



U.S. Immigration
and Customs
Enforcement

July 3, 2008

MEMORANDUM FOR: All Field Office Directors
All Special Agents in Charge

FROM:

Julie L. Myers
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Assistant Secretary

SUBJECT:

Field Guidance on Enforcement Actions or Investigative Activities
At or Near Sensitive Community Locations

ICE personnel should refrain from conducting enforcement actions or investigative activities at or near sensitive community locations such as schools, places of worship, and funerals or other religious ceremonies, except in limited circumstances as set forth within this memorandum. Such restraint strikes a balance between our law enforcement responsibilities and the public's confidence in the way ICE executes its mission.

Precedent for this approach is clear. Under Immigration and Naturalization Service (INS) Policy HQ 807-P, Enforcement Activities at Schools, Places of Worship, or at funerals or other religious ceremonies (May 17, 1993), law enforcement personnel were directed to:

"[A]ttempt to avoid apprehension of persons and to tightly control investigative operations on the premises of schools, places of worship, funerals and other religious ceremonies."

ICE policies are in place to ensure that our personnel conduct enforcement operations in a manner that is safe and respectful of all persons. This policy was recently reinforced in a December 26, 2007 Memorandum from Marcy M. Forman, Director, Office of Investigations, entitled Enforcement Actions at Schools. This field guidance clearly states that ICE views these actions with particular sensitivity:

"[I]t is important to emphasize that great care and forethought be applied before undertaking any investigative or enforcement type action at or near schools, other institutions of education, and venues generally where children and their families may be present."

Policies governing ICE Office of Detention and Removal (DRO) Fugitive Operations Teams have similarly discouraged enforcement actions in these sensitive locations. Furthermore, all of our enforcement actions have been, and should continue to be, thoroughly planned, reviewed, and approved by senior field office personnel so that both the public's safety and our national security are guaranteed.

While ICE policies and procedures do not specifically preclude enforcement actions or investigative activities at the aforementioned locations, the direction of INS HQ807-P remains in effect.

Consistent with these policies, including INS HQ807-P, there may be specific situations requiring ICE personnel to act at or near sensitive locations. Such situations would include those involving terrorism-related investigations, matters of public safety, or actions where no enforcement activity is involved, such as requesting information from school officials, retrieving records, or otherwise routine, non-enforcement activity. Any such case must be raised to the appropriate Headquarters program office prior to any action or, in exigent circumstances, as soon as practicable. Moreover, personnel are reminded to be cognizant of the impact of their activity, exercise good judgment and act with an appropriate level of compassion in light of the location while exercising their authority in such circumstances.

This policy should not be construed as an indication of tolerance for any violations of the law by anyone at or in charge of any of these sensitive locations. A formal ICE Policy Directive providing policy and procedures for these enforcement actions and/or investigative activities will be issued in the near future.