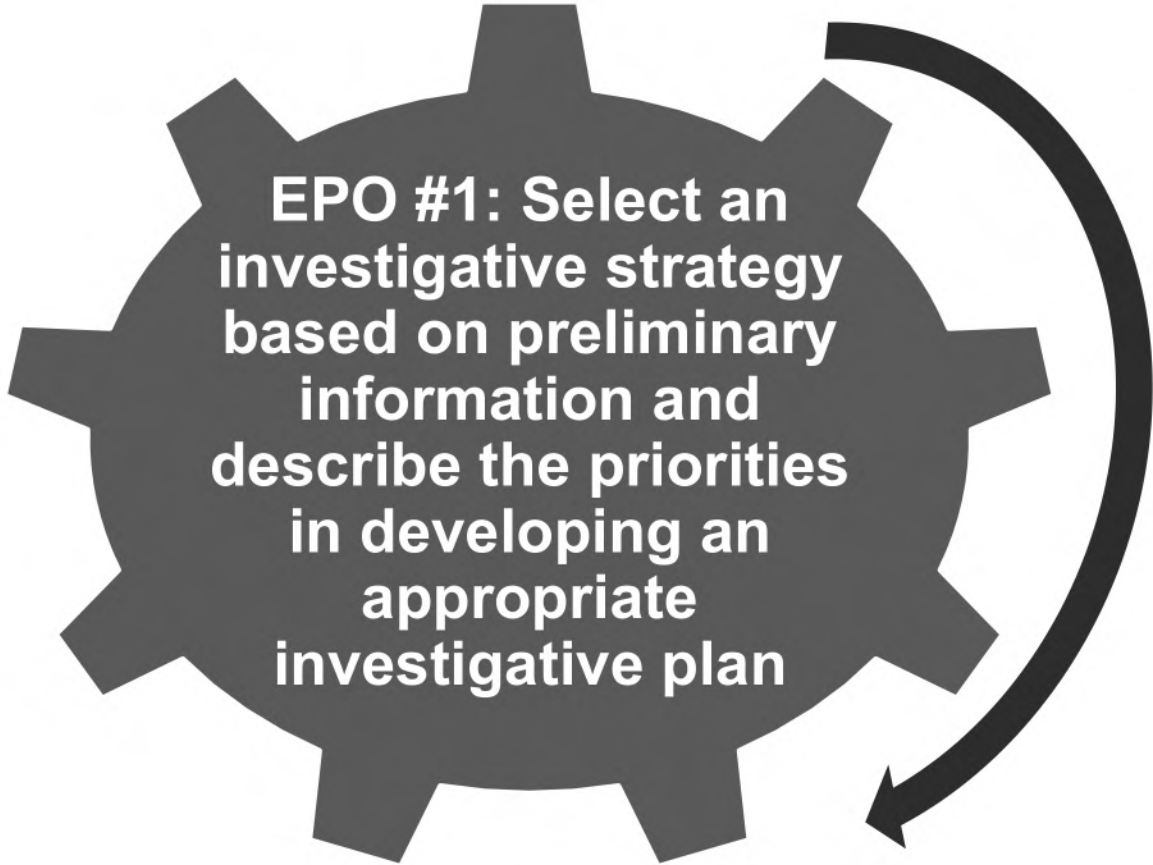
Investigative methods to collect evidence and information

Subpoenas, summons, and search warrants

Demonstration

Student practice

# Homeland Security Investigations (HSI)



**EPO #1: Select an investigative strategy based on preliminary information and describe the priorities in developing an appropriate investigative plan**

