

Department of Homeland Security



U.S. Immigration
and Customs
Enforcement

Office of Investigations

Fugitives Handbook

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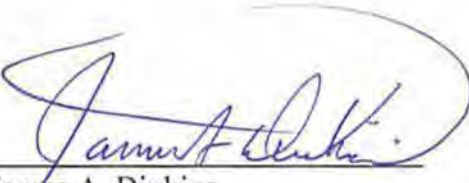
Foreword

The Fugitives Handbook provides a uniform source of national policies, procedures, responsibilities, guidelines, and controls to be followed by U.S. Immigration and Customs Enforcement (ICE) Office of Investigations (OI) Special Agents when identifying, tracking, locating, apprehending, and referring fugitives wanted by OI. This Handbook contains instructions and guidance to help ensure uniformity and operational consistency among all OI field offices. Oversight over the program for fugitives wanted by OI resides with the OI Investigative Support Unit in the Investigative Support Division.

This Handbook supersedes U.S. Customs Service Directive 4220-003A entitled, "Program for Fugitives Wanted by U.S. Customs," dated June 2, 2000.

The Fugitives Handbook is an internal policy of OI and does not confer any right or benefit on any private person or party. If disclosure of this Handbook or any portion of it is demanded in any judicial or administrative proceeding, the OI Information Disclosure Unit, Mission Support Division, as well as the appropriate ICE Counsel and/or U.S. Attorney should be consulted so that appropriate measures can be taken to invoke privileges against disclosure. This Handbook contains information which may be exempt from disclosure to the public under the Freedom of Information Act, Title 5, United States Code, Section 552(b), and protected from disclosure in civil discovery pursuant to the law enforcement privilege. Any further request for disclosure of this Handbook or information contained herein should be referred to the OI Information Disclosure Unit.

The OI Policy Unit is responsible for coordinating the development and issuance of OI policy. All suggested changes or updates to this Handbook should be submitted to the OI Policy Unit which will coordinate all needed revisions with the Investigative Support Unit.


James A. Dinkins
Director, Office of Investigations


Date

FUGITIVES HANDBOOK

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FUGITIVES HANDBOOK

Chapter 1. PURPOSE AND SCOPE

The U.S. Immigration and Customs Enforcement (ICE) Office of Investigations (OI) Fugitives Handbook establishes uniform policy and procedures for OI Special Agents (SAs) when identifying, tracking, locating, apprehending, and referring fugitives wanted by OI.

Chapter 2. AUTHORITIES/REFERENCES

2.1 Powers of Immigration Officers and Employees

Section 287(a) of the Immigration and Nationality Act (INA), (8 U.S.C. § 1357), authorizes an officer or employee of the Service to execute and serve any order, warrant, subpoena, summons, or other process issued under the authority of the United States.

2.2 Enforcement Authority of Customs Officers

19 U.S.C. § 1589a authorizes customs officers the ability to “execute and serve any order, warrant, subpoena, summons, or other process issued under the authority of the United States.”

2.3 Designation of Immigration Officers

8 C.F.R. § 103.1 designates OI SAs as immigration officers, authorizing SAs to exercise the powers and duties of an immigration officer as stated in the INA.

2.4 U.S. Marshals Service General Functions

28 C.F.R. § 0.111 authorizes the U.S. Marshals Service (USMS) to investigate matters pertaining to fugitives whether the fugitive is in the United States or in a foreign location.

2.5 Memorandum of Understanding between the U.S. Customs Service and the U.S. Marshals Service Regarding the Apprehension of Fugitives

The Memorandum of Understanding (MOU) between the former U.S. Customs Service (USCS) and USMS regarding the apprehension of fugitives, signed by USMS on August 26, 1999 and by USCS on September 7, 1999:

- A. Enhanced the spirit of cooperation which already existed between USMS and USCS;

- B. Established the relationships between USMS and USCS concerning the location and apprehension of fugitives arising from OI investigations; and
- C. Provided general guidance on the relinquishing of fugitive investigations to USMS.

(Note: As of the date of issuance of this Handbook, this MOU is still in effect and is being renegotiated to reflect the creation of ICE.)

Chapter 3. DEFINITIONS

The following definitions are provided for the purposes of this Handbook:

3.1 Escapee

An escapee is a subject who has escaped from OI custody, including holding facilities, after his or her criminal arrest but prior to appearing in front of a judicial officer.

