



**Forging a New Legacy**

# **Homeland Security Investigations**

**Undercover Operations**

**HSI Special Agent Training**

**ICE Academy**

# Homeland Security Investigations (HSI)

## Terminal Performance Objective

Given a situation where you are conducting a criminal investigation and planning to develop an undercover operation, determine the viability, objectives, and level of authorization needed to conduct the operation following the guidelines as specified in the Undercover Operations Handbook and associated HSI Directives

# Homeland Security Investigations (HSI)

## Enabling Performance Objectives

- Identify HSI authority to conduct undercover operations and  Identify the primary concerns, function, advantages, and objectives of an undercover operation Describe the roles and responsibilities associated with those individuals involved in/with   
 Identify the policies and procedures relating to the issuance and control of

# Homeland Security Investigations (HSI)

## Review of the Past

Topics covered thus far include: Investigative methods  
Confidential informants  
Surveillance

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## Main Ideas

An undercover operation: Sensitive investigative technique utilized to gather the necessary evidence for prosecution purposes  
Concealing the true identity of a government operative  
To gain the trust of individuals who are involved in criminal activities

# Homeland Security Investigations (HSI)

## Agenda

- HSI's authority to conduct undercover operations and the (b)(7)(E) Primary concerns, functions, advantages, and objectives of an undercover operation Roles and responsibilities associated with individuals involved in a (b)(7)(E) (b)(7)(E) Policies and procedures relating to issuance and control of (b)(7)(E) Case examples focused on determining if an undercover operation is viable, and if so, what investigative actions to take

# Homeland Security Investigations (HSI)

## HSI Authority To Conduct UC Operations

- HSI is granted statutory authority to engage in certain undercover investigative activities and operations

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# Homeland Security Investigations (HSI)

## Definition: Undercover Activity

Any investigative activity involving the use of undercover resources and techniques, including the use of an undercover operative. An undercover investigation

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# Homeland Security Investigations (HSI)

## Definition: Undercover Investigation

Any investigation involving any undercover activity. This can take place over a period of time. Undercover activity involving

any (b)(7)(E)  
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# Homeland Security Investigations (HSI)

## Concern and Function of UC Operation

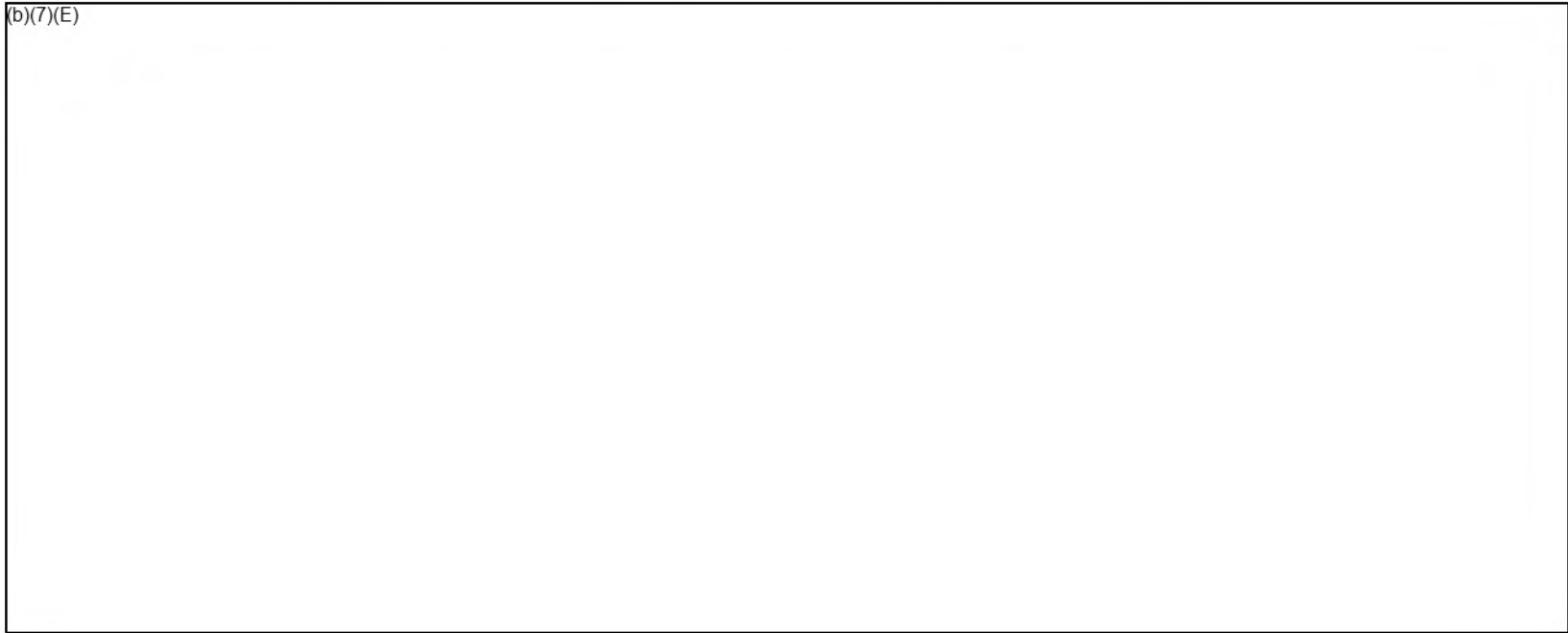
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# Homeland Security Investigations (HSI)