# Homeland Security Investigations (HSI)

## Investigations can originate from various sources

Anonymous sources

Unsolicited letters sent to DHS

Walk-in reporting by concerned citizens

Referrals from other DHS entities

Referrals from other agencies – federal, state,  
local

Confidential Informants

Spinoff cases

# Homeland Security Investigations (HSI)

## Initial Information

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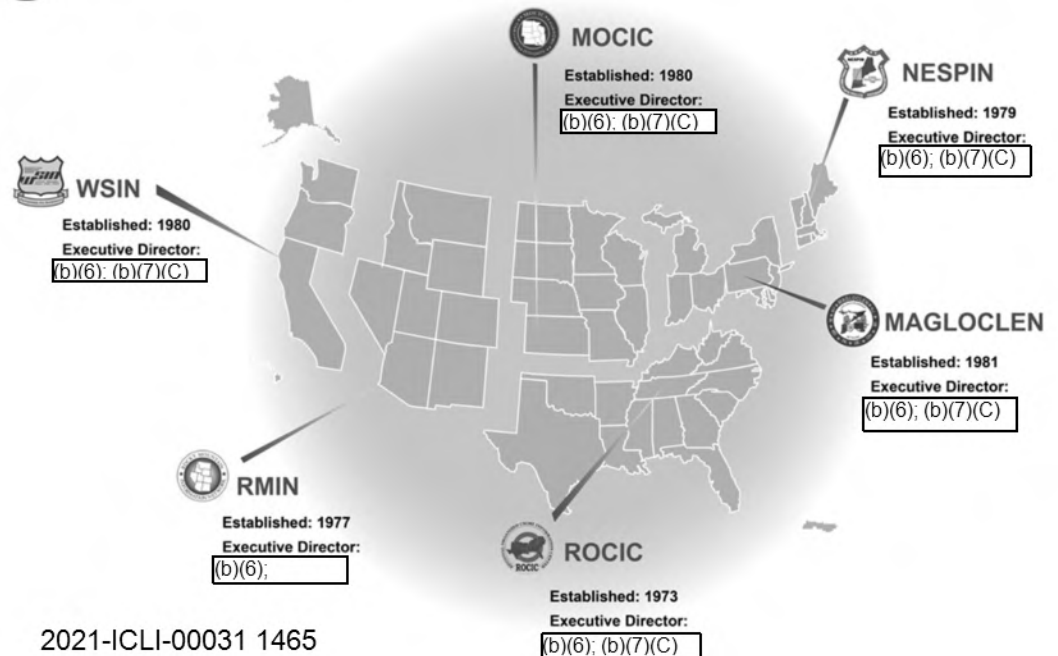
# Homeland Security Investigations (HSI)

## Notification and Deconfliction Requirements

- Existing MOUs/MOAs / Cross-agency jurisdictionDeconfliction of concurrent enforcement activityDICE, JTTF, HIDTA, OCDETF, etc.Local task forcesLocal deconfliction centers (RISS)



Regional Information Sharing Systems (RISS) Program



# Homeland Security Investigations (HSI)

## Analyze Initial Information to Determine



# Homeland Security Investigations (HSI)

## Analyze Initial Information to Determine (Cont'd)

HSI jurisdiction

National and local priorities

*What jurisdictional or local/national priorities could impact a potential investigation?*

# Homeland Security Investigations (HSI)

## Development of the Investigative Plan

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# Homeland Security Investigations (HSI)

## Additional Planning Issues

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# Homeland Security Investigations (HSI)

## Logistical Planning Issues

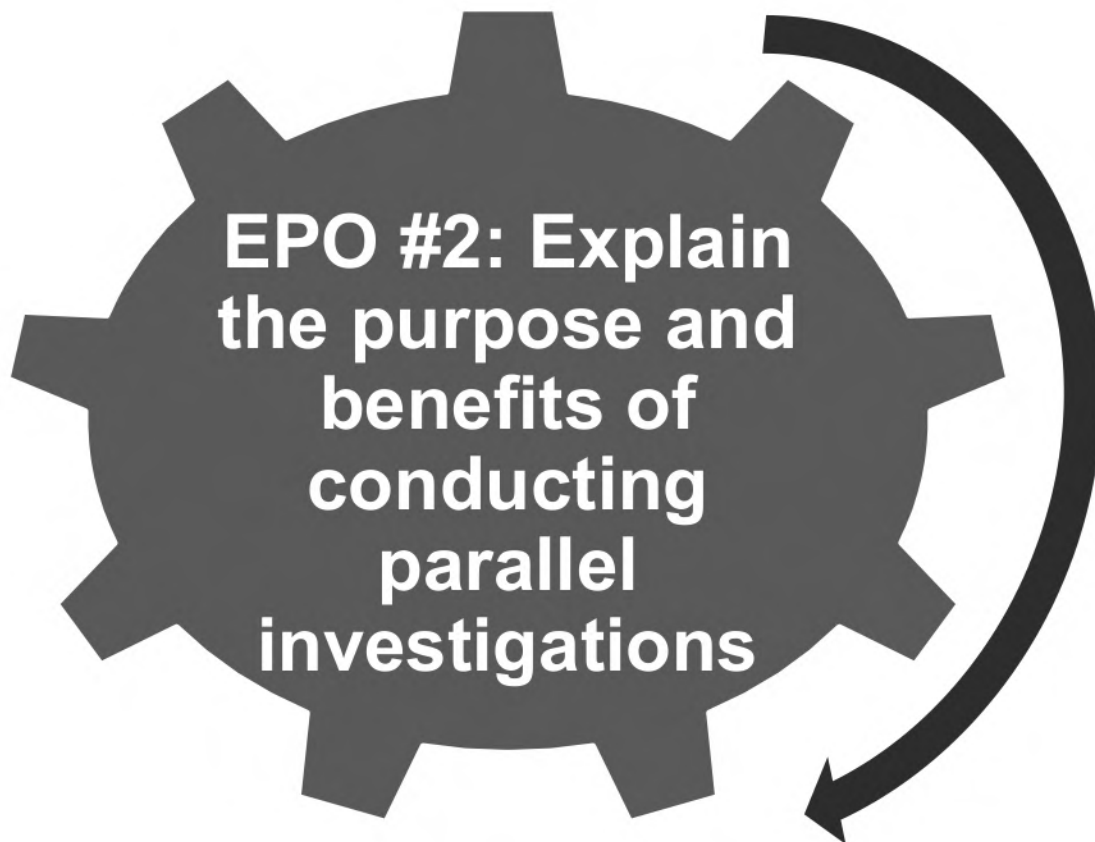
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## Logistical Planning Issues (Cont'd)

