

US Immigration and Customs Enforcement OFFICE OF TRAINING AND DEVELOPMENT

ICE Academy



INVESTIGATIVE PLANNING

Student Guide

HSI Special Agent Training

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Homeland Security Investigations (HSI)

Terminal Performance Objective

Given a set of case-related facts and a designated goal/objective, identify the type of planning required and its main points of focus to collect and produce information supporting the prosecution of the case in accordance with the HSI policies and guidelines

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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

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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


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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

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Homeland Security Investigations (HSI)

Review of the past– During CITP

Practiced a number of investigative techniques

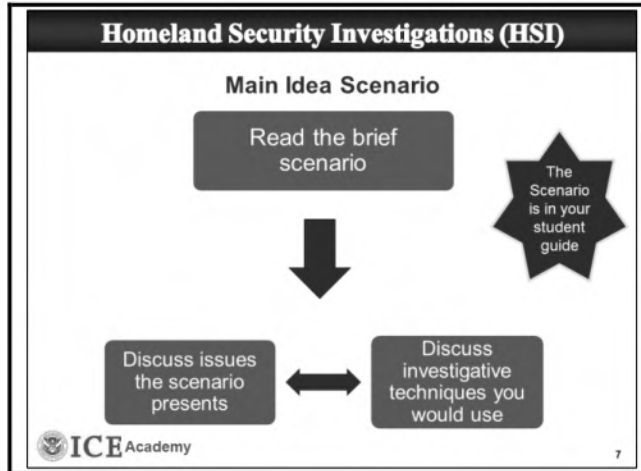
Studied documentation and report writing

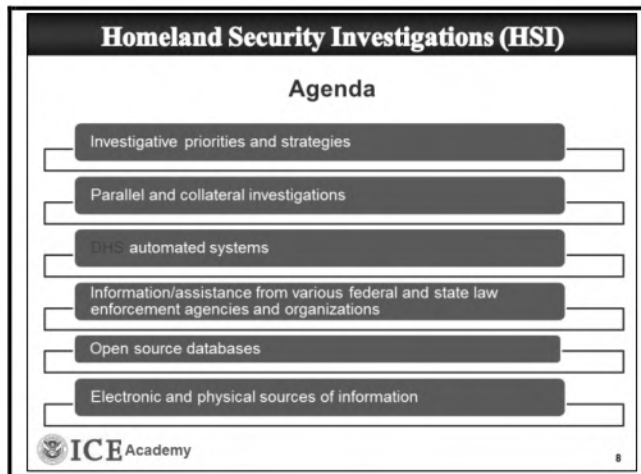
Learned about the search warrants

Applied techniques during labs and the continuing case scenario

Trained in federal criminal law

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Homeland Security Investigations (HSI)



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

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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

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Homeland Security Investigations (HSI)

Initial Information

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Homeland Security Investigations (HSI)

Notification and Deconfliction Requirements

- Existing MOUs/MOAs / Cross-agency jurisdiction
- Deconfliction of concurrent enforcement activity
 - DICE, JTTF, HIDTA, OCDEF, etc.
 - Local task forces
 - Local deconfliction centers (RISS)

Regional Information Sharing Systems (RISS) Program

ICE Academy

Homeland Security Investigations (HSI)

Analyze Initial Information to Determine

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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?


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Homeland Security Investigations (HSI)

Development of the Investigative Plan

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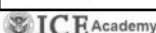


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Homeland Security Investigations (HSI)

Additional Planning Issues

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Homeland Security Investigations (HSI)

Logistical Planning Issues

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Homeland Security Investigations (HSI)

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

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Homeland Security Investigations (HSI)

EPO #2: Explain the purpose and benefits of conducting parallel investigations

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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)"

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Homeland Security Investigations (HSI)

Determine a Need for Parallel Investigations

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Homeland Security Investigations (HSI)




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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 surveillance and photography of persons, businesses, or residences, or other specific locations

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

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Homeland Security Investigations (HSI)
Considerations/Resources for Collateral Investigations

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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



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Homeland Security Investigations (HSI)



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

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Homeland Security Investigations (HSI)

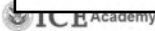

DHS Automated Systems

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Homeland Security Investigations (HSI)

DHS Automated Systems (Cont'd)

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<p>Homeland Security Investigations (HSI)</p> <p>Other automated systems</p> <p>(b)(7)(E)</p>  <p>34</p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>Homeland Security Investigations (HSI)</p> <p>Law Enforcement Support Center (LESC)</p> <p>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.</p>  <p>35</p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>Homeland Security Investigations (HSI)</p> <p>LESC Can Assist Field Offices</p> <p>(b)(7)(E)</p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

Homeland Security Investigations (HSI)

Using LESC resources

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Homeland Security Investigations (HSI)



EPO #5: Describe the types of investigative information and assistance available from various federal and state law enforcement agencies

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Homeland Security Investigations (HSI)

HSI Forensic Laboratory

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Homeland Security Investigations (HSI)

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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)	Federal Aviation Administration
Drug Enforcement Administration (DEA)	U.S. Probation and Pre-Trial Services
Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)	US Secret Service
Federal Bureau of Investigation (FBI)	IRS Criminal Investigations Division
Dept. of States/DDTC	Offices of Inspector Generals
Dept. of Commerce BIS/OEE	US Postal Inspection Service
	US Coast Guard Investigative Service

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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

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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

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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.