## Advantages of UC Operation

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# Homeland Security Investigations (HSI)

## Objectives of UC Operation

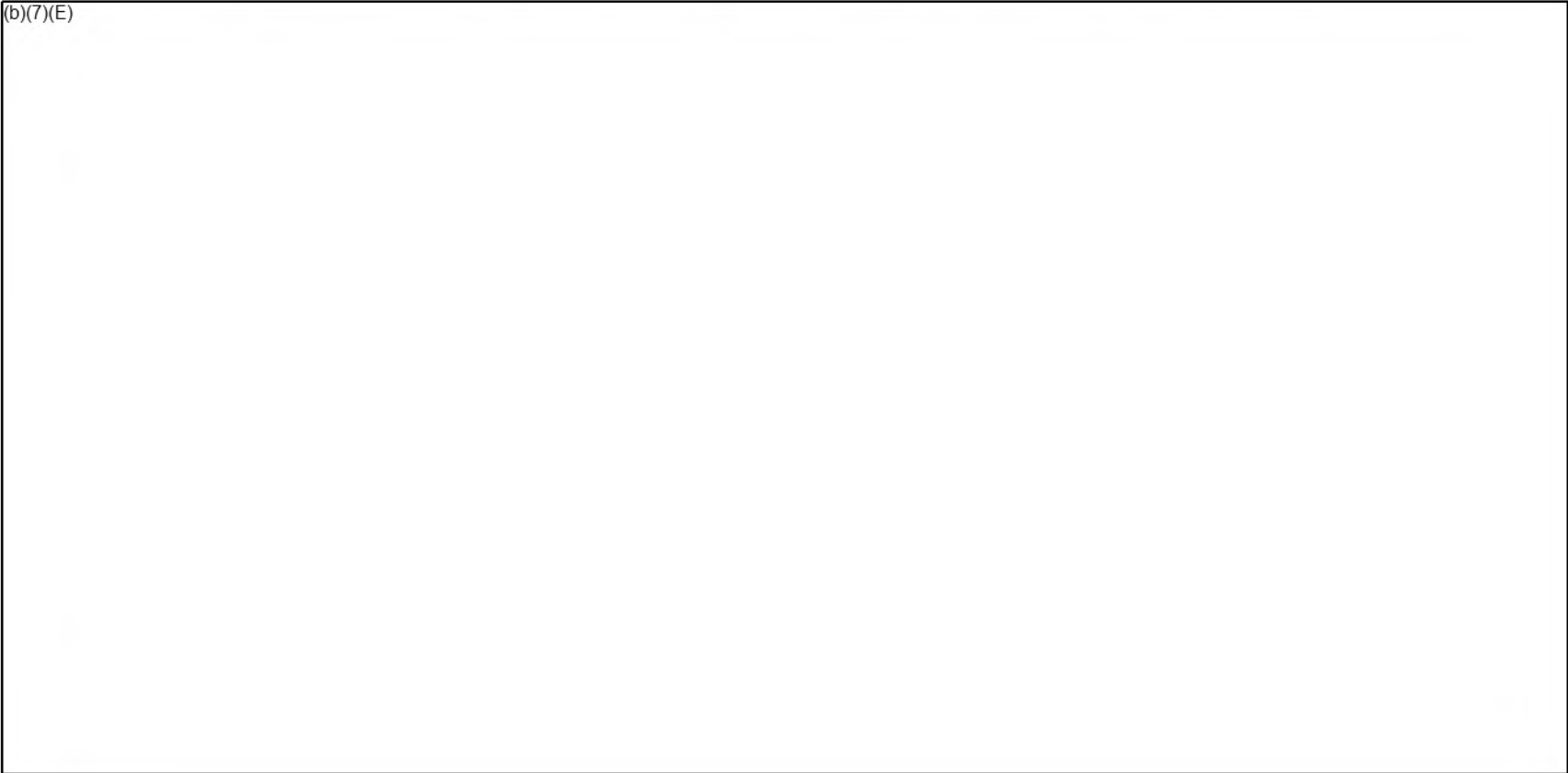
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# Homeland Security Investigations (HSI)