### Budget and travel funding resources

- HSI Office Budgets
- Headquarters Significant Case funding
- OCDETF/HIDTA funding
- Certified Undercover Case (CUC) funding
- Other agency/task force funding

# Homeland Security Investigations (HSI)



## Parallel Investigation

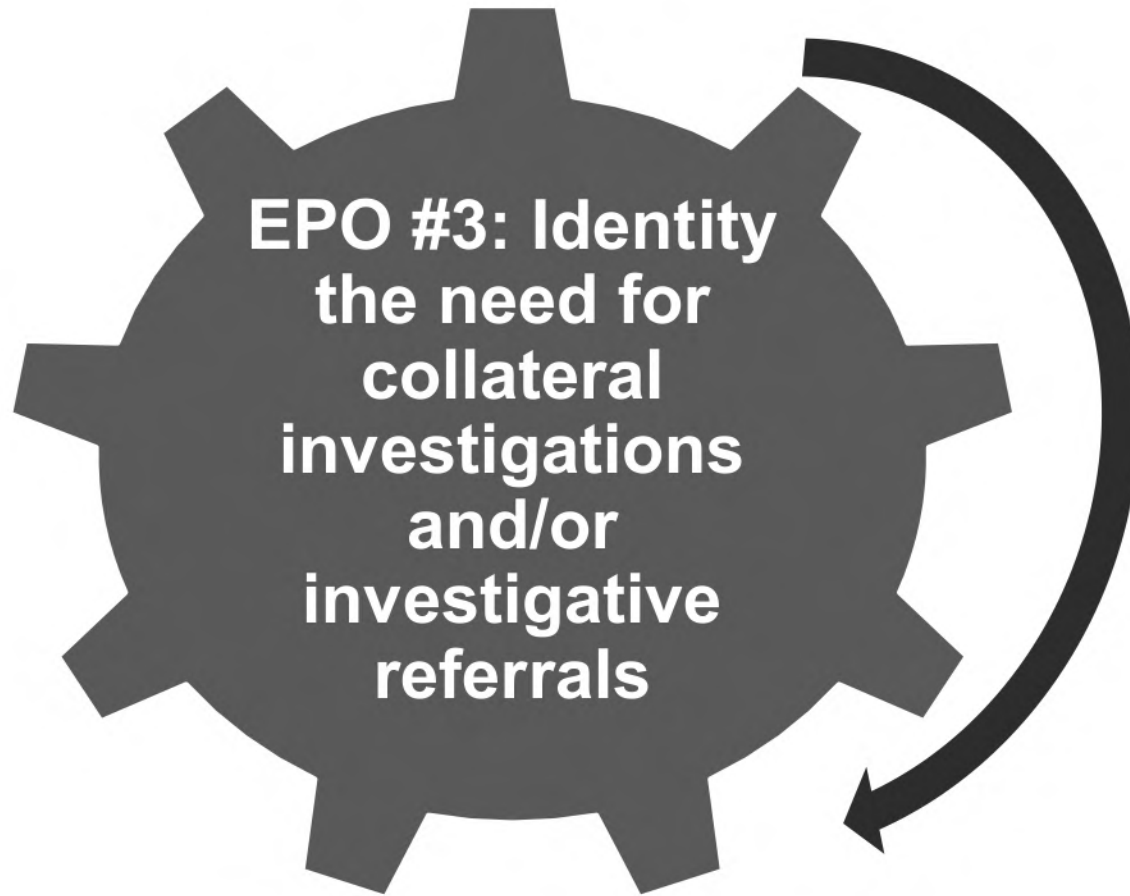
*“A separate and independent collection, analysis, and investigation of facts and circumstances using open and unrestricted sources of information without regard to identical facts and information previously developed and provided by another source(s)”*

# Homeland Security Investigations (HSI)

## Determine a Need for Parallel Investigations

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# Homeland Security Investigations (HSI)



# Homeland Security Investigations (HSI)

## Collateral Investigations

Request by an HSI office in one geographic location for specific investigative assistance to another HSI office – foreign and domestic – to support or enhance an ongoing criminal or civil investigation. Performing (b)(7)(E)