3.2 Failure to Appear Fugitive

A failure to appear (FTA) fugitive is a subject who has been ordered to appear before a judicial officer and fails to do so.

3.3 Fugitive

A fugitive is an individual who is the subject of an outstanding federal criminal arrest warrant as a result of an OI investigation/indictment and who has not yet been taken into custody.

3.4 Fugitive Report

The Fugitive Report, Department of Homeland Security (DHS) Form 59 (see Appendix A), is the instrument for transmitting fugitive information to USMS and the Law Enforcement Support Center (LESC).

3.5 International Criminal Police Organization

The International Criminal Police Organization (INTERPOL) is the world's largest international police organization with 188 member countries (as of the date of issuance of this Handbook). The primary mission of INTERPOL is to facilitate cross-border police cooperation through support services and assistance programs designed to prevent or combat crime. INTERPOL is responsible for the approval, international publication, coordination, and tracking of notices via the internationally recognized INTERPOL I-24/7 Secure Messaging System.

3.6 INTERPOL Notice Program

The INTERPOL Notice Program is a system of published lookouts and advisories that are made available to the 188 INTERPOL member countries. The system utilizes a series of color-coded international notices and wanted person diffusions that share crime-related information with each member country. (Note: “Diffusions” is the term used by INTERPOL to refer to disseminations.) Notices are issued for fugitives and individuals wanted for serious crimes, missing persons, unidentified bodies, possible threats to public safety, missing/stolen works of art, criminals’ *modi operandi*, and terrorists who are subject to United Nations sanctions. Notices are published in INTERPOL’s four official languages: Arabic, English, French, and Spanish.

3.7 Significant Fugitives

Significant fugitives are those fugitives who are believed to have played a significant role in an investigation and may likely further the investigative process or the interests of ICE if captured.

Chapter 4. RESPONSIBILITIES

4.1 Director, Office of Investigations

The Director of OI has policy oversight over the program for fugitives wanted by OI.

4.2 Deputy Assistant Director, Investigative Services Division

The Deputy Assistant Director, Investigative Services Division, is responsible for the overall implementation of the provisions of this Handbook within OI.

4.3 Unit Chief, Law Enforcement Support Center

The Unit Chief, LESC, is responsible for:

- A. Supporting the National Fugitive Program; and
- B. Reviewing National Crime Information Center (NCIC) records on OI fugitives. During the review process, the LESC initiates a number of law enforcement database inquiries in an attempt to acquire current location and any other information pertinent to OI fugitives and their NCIC records.

4.4 National Fugitive Program Manager

In managing the OI Fugitive Program, the National Fugitive Program Manager (NFPM) will:

- A. Conduct appropriate liaison with the LESC and the OI field offices related to the inputting, editing, and removal of all OI fugitive information in NCIC;
- B. Serve as the contact person for any issues related to the MOU with USMS on the apprehension of fugitives;
- C. Submit proposals for replacements or additions to the "ICE Ten Most Wanted" fugitive list;
- D. Coordinate with the ICE Office of Public Affairs to ensure that an updated and accurate list of the "ICE Ten Most Wanted" fugitives is maintained and published. To this effect, a Fugitive Review Committee, composed of senior managers at OI Headquarters, will convene as needed to review all potential candidates for the list and to make recommendations for the inclusion of candidates in the "ICE Ten Most Wanted" fugitive list;
- E. Coordinate with the ICE Design, Publishing, and Distribution Group to have an "ICE Ten Most Wanted" poster printed and distributed to each Fugitive Coordinator for distribution to the field offices in their Special Agent in Charge's (SAC's) area of responsibility (AOR);
- F. Compile and track the number of OI fugitives, the number of OI fugitives for whom apprehension responsibility was turned over to USMS, and the number of OI fugitives apprehended; and
- G. Monitor USMS apprehension efforts through USMS Headquarters;

4.5 Special Agents in Charge

SACs are responsible for:

- A. Ensuring compliance with the provisions of this Handbook within their AOR;
- B. Designating a Fugitive Coordinator for their AOR (Note: The Fugitive Coordinator must be a GS-1811-13 or higher-graded SA.);
- C. Deferring primary investigative authority over an OI fugitive to USMS, on a case-by-case basis, if the SAC or designee deems that it is not in the best interest of OI to reserve that responsibility; and

- D. Entering OI fugitives into NCIC prior to the commencement of a joint investigation or task force, as appropriate.