## Objectives of UC Operation (cont'd)

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# Homeland Security Investigations (HSI)

## Key Programmatic Areas

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# Homeland Security Investigations (HSI)

## Roles and Responsibilities in an Undercover Operation

- (b)(7)(E) Administrative Overseer (ASAC) Investigative GS (b)(7)(E) Program Manager Case Agent Undercover Operative Cover Agent (b)(7)(E) Administrator Undercover Liaison Coordinator (ULC)

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## Administrative Overseer (ASAC)

- Second-line supervisor with undercover investigative/operational management experience  
Mandatory position in SAC offices that maintain undercover operations

Refer to Student Guide, p. 7

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## Investigative GS

- Provides supervision for day-to-day operational and strategic decisions and on-site guidance related to undercover policies and proceduresEnsures generation and approval of Ops Plans prior to any undercover activityEnsures sufficient resources are in place to provide necessary safety and security measures prior to any undercover activity

Refer to Student Guide, p. 7

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## Program Manager

- Has responsibility and authority (through the UC Lead/Administrative GS) to coordinate all administrative aspects of a particular (b)(7)(E) (b)(7)(E) If individual holding this position does not have approval authority within an operation, he or she will coordinate approvals with the appropriate supervisor

Refer to Student Guide, p. 8

# Homeland Security Investigations (HSI)

## Case Agent

- Makes day-to-day operational, strategic decisions involving the undercover investigation Ensures full Ops plans are developed, approved and briefings conducted before any UC activity Prepares, presents investigative findings to AUSA Works with UC operatives to monitor case activities, identify operational requirements Keeps Investigative GS apprised of case-related activities

Refer to Student Guide, p. 8

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# Homeland Security Investigations (HSI)

## Undercover Liaison Program

- Established for the benefit of personnel directly involved in UC activity  
Protects safety and well-being of each UC agent  
Protects ICE/HSI from liability issues  
National ULC – ensures proper implementation, usage, and coordination of ULC Program  
Primary/Secondary Field ULC – nominated by SAC within AOR

Refer to Student Guide, p. 10

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## Undercover Liaison Coordinator (ULC)

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## Legal and Liability Issues

- Consult the Office of Principal Legal Advisor (OPLA) on:  
Legal issues  
National policy issues  
Personal Assistance Agreements  
Consult AUSA on issues relating to direction, prosecution of investigation

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## Otherwise Illegal Activities

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## Otherwise Illegal Activities (cont'd)

- *Malum prohibitum – act that is a crime merely because it is prohibited by law, although the act is not necessarily immoral*  
Actions that may be permitted although against law:  
Purchase and possession of stolen goods or contraband  
Payment of bribes  
Obtaining false documents  
Consensual monitoring

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## Legal and Liabilities Issues for UC Operative