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Numerous types of collateral assistance to support another office's investigation



# Homeland Security Investigations (HSI)

## Considerations/Resources for Collateral Investigations

Manpower

Local priorities

Ongoing enforcement operations

Travel restrictions

Complexity of the leads to be followed

Local laws and regulations

# Homeland Security Investigations (HSI)

## Locating Offices to Send Collateral Investigations

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# Homeland Security Investigations (HSI)

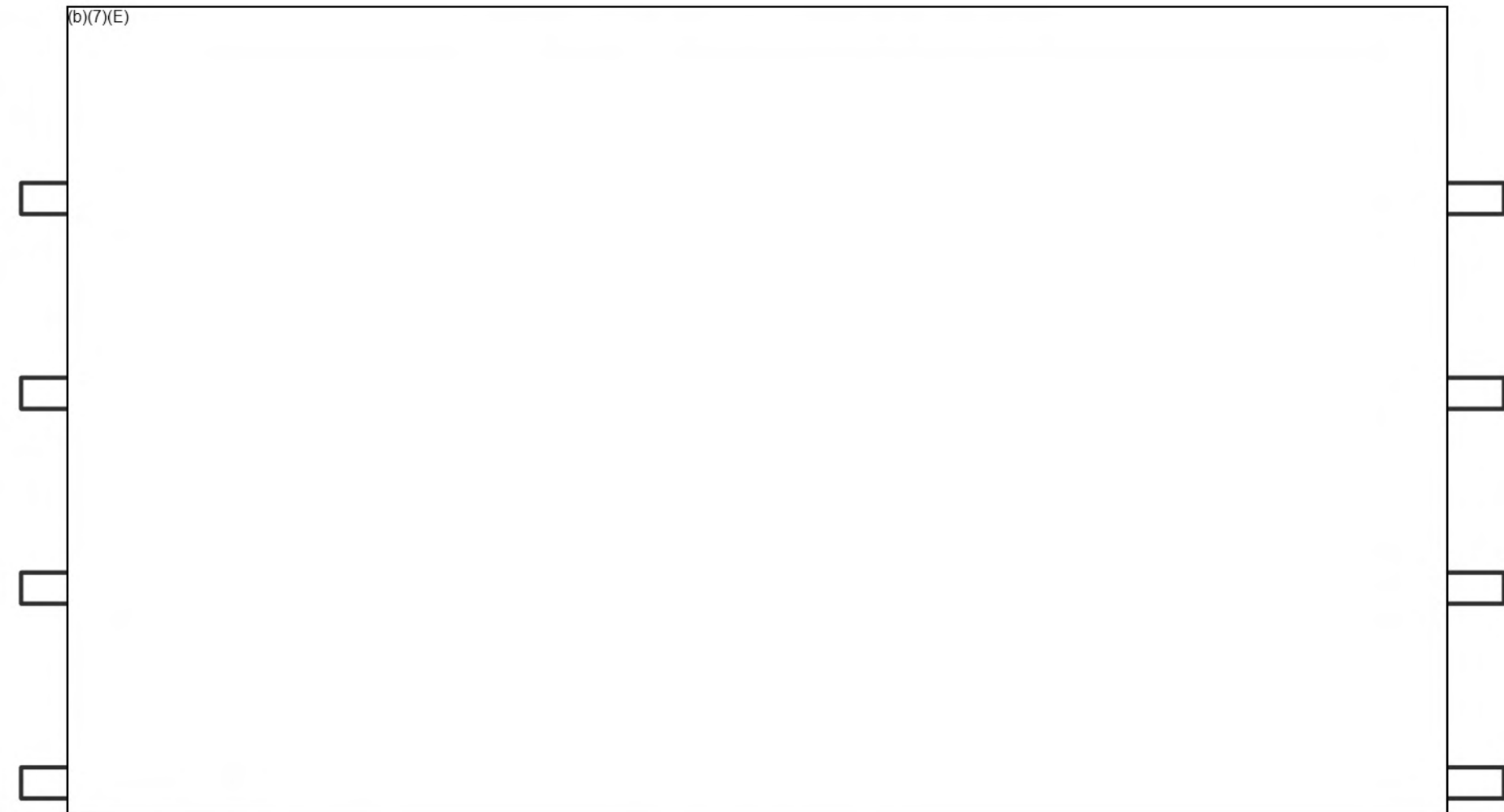
## Locating Offices to Send Collateral Investigations, Con't.