(Note: OI retains the primary investigative authority over OI fugitives when the responsible SAC determines that it is in the best interest of OI to reserve that responsibility, even though USMS is the responsible agency for entry of FTA fugitives into NCIC and is administratively responsible for the entry of OI FTAs in NCIC.)

4.6 Field Fugitive Coordinator

The field Fugitive Coordinator is responsible for:

- A. Coordinating the requirements and activities between the SAC office and the NFPM;
- B. Managing the Fugitive Program for the SAC office, including maintaining records on OI fugitives and entering, cancelling, and periodically verifying entries of subjects in NCIC (if the SAC has investigative responsibility in the area where the warrant was filed); and
- C. Ensuring that the most recent "ICE Ten Most Wanted" posters are distributed within the SAC's AOR.

4.7 Group Supervisors

The Group Supervisors are responsible for determining whether investigations involving only OI FTA fugitives should remain open, placed in a pending status, or closed. (See Section 9.3, Subsections A, E, H, and I.)

4.8 Case Agents

The case agents shall:

- A. Submit a completed Fugitive Report (DHS Form 59) to the LESC within 24 hours of the issuance of the warrant pursuant to an OI investigation and if the arrest of the subject is not anticipated within 10 days;
- B. File all cancellation reports within 24 hours of notification of the arrest of an OI fugitive;
- C. Provide copies of all Fugitive Reports or cancellation reports to the field Fugitive Coordinator;

- D. Document any changes in status for OI fugitives in a Report of Investigation (ROI). This includes, but is not limited to, any new information relating to the fugitive's location, apprehension of the fugitive, or any other significant information concerning the status of the fugitive or investigation;
- E. Contact the assigned Assistant U.S. Attorney (AUSA) to determine the potential for prosecution of OI fugitives, once apprehended, and assist the assigned AUSA in preparing the prosecution; and
- F. Querying the NCIC records on fugitives involved in his or her investigations to verify that the information contained in the records is accurate and complete, and assisting the field Fugitive Coordinator in updating the information, if necessary.

4.9 Special Agents

SAs are responsible for complying with the provisions of this Handbook.

Chapter 5. FUGITIVE REPORT

5.1 Purpose of the Fugitive Report

The Fugitive Report (DHS Form 59) is used to formally submit wanted persons records to the LESC for maintenance and entry into the Wanted Person File data tracking system.

5.2 Remarks Section of the Fugitive Report

The Remarks Section of the Fugitive Report is used for the submission of vehicle information, family member information, entry delay, and general remarks of the wanted person. When entering license plate and/or vehicle information, two higher standards **must** be met: 1) the location of the vehicle and/or license plate must be unknown; and 2) the reporting officer has reasonable grounds to believe that the subject is operating the vehicle with the license plate. Mere knowledge or verification through a state department of motor vehicles that a vehicle and/or license plate is registered to the subject does not meet the criteria for entry.

5.3 Justification for Not Submitting a Fugitive Report on a Timely Basis

The following, though not all-inclusive, are acceptable reasons for not submitting a Fugitive Report on a timely basis:

- A. Criteria for entry not met – No data available at the time of submission;
- B. Complainant delayed report (Missing Person Report only);

- C. Removed/Re-Entered entry;
- D. Original warrant date entered – normally FTA or probation violations;
- E. Court delay;
- F. Sealed warrant;
- G. Planned, simultaneous, and/or multiple arrests on subjects related to one investigation;
- H. Imminent arrest (when imminent arrest will occur); and
- I. Investigatory discretion (when the investigating officer who obtains the warrant can substantiate that the case would be jeopardized or would include safety risks if entered into NCIC).

The following are not appropriate reasons for failing to submit a Fugitive Report on a timely basis:

- A. Staff shortage;
- B. Delay from military base/field officer/inspector;
- C. Agency personnel unaware of policy; and/or
- D. Unknown reason.



Chapter 6. APPREHENSION RESPONSIBILITY

6.1 Memorandum of Understanding between U.S. Customs Service and U.S. Marshals Service Regarding the Apprehension of Fugitives

See Section 2.5 for a discussion of this MOU.