- Oral communications Removal or copying of documents or property Alterations of conveyances Third party assistance Personal Assistance Agreement (PAA)



# Homeland Security Investigations (HSI)

## Restrictions and Guidelines for UC

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# Homeland Security Investigations (HSI)

## Selection of Undercover Operative

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# Homeland Security Investigations (HSI)

## Evaluation of Qualifications of UC Operatives

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## Levels of UC Operative Certification

- Primary Undercover Role without supervision  
Secondary undercover Role with supervision  
Not Recommended for Undercover Assignments

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## Exempt from Training Waiver

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# Homeland Security Investigations (HSI)

## Operations and Approval Levels

- SAC and GS Authorized Operations Director of HSI  
Authorized Operations Director of HSI Authorized  
and (b)(7)(E)

# Homeland Security Investigations (HSI)

## SAC and GS Authorized Operations

- Operation anticipated to last less than six months

Do not involve

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Do not require

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(b)(7)(E)

Note: If during the

course of a SAC approved UC operation and an unforeseen circumstance arises, a proposal must be submitted to HQ UC Operations for the URC's review

# Homeland Security Investigations (HSI)

## Director of HSI Authorized Operations

- Executive Assistant Director, HSI may approve operations without review by URC when activities:

Do not involve

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Are anticipated to last more than 6 months but less than 12 months



# Homeland Security Investigations (HSI)

## Director of HSI Authorized Operations

and (b)(7)(E)

- Executive Assistant Director may (b)(7)(E) approve undercover operations after review by URC when activities: Involve DHS and ICE sensitive circumstances (b)(7)(E)

(b)(7)(E)

# Homeland Security Investigations (HSI)

## Undercover Review Committee (URC)

- URC considers proposals for UC operations and activities involving (b)(7)(E) (b)(7)(E) (b)(7)(E) Considers formal approval for validation of any operation that has been approved under exigent circumstances Determines whether an operation that has had significant change in direction or objectives requires new authorization

# Homeland Security Investigations (HSI)

## Purpose of HSI Policy

- Provides greatest degree of flexibility to conduct undercover operations within limits of the law
- Establishes uniform and effective standards of oversight and accountability
- Promotes innovation and creativity in undercover investigations and operations

# Homeland Security Investigations (HSI)

## Major HSI Policy Issuances

- HSI Directive 05-003, Disposition of Excess Proceeds from Certified Undercover Operations  
HSI Directive 05-004, Use of Proceeds to Fund Undercover Training  
HSI Directive 06-004, Undercover Liaison Coordinator Program  
HSI Directive, Management of Critical Incidents  
ICE Interim Use of Force Policy, July 7, 2004

# Homeland Security Investigations (HSI)

## Major HSI Policy Issuances (cont'd)

- Memorandum: Use of Proceeds for Prosecution Related Expenses, November 15, 2004  
Memorandum; Confidential Informant Policy Addendum, May 27, 2004  
Memorandum; Domestic and International Undercover Alien Smuggling Investigations, March 23, 2014  
Notional Immigration Document Handbook, March 27, 2014

# Homeland Security Investigations (HSI)

## Undercover Training

- Undercover Operatives School (UCOS) – two weeks at FLETC Undercover Program Manager’s School (UCMS) – one week at HSI HQ (b)(7)(E)
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- (b)(7)(E) Administrator School (UCAS) – One-week training conducted at HSI HQ Undercover Liaison Coordinator School (ULCS) – one week at HSI HQ

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# Homeland Security Investigations (HSI)

## Demonstration

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Refer to Student Guide, p. 18

# Homeland Security Investigations (HSI)

## Practice

(b)(6); (b)(7)(C); (b)(7)(E)

Refer to Student Guide, p. 19

# Homeland Security Investigations (HSI)

## Summary

- HSI authority to conduct UC operations and the exemptions granted by (b)(7)(E) Primary concerns, function, advantages, and objectives of UC operation Roles and responsibilities of those individuals involved in and/or with UC operation Level of authorization needed to conduct the operation in compliance with the Handbook and directives Policies and procedures relating to the (b)(7)(E)

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**Protecting the Borders Against Illicit Trade, Travel, and Finance**