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# Homeland Security Investigations (HSI)

## Foreign Collaterals

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# Homeland Security Investigations (HSI)

## Locating offices for foreign collateral requests

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# Homeland Security Investigations (HSI)

## Investigative Referrals

General non-case specific law enforcement information categorized as “tips” or “leads”

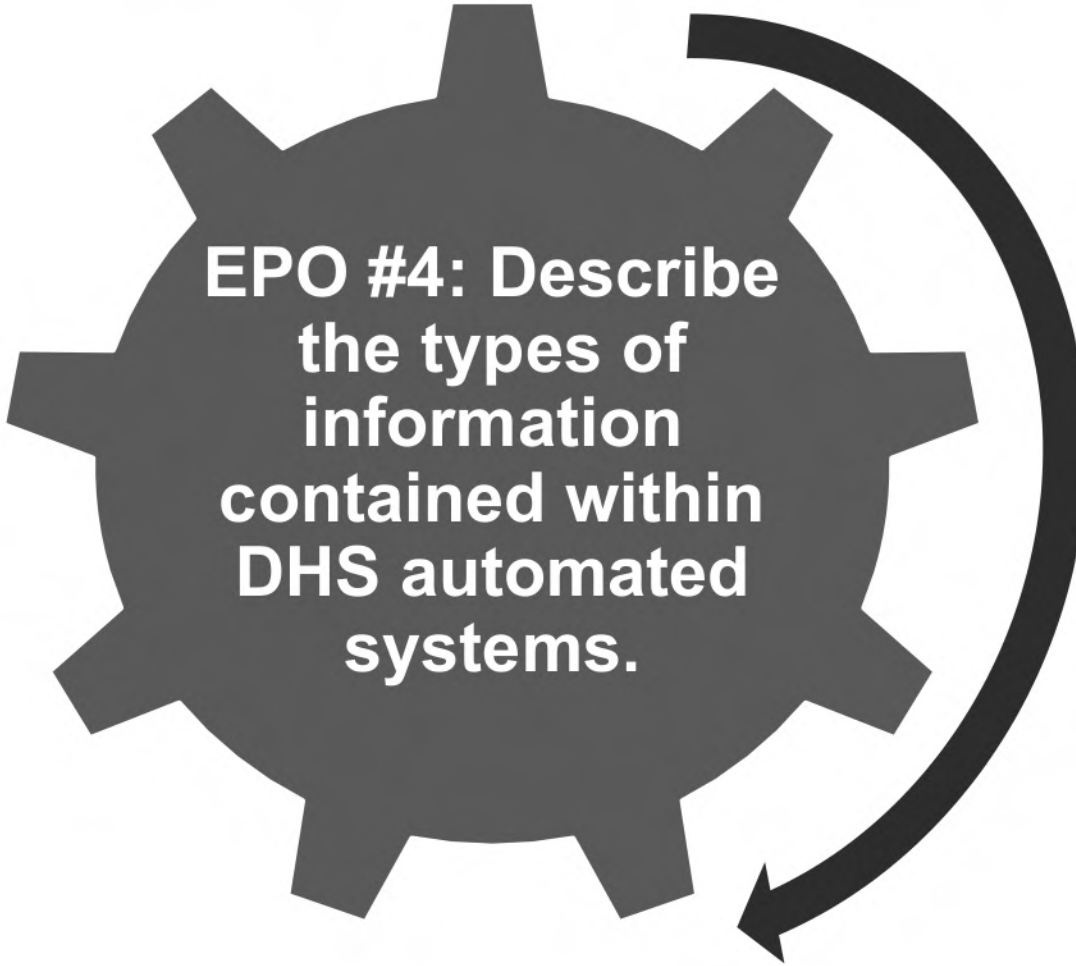
Referred to another HSI office(s) for action

Do not warrant collateral investigation

Can originate from various sources

Receiving offices have discretion on follow-up

# Homeland Security Investigations (HSI)



**EPO #4: Describe  
the types of  
information  
contained within  
DHS automated  
systems.**

# Homeland Security Investigations (HSI)

## DHS Automated Systems

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# Homeland Security Investigations (HSI)

## DHS Automated Systems (Cont'd)

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## Other automated systems

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# Homeland Security Investigations (HSI)

## Law Enforcement Support Center (LESC)

LESC is a national enforcement operations facility administered by ICE. The center is a single national point of contact that provides timely immigration status, identity information, and real-time assistance to local, state, and federal law enforcement agencies on aliens suspected, arrested, or convicted of criminal activity. The center protects and defends the United States by sharing timely and relevant ICE information with our law enforcement partners around the world.

# Homeland Security Investigations (HSI)

## LESC Can Assist Field Offices

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## Using LESC resources

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# Homeland Security Investigations (HSI)

## INTERPOL

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# Homeland Security Investigations (HSI)

## Federal Law Enforcement Partners

- Diplomatic Security Service (DSS)
- Drug Enforcement Administration (DEA)
- Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE)
- Federal Bureau of Investigation (FBI)
- Dept. of States/DDTC
- Dept. of Commerce BIS OEE

- Federal Aviation Administration
- U.S. Probation and Pre-Trial Services
- US Secret Service
- IRS Criminal Investigations Division
- Offices of Inspector Generals
- US Postal Inspection Service
- US Coast Guard Investigative Service

# Homeland Security Investigations (HSI)

## State, Local and Military Partners

City/county Police/Sheriffs Dept.