6.2 Primary Responsibility for Apprehension

According to the provisions of the MOU, OI has primary apprehension responsibility for subjects of federal warrants for arrest (prior to initial appearance) based on complaints, informations, or indictments stemming from investigations in which OI has primary investigative jurisdiction.

USMS has primary apprehension responsibility for subjects of warrants for arrest for FTA, bond default, violation of probation, violation of parole, escape, and other offenses.

Chapter 7. RELINQUISHING OF INVESTIGATIVE AUTHORITY OVER AN OFFICE OF INVESTIGATIONS FUGITIVE

7.1 Delegation of Primary Apprehension Responsibility

Pursuant to the MOU between the legacy USCS OI and USMS (see Section 2.5), OI may delegate primary apprehension responsibility for the subject of any OI investigation to USMS by submitting a written request, subject to the following conditions:

- A. The subject must be charged with a felony offense, and a federal warrant for arrest must be outstanding;
- B. The case should be referred within 48 hours of the issuance of the warrant for arrest and must be referred within 1 year of the issuance of the warrant; and
- C. OI will not refer "John Doe," "FNU LNU (first name unknown/last name unknown)," or other warrants for which OI does not have sufficient identifiers for entry of a wanted person record into NCIC.

Exceptions to the above criteria may be made with the consent of ICE OI and USMS at the local level on a case-by-case basis.

7.2 Documenting the Relinquishing of Investigative Authority Over an Office of Investigations Fugitive

The relinquishing of investigative authority over an OI fugitive to USMS shall be documented via a Fugitive Report (DHS Form 59). In the space provided under Cancellation Information (Box 34), SAs will write the following information after "Explanation": "Warrant turned over to USMS on (dd-mm-yy)." The case agent shall provide a copy of the Fugitive Report to USMS and LESC.

7.3 Annotating Information Provided to the U.S. Marshals Service

Information contained in the OI investigative file which may be of assistance to USMS fugitive investigation may be provided to USMS as long as it does not adversely affect ongoing OI investigations and enforcement actions. Information provided to USMS shall be annotated in the Case Chronology and Review Sheet (ICE Form 73-004) in the investigative case file.

7.4 Reporting Incidents of Non-Cooperation from the U.S. Marshals Service

Any incident of non-cooperation from USMS shall be reported in a timely manner, through the proper chain of command, to the SAC Fugitive Coordinator and the NFPM. Actions taken by USMS pursuant to investigations that have, or could have, an adverse impact on ongoing OI investigations and enforcement actions should also be reported.

Chapter 8. OFFICE OF INVESTIGATIONS FUGITIVES ABROAD

8.1 Coordination with the National Fugitive Program Manager

If evidence exists establishing that an OI fugitive is residing outside the jurisdiction of the United States, the OI case agent may consider contacting the NFPM through the appropriate field Fugitive Coordinator. The NFPM will assist the case agent in coordinating with the ICE representative to INTERPOL's United States National Central Bureau (USNCB), the Department of Justice's (DOJ's) OIA, and the ICE OIA. The NFPM will also advise the field Fugitive Coordinator and case agent regarding the application process for Provisional Arrest Warrants and INTERPOL notices.

8.2 ICE Office of International Affairs Attaché Assistance

The resources of the ICE OIA Attaché offices should be utilized in the effort to locate all categories of OI fugitives abroad.

8.3 Provisional Arrest Warrant

The Provisional Arrest Warrant is an effective tool in the global effort to apprehend OI fugitives who have fled abroad. The appropriate U.S. Attorney must initiate procedures with the DOJ OIA Fugitive Unit in order to obtain a Provisional Arrest Warrant. This is important because issuance of the Provisional Arrest Warrant is instant notification to the DOJ OIA Fugitive Unit that the U.S. Attorney has authorized extradition and prosecution. It also establishes a proactive posture, eliminates delay, and allows the DOJ OIA Fugitive Unit to review the request for any legal barriers prior to the location of a fugitive residing abroad. The NFPM will assist in coordinating with the DOJ OIA Fugitive Unit.

8.4 Coordination with Other Federal, State, and Foreign Law Enforcement Agencies

The DOJ OIA Fugitive Unit works closely with USMS, Federal Bureau of Investigation, Drug Enforcement Administration, ICE, Internal Revenue Service, U.S. Secret Service, U.S. Postal Inspection Service, Bureau of Diplomatic Security, U.S. Department of State, INTERPOL, and other federal, state, and foreign law enforcement entities. The DOJ OIA Fugitive Unit identifies these selected fugitives and collects the critical information to warrant a provisional arrest or expulsion request for submission to the proper authorities once the fugitive is located.