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Homeland Security Investigations (HSI)

Other Types of Interagency Coordination

- Asset sharing
- HSI Task Force Officers
- Press releases
- (b)(7)(E)
- Shared prosecution of criminal activity
- Establishment of coordination/de-confliction

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Homeland Security Investigations (HSI)

EPO #6: Describe open-source databases and electronic/physical sources of information and the potential problems assoc. with their use in an investigation

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Homeland Security Investigations (HSI)

Open-Source Databases

- Social network research
- Geolocation
- Common websites for querying
- Mapping and satellite programs
- Cautions
- Reliability concerns

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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

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Homeland Security Investigations (HSI)

Social Network Research

Facebook	Tumblr
Twitter	Instagram
LinkedIn	VK
Pinterest	Flickr
Google+	Vine

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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

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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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Homeland Security Investigations (HSI)

Electronic/Physical Sources of Information (Cont'd)

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Homeland Security Investigations (HSI)

State Public Records

<p>Regulated industries, businesses, occupations</p> <ul style="list-style-type: none"> State license required to conduct business for MDs, plumbers, cosmetologists, barbers, financial planners, many other professions <p>(b)(7)(E)</p>	<p>Corporations and Partnerships</p> <ul style="list-style-type: none"> Filings – corporate officers, address of record, registered agent or rep, articles of incorporation, etc. <p>(b)(7)(E)</p>
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Homeland Security Investigations (HSI)



EPO #7: Identify legal requirements associated with open source research

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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
- May not constitute REP – (b)(5); (b)(5); (b)(7)(E)

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Homeland Security Investigations (HSI)

Restricted Sites

Information from restricted sites requires:

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

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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

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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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Homeland Security Investigations (HSI)

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Homeland Security Investigations (HSI)

Other Providers and Their Services

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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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Investigative Methods (Cont'd)

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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

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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

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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


(b)(7)(E) generates logs, and tracks

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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

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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

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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

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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

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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 (b)(7)(E)
- Consult other federal agencies
- Collect basic case data early in criminal investigation
- Search public records
- (b)(7)(E)
- Grand jury, administrative summons / subpoenas, search warrants

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Main Ideas Scenario

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Demonstration Scenario

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- Investigative strategy and methodology sequence

- What the SA should do, when, and why

Practice Scenario

Directions:

- Work with your group.
- Select a team leader and a scribe to document the results of the case analysis
- Review the scenario and develop an investigative plan that:

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- Prepare to present your team decisions and information to the class
 - Select a team leader to lead the discussion
 - Everyone in your group should participate

Scenario:

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- Investigative strategy and methodology sequence

- What the SA should do, when, and why

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of the Freedom of Information and Privacy Act

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of the Freedom of Information and Privacy Act

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of the Freedom of Information and Privacy Act

Grand Jury Subpoena for _____

Pursuant to a criminal investigation being conducted by U.S. Immigration and Customs Enforcement, Department of Homeland Security, Atlanta, GA, it is hereby requested that your company provide files and records including electronic media for all open and closed accounts and services related to the following individual and businesses:

Name: _____
 DOB: _____
 Address: _____

Name: _____
 DOB: _____
 Address: _____

Response to this subpoena is needed as soon as possible. Please provide the following case identification number on all returned documents: _____. You may not notify your customer of the existence of this request, as any such disclosure could jeopardize the investigation.

Initial response to this subpoena should include monthly bank statement only, for the period _____. However, additional files, records and services may be requested at a later date. Files, records and services include but are not limited to:

A. All open or closed checking, savings, and NOW accounts:

1. Signature cards.
2. Bank statements.
3. Cancelled checks (both sides).
4. Deposit tickets and items (both sides of items, including ATM and direct deposits).
5. ATM withdrawals and point of sale debits.
6. Credit and debit memos.
7. Wire transfer records.
8. Forms 1099 or back-up withholding statements.

B. Retained copies of all open or closed bank loan or mortgage documents:

1. Loan applications.
2. Loan ledger sheets.
3. Copy of loan disbursement documents.
4. Copy of loan repayment documents.
5. Loan correspondence files.
6. Collateral agreements.
7. Credit reports.
8. Copies of notes or other instruments reflecting the obligation to pay.