State wildlife/game enforcement agencies

College/university PDs

Marine/harbor patrol

State Highway patrol

Military police/security forces

Other State enforcement/investigative agencies

Military investigative agencies

# Homeland Security Investigations (HSI)

## Military Authority and Control

Military investigators have unique authority and jurisdiction over military personnel, government property, base housing, and work areas

Military regulations generally require personnel to cooperate with criminal investigations provided they are merely a witness or have otherwise been properly immunized

# Homeland Security Investigations (HSI)

## Tips for Interagency Coordination

The presence of state and local law enforcement authorities can serve several purposes in short-term tactical law enforcement operations generated by HSI investigations:

- Uniformed presence at enforcement operations
- Crowd control
- Child service
- Animal control
- Special services such as air support, explosive disposal, etc.

# Homeland Security Investigations (HSI)

## Other Types of Interagency Coordination

Asset sharing

HSI Task Force Officers

Press releases

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Shared prosecution of criminal activity

Establishment of coordination/de-confliction

# Homeland Security Investigations (HSI)





# Homeland Security Investigations (HSI)

## Open-Source Databases

Social network research

Geolocation

Common websites for querying

Mapping and satellite programs

Cautions

Reliability concerns

# Homeland Security Investigations (HSI)

## Search Engines, Archived Sites, Search Tools

Internet search engines

Archived sites –

<http://archive.org/web/waybackmachine>

- Web pages archived since 1996
- Collects Web data and images, including no longer existing
- Catalogues changes made to Web sites

Search tools – offer basic information but require an account for detailed material

# Homeland Security Investigations (HSI)

## Social Network Research

Facebook

Twitter

LinkedIn

Pinterest

Google+

Tumblr

Instagram

VK

Flickr

Vine

# Homeland Security Investigations (HSI)

## Geolocation

Flickr tags

Facebook, Foursquare, Twitter Users “check-in”

Twitter tweets link to map where user is located

- Twitter does not have images, but there are image apps with ties to interface with Twitter (for example, Instagram)

IP geolocation – [www.ip2location.com](http://www.ip2location.com)

# Homeland Security Investigations (HSI)

## Common Websites

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# Homeland Security Investigations (HSI)

## Cautions Working with Open Source Databases

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## Reliability Concerns

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# Homeland Security Investigations (HSI)

## Electronic/Physical Sources of Information

Corroborate public online information with other investigative techniques

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## Electronic/Physical Sources of Information (Cont'd)

### Public Records

- May be free and generally available to the public either online or in a physical building
- Most jurisdictions permit covert checks

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# Homeland Security Investigations (HSI)

## State Public Records

### Regulated industries, businesses, occupations

- State license required to conduct business for MDs, plumbers, cosmetologists, barbers, financial planners, many other professions

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### Corporations and Partnerships

- Filings – corporate officers, address of record, registered agent or rep, articles of incorporation, etc.

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# Homeland Security Investigations (HSI)



# Homeland Security Investigations (HSI)



## Unrestricted Sites

Information from unrestricted online sites is not considered intrusive

- Unrestricted sites – open to general public
- Payment sites / access fees – available to general public with payment of an access fee is considered open source

Materials normally protected under privacy laws might be considered open source if posted to unrestricted site

- Some sites post disclaimer of unrestricted access to general public with exception of law enforcement

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## Restricted Sites

Information  
from  
restricted  
sites  
requires:

- Court order
- Other legal process authorizing access
- Consent from authorized party

# Homeland Security Investigations (HSI)

## Preservation Letter, Subpoena, Warrant

Preservation letter [under 18 USC § 2703(f)] “to preserve records and other evidence in its possession pending the issuance of a court order...”

Administrative summons or subpoena to obtain basic subscriber info – name, address, subscriber number or identity, any temporarily assigned network address

Search warrant required for electronic communications in storage for 180 days or less

# Homeland Security Investigations (HSI)

## Real-Time Content Monitoring

Real-time content monitoring requires Title III court order

Consent Exception: banner or announcement that "all communications may be monitored" on the system creates implied consent and permits monitoring