8.5 Extradition Statutes and Treaties

The United States has extradition and legal assistance treaties with over 100 countries. The DOJ OIA Fugitive Unit works closely with ICE in international extradition and legal assistance and is familiar with all the U.S. extradition statutes and treaties.

8.6 Department of Justice Office of International Affairs Files on Fugitives

It is the DOJ OIA Fugitive Unit's charter to maintain files on fugitives, facilitating the validation of fugitive status, filing of arrest requests, and filing of extradition documents with the appropriate foreign governments. The Fugitive Unit was created to better assist federal agencies in locating and extraditing fugitives for return to the United States.

8.7 INTERPOL National Central Bureaus

The mission of INTERPOL (see Section 3.5) is accomplished through a network of National Central Bureaus (NCBs) which are located in each of the 188 INTERPOL member countries. The NCBs are linked via INTERPOL's worldwide telecommunications network, the I-24/7 Secure Messaging System, which is an official channel of international communication that is recognized by many law enforcement agencies throughout the world.

8.8 United States National Central Bureau

The USNCB is the official U.S. representative to INTERPOL as designated by the U.S. Attorney General. The USNCB serves as the national point of contact for all INTERPOL matters and coordinates international investigative cooperation between the INTERPOL membership and all U.S. federal, state, local, and tribal law enforcement agencies. The USNCB is also responsible for:

- A. Managing the INTERPOL Fugitive Program in the United States;
- B. Processing U.S.-based notice applications through INTERPOL;
- C. Issuing international wanted persons diffusions pending the publication of an approved Red Notice by INTERPOL;
- D. Coordinating the location and arrest of fugitives and wanted persons with foreign law enforcement authorities; and
- E. Maintaining records for subjects of Red Notices, including entering, canceling, and periodically verifying entries in the INTERPOL system.

8.9 INTERPOL Notice Program

As stated in Section 3.6, in the Notice Program INTERPOL utilizes a system of color-coded international notices and wanted person diffusions that share crime-related information with each member country. This information concerns fugitives and individuals wanted for serious crimes, missing persons, unidentified bodies, possible threats to public safety, missing/stolen works of art, criminals' *modi operandi*, and terrorists who are subject to United Nations sanctions.

INTERPOL notices, particularly Red Notices, may be of significant assistance in the apprehension, identification, and tracking of international fugitives. Case agents must contact the NFPM, through their field Fugitive Coordinator, regarding the issuance of INTERPOL notices for investigative purposes or when seeking to publish a notice regarding a fugitive who has either fled or is suspected of fleeing to another country. OI will serve as the lead agency responsible for the issuance of INTERPOL notices in all OI investigations regardless of other agency involvement in the issuance of an arrest warrant or whether apprehension responsibility for a fugitive is retained or delegated. Prior to requesting the issuance of an INTERPOL notice, the case agent will be responsible for ensuring that the assigned AUSA will agree to extradition if the fugitive is located in a foreign country.

8.10 Red Notice

The Red Notice is an international request to locate that seeks the detention or provisional arrest of fugitives and wanted persons with a view to extradition. The Red Notice is the closest instrument to an international arrest warrant in use today. It provides specific details about the fugitive, including: 1) a photograph and fingerprints, if available; 2) the facts of the case; 3) the charges; 4) the arrest warrant; and 5) a prosecutor's agreement to extradite. It is important to note that Red Notices are not arrest warrants and generally require the support of a provisional arrest warrant.

Red Notices will be requested by case agents in order to apprehend significant federal fugitives (see Section 3.7) who have committed an extraditable offense, for whom a federal prosecutor has agreed to extradite and prosecute and for whom a provisional arrest warrant has been or will be obtained. Case agents must request a Red Notice if the fugitive is known to travel internationally and there is no concern by the case agent that the defendant may learn that he or she is a wanted person.

For those significant federal fugitives for whom the case agent has requested a Red Notice but for whom there is no support for extradition, an INTERPOL Blue Notice (see Section 8.11) should be requested to ensure that the fugitive is entered into INTERPOL's worldwide telecommunications network. (Note: If the assigned AUSA will not agree to the extradition of an OI fugitive located in a foreign country, the case agent will document that information in the case file and immediately contact the NFPM for assistance.)

When requesting a Red Notice, the case agent is responsible for completing the Red Notice Application Form, which the NFPM will provide to the field Fugitive Coordinator upon request. Complete biographic and identifying data, as well as photographs and fingerprints if available, are required to complete the application form and enter a fugitive into the INTERPOL telecommunications network. INTERPOL also requires a Prosecutor's Agreement, signed by the responsible AUSA who has agreed to initiate extradition proceedings if the fugitive is located in another country; a copy of the indictment or other charging document; and a copy of the arrest warrant. The application package must be forwarded to the NFPM for review and submission to the USNCB. The case agent is also responsible for providing additional documents and

information to the USNCB upon request in support of a Red Notice. In the event that the status of the subject of a Red Notice changes (e.g., the fugitive is arrested or the charges are dropped), the case agent will be responsible for notifying the USNCB through the NFPM. Red Notices automatically expire after 5 years; however, the case agent may request that the USNCB renew the Red Notice prior to expiration.

A fugitive who has been fully identified but who is determined by the case agent to have a peripheral role in an investigation may be submitted for issuance of a Red Notice; however, the issuance of a Red Notice is not required. Such a fugitive must have committed an extraditable offense and be known to travel internationally. There should be no concern on the part of the case agent that the defendant may learn that he or she is a wanted person.

8.11 Blue Notice

The Blue Notice serves as an international lookout for locating, monitoring, or tracking the movements of a subject, witness, and/or fugitives. These trace and locate efforts may be either discrete or overt based upon the needs and objectives of the investigation. If a person is located through a Blue Notice, the requesting member country will be notified prior to the subject being detained. Blue Notices support investigations and investigative activities and are requested for the purpose of locating individuals, even fugitives, regardless of extradition status. In other words, AUSA concurrence is not required for the issuance of a Blue Notice. Blue Notices must be requested if the fugitive is known to travel internationally and there is no concern by the case agent that the defendant may learn that he or she is a wanted person. Like the Red Notice, the Blue Notice also expires after 5 years, but may be renewed at the request of the case agent.

8.12 Green Notice

Green Notices are international publications that alert member countries regarding serious career criminals who may travel and have committed or are likely to commit offenses in one or more countries. This category of criminals includes those subjects who have been convicted of recidivist and/or violent crimes, child sex offenders, and confirmed gang members. Green Notices promote officer safety and do not expire, which means that no maintenance is required by the case agent unless additional information would be of benefit to the INTERPOL membership.

Chapter 9. CASE MANAGEMENT

9.1 Forwarding Leads to Special Agent in Charge Offices

After the LESC analyzes given information and determines that there is a potential investigative lead to apprehend an OI fugitive, the LESC will forward the lead to both the SAC where the case originated and the SAC who needs to investigate the lead and who has jurisdiction over the NCIC entry, with a copy of the lead sent to the NFPM.

9.2 Documenting the Investigative Activity Via a Report of Investigation

The case agent in the SAC office investigating the lead should follow up and document the investigative activity on the LESC lead(s) via an ROI.

9.3 Entering Information in Case Management

SAs should use the following status codes when entering subject records for fugitives in TECS (formerly the acronym of the Treasury Enforcement Communications System – now used as a stand-alone name): (1) “XC” – fugitive, ICE; (2) “XF” – fugitive, fled to avoid prosecution; (3) “XM” – fugitive, USMS; and (4) “XO” – fugitive, wanted by another federal agency.

SAs will adhere to the following procedures with respect to Case Management in TECS:

- A. Cases where OI is responsible for the arrest warrant and where the fugitive has not been arrested will remain open. After a reasonable amount of time has passed and no further investigative action is anticipated, the case can be placed in a pending status. What constitutes a reasonable amount of time is left to the discretion of the appropriate Group Supervisor. All investigative activity taken to locate the fugitive, including negative results, shall continue to be documented via ROIs. Conditions leading to the closure of the case can be, but are not limited to, the following: arrest of the fugitive, dismissal of the warrant, or confirmed death of the fugitive.
- B. The original OI arrest warrants for OI escapees will remain valid until the escapee is captured. If the escapee is not rearrested within 24 hours of the escape and has not already been entered into NCIC, the case agent shall immediately complete a Fugitive Report (DHS Form 59) and send it to the LESC via facsimile. A TECS record will be created and/or modified by the case agent to reflect the escape and a status code of “XC.”
- C. FTA offenses are not extraditable and any foreign extradition of an FTA fugitive must rely on the merits of the underlying substantive criminal charges.
- D. Since the entry of FTA fugitive information into NCIC is the responsibility of USMS, OI SAs will not complete a Fugitive Report. However, if a supporting TECS record does not already exist, one shall be created indicating the subject as an FTA fugitive from an OI investigation. The TECS record shall reflect a status code of “XF” and contain complete FTA warrant information.
- E. OI investigations involving only OI FTA fugitives will remain open or will be placed in a pending status at the discretion of the appropriate Group Supervisor.

- F. Cases where the defendant escaped from prison prior to the final judicial action or from a holding facility after appearing before a judicial officer are the responsibility of USMS, and completion of a Fugitive Report is not required. This type of fugitive will be considered the same as an FTA, and supporting TECS records will be created/modified by the case agent identifying the subject as a fugitive from an OI investigation. The FTA warrant information will be obtained and recorded in the TECS record by the case agent. The TECS status code shall be "XF."
- G. USMS is responsible for the entry into NCIC of fugitives who fail to report to prison or who escape from prison and it has primary investigative responsibility over them. Information contained in the OI investigative files may be provided to USMS as long as it will not adversely affect ongoing OI investigation and enforcement actions. Completion of a Fugitive Report is not required; however, a TECS record shall be created or modified by the case agent identifying the subject as being convicted on OI charges and an escapee. The TECS record shall reflect a status code of "XO" and contain complete escapee warrant information.
- H. If a defendant in an OI investigation flees or escapes from the custody of the Attorney General, i.e., after pleading guilty or being convicted but before sentencing, or after sentencing but before incarceration, the case will remain open or be placed in a pending status at the discretion of the appropriate Group Supervisor.
- I. If a defendant in an OI case is at large before or during judicial proceedings, the case should be placed in a pending status as determined by the Group Supervisor, assuming that the fugitive has not been apprehended within a reasonable time and no further investigative action is anticipated. However, each case should be weighed on its own merits. The Group Supervisor is responsible for determining whether a case should be placed in a pending status. The significance of the charges alleged against the defendant, circumstances surrounding the case, as well as input from the prosecutor, should also be weighed appropriately.
- J. The case should be closed upon final judicial disposition, capture, fugitive turning himself or herself in, dismissal of the warrant or indictment, or confirmed death of the fugitive.
- K. Upon apprehension of the fugitive, the dismissal of the warrant or indictment, the confirmed death of the fugitive, or final judicial disposition, the case agent must change the status code in the subject's TECS record from "XC," "XF," "XM," or "XO," to an appropriate non-fugitive code, such as "SC" or "SI."

Chapter 10. ENTRY OF FUGITIVE RECORDS INTO THE NATIONAL CRIME INFORMATION CENTER IN JOINT AGENCY INVESTIGATIONS

10.1 Lead Agency's Responsibility for the Entry of Fugitives into the National Crime Information Center

In joint investigations/task forces, caution should be taken to ensure that the lead agency is responsible for the entry of fugitives into NCIC. Procedures set forth in this Handbook shall be followed for fugitives identified as being the responsibility of OI.

10.2 Ensuring that No Duplicate Entries Are Entered into the National Crime Information Center

Special care should be taken to ensure that no duplicate NCIC entries are created during a joint investigation. Should this occur, it is incumbent upon the appropriate SAC Fugitive Coordinator to immediately advise the other agency(ies) of the duplicate entry and determine which record(s) will be removed.

10.3 Creation of Supporting Entries in TECS

The appropriate SAC will ensure that a supporting TECS entry is created identifying the subject as a fugitive from a joint agency investigation. In those situations where it is agreed that another participating agency of the joint investigation/task force will be responsible for the entry of NCIC fugitive records, the TECS records will contain complete warrant information in the appropriate sections. A Fugitive Report will not be completed in these situations.

Chapter 11. TIME FRAMES

11.1 Submission of the Fugitive Report After Issuance of a Warrant

A Fugitive Report (DHS Form 59) must be submitted to the LESC, with a copy of the signed, dated arrest warrant, within 24 hours of the issuance of a warrant pursuant to an OI investigation and if the arrest of the subject is not anticipated within 10 days.

11.2 Exceptions to the 24-Hour Reporting Period

Exceptions to the 24-hour reporting period are circumstances such as sealed indictments, arrest of subject(s) pending as a result of ongoing investigative activities, or other situations which could adversely affect the investigation and/or prosecution.

11.3 Maximum Time Authorized for the Submission of the Fugitive Report

A Fugitive Report must be submitted within 10 days, unless accompanied by a specific explanation documenting the delay.

11.4 Documenting the Reason for the Delay

When the reason for the delay no longer exists and an entry into NCIC is necessary, the reason for the delay shall be captioned by the case agent in the remarks section of the Fugitive Report (DHS Form 59), and on the Case Chronology and Review Sheet (ICE Form 73-004).

11.5 Cancellation of the Fugitive Report

If it is decided that the NCIC entry should be removed, the case agent shall complete a cancellation of the Fugitive Report and send it via facsimile to the LESC and the NFPM within 24 hours. The case agent must change the TECS record status code, as well as any pertinent notes in the remarks field, to reflect the cancellation.

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Fugitive Report (DHS Form 59)

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DEPARTMENT OF HOMELAND SECURITY

FUGITIVE REPORT

Red fields are mandatory. (See instructions on back.)

1. Date of Report (If date exceeds warrant date by 24 hours, enter reason for delay in REMARKS #32)

2. Originating Office

☐ HIDTA

3. Case Number

☐ OCDETF4. ☐ Outstanding Arrest Warrant or Escape ☐ Armed and Dangerous ☐ Suicidal Tendencies ☐ Supplemental ☐ Cancel/Clear

5. Name (Last, First, Middle)

6. Date of Birth

7. Birthplace

8. Race/Sex

9. Height

10. Weight

11. Eye Color

12. Hair Color

13. Skin Tone

14. FBI Number

15. Fingerprint Classification (FPC)

16. Scars/Marks/Tattoos

17. Operator License Number (OLN)

License State (OLS)

Year Expires (OLY)

18. Warrant Number

19. Date of Warrant

20. Warrant Type

21. Bond

22. Charge

23. Court of Jurisdiction

24. Social Security Number

25. Citizenship

26. Alien Registration Number

27. Passport Number

28. State Agency NBR (SID)

29. Last Known Address/Other Miscellaneous Numbers

32. Remarks: (Include vehicle/family member data. Note: See instructions for entry requirements.)

30. Alias(es)

33. Clearance Information (Fugitive apprehended)

Date

Place

Agency

Agency Case Number

31. Photo (If available attach here)

34. Cancellation Information (Case Dismissal, Indictment Dismissed, etc.)
Explanation: _____ Date: _____

35. TECS ID:

36. NIC:

37. OCA:

38. Primary Apprehension Responsibility: ☐ ICE ☐ CBP ☐ U.S. Marshals Service ☐ Other39. Reporting Officer: Office Phone #
Cellular #

Printed Name _____

Signature _____

Date _____

40. Approving Official

Printed Name _____

Signature _____

Date _____

Distribution: Original - National Law Enforcement Communications Center (NLECC) (for CBP); or Law Enforcement Support Center (LESC) (for ICE)
Copy 1 - HQ Manager
Copy 2 - Local Fugitive Coordinator
Copy 3 - Case File

FUGITIVE REPORT INSTRUCTIONS

Red fields are mandatory.

Block 1 - Date of Report	Enter date of report. If date is more than 24 hours from the Date of Warrant, explain in Block #32.											
Block 2 & 3 - Originating Office/ Case Number	Enter office name and case number. Check box if HIDTA or OCDETF investigation.											
Block 4 - Check Boxes	Check all that applies to Fugitive. In Block #32, explain why the Armed/Dangerous and/or Suicidal Tendencies block(s) were checked. Use additional pages if necessary.											
Block 5 - Name	Enter full name (Last, First, Middle). If subject has more names, use Block 30, Aliases.											
Block 6 - Date of Birth	Enter date of birth using 6 digits. If more, use Block 29.											
Block 7 - Birthplace	City or town, State and Country of birth.											
Block 8 - Race/Sex	<table border="0" style="width: 100%;"> <tr> <td>Race Codes</td><td>Sex Codes</td></