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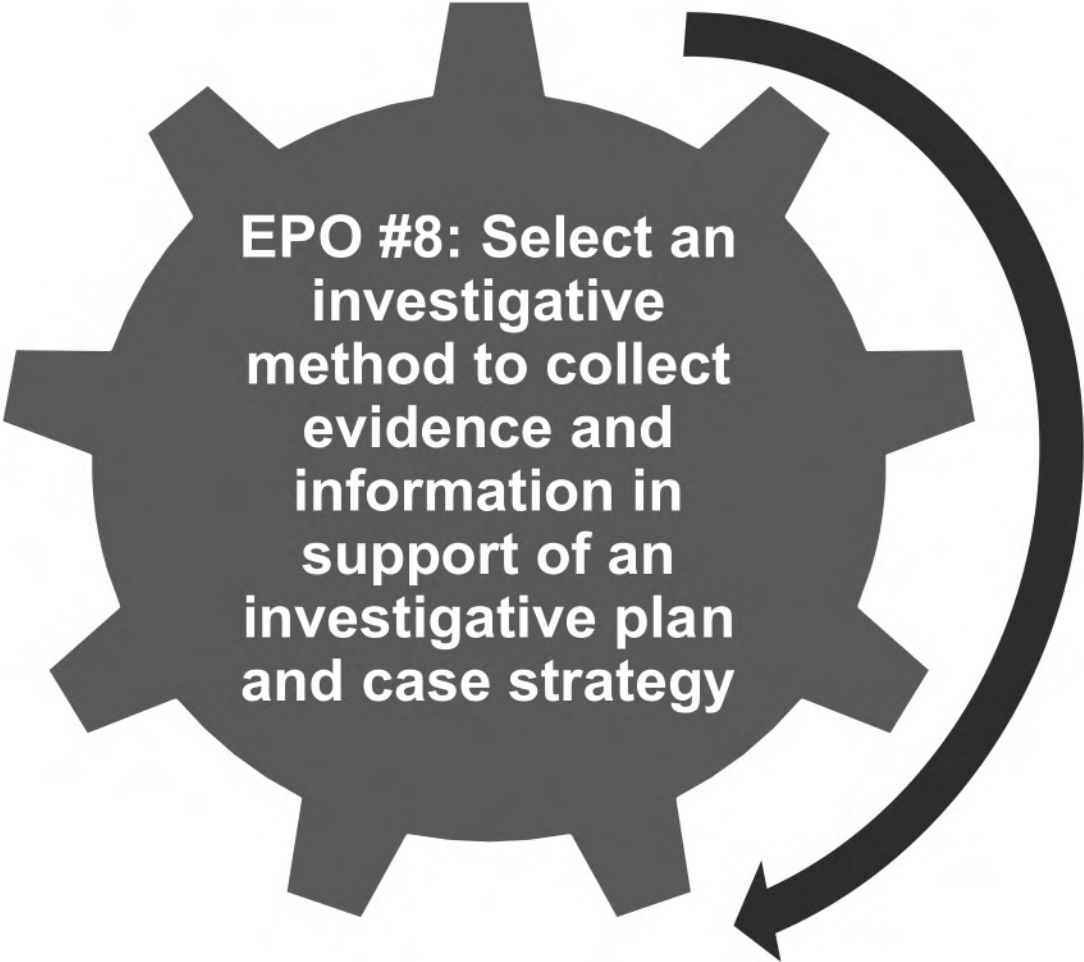
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# Homeland Security Investigations (HSI)



**EPO #8: Select an investigative method to collect evidence and information in support of an investigative plan and case strategy**

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## Investigative Methods

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# Homeland Security Investigations (HSI)

## Pen Register/Trap and Trace

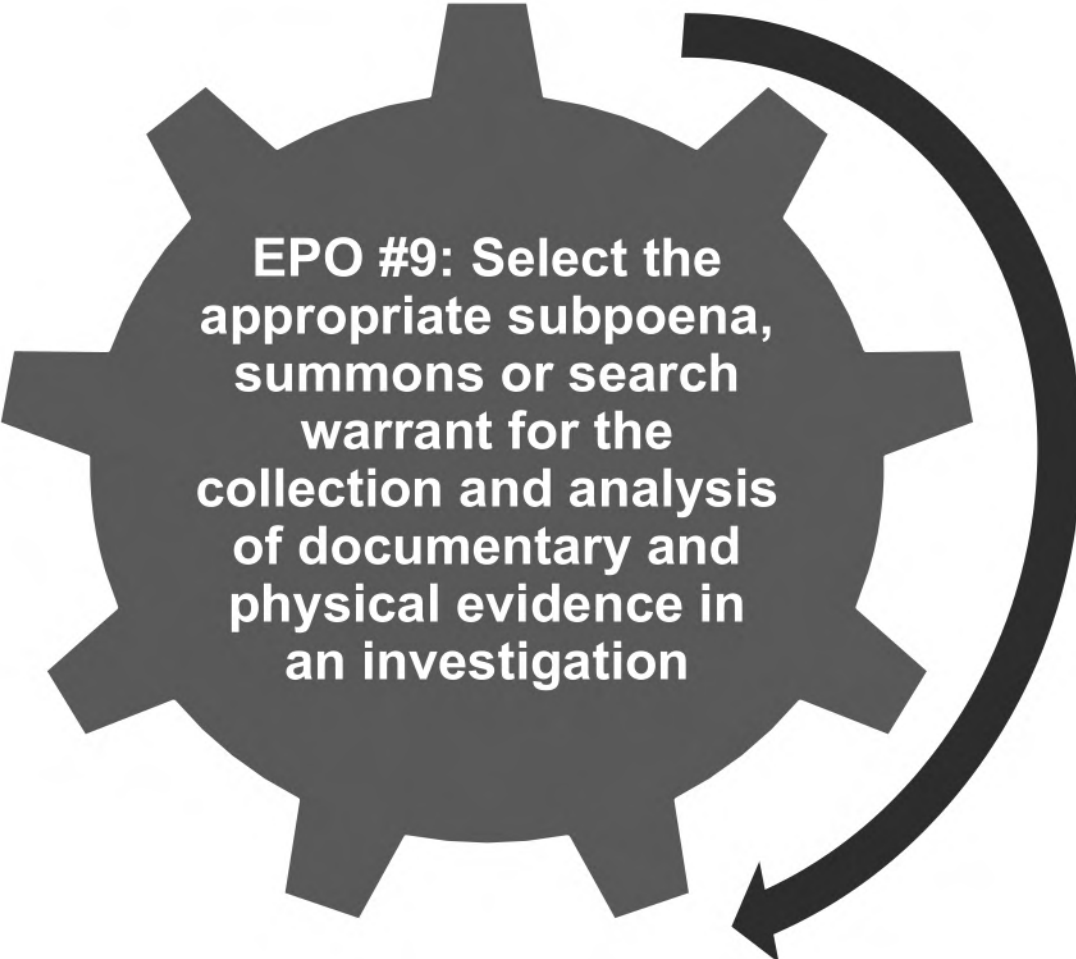
Pen Register records all numbers called (outgoing) from a particular telephone line

Trap and Trace records all numbers calling (incoming) a particular telephone line

Per the ECPA, an AUSA can obtain a Pen Register/Trap and Trace by certifying that information will “likely” be obtained in relations to a criminal investigation

Pen Register/Trap and Trace with GPS tracking of the phone requires an affidavit and probable cause

# Homeland Security Investigations (HSI)



**EPO #9: Select the appropriate subpoena, summons or search warrant for the collection and analysis of documentary and physical evidence in an investigation**

# Homeland Security Investigations (HSI)

## Summons and Subpoenas

Tool to acquire documents, physical evidence, and testimony

No secrecy requirements or enforceable disclosure limits

Limited use and application for Financial documents/Electronic Communication

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– generates logs, and tracks



# Homeland Security Investigations (HSI)

## Summons and Subpoenas (Cont'd)

Usable at any stage of investigation prior to indictment

Can be judicially enforced

Often a record holder can assist or guide in proper wording to obtain all desired documents

Can serve subpoenas on targets, witnesses, and co-conspirators – witting and unwitting

# Homeland Security Investigations (HSI)

## Disadvantages of Summons and Subpoenas

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# Homeland Security Investigations (HSI)

## Types of Summons and Subpoenas

Title 21 Subpoena, HSI Form 73-021

Export Enforcement Subpoena, HSI Form 73-022

Immigration Enforcement Subpoena, DHS Form I-138

DHS Summons, DHS Form 3115

# Homeland Security Investigations (HSI)

## Types of Summons and Subpoenas (Cont'd)

### Grand Jury Subpoena

- Criminal cases only – no civil applications
- Documents, evidence, and testimony

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- Secrecy issues
- No probable cause (PC) required
- Signed by AUSA

### Trial Subpoena

- Post-indictment
- Documents, evidence, testimony post-indictment
- Requested by AUSA, but signed by court clerk

# Homeland Security Investigations (HSI)

## Search Warrants

Enables recovery of documentary and physical evidence

Requires PC and extensive pre-warrant investigation

Minimizes tampering or destruction of records

Permits onsite interviews of suspects and witnesses

Moves case from covert to overt in most instances

Can yield discovery of other violations and criminal activities

Sealed by the court when necessary

# Homeland Security Investigations (HSI)

## Demonstration

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# Homeland Security Investigations (HSI)

## Student Practice

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# Homeland Security Investigations (HSI)

## Summary

### Investigative Planning

- Investigations can originate from various sources
- Analyze information sufficiently
- A number of considerations available
- Some operational concerns require planning for logistical issues

### Investigative Methodology

- Search a (b)(7)(E)
- Consult other federal agencies
- Collect basic case data early in criminal investigation
- Search public records

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- Grand jury, administrative summons / subpoenas, search warrants





Protecting the Borders Against Illicit Trade, Travel, and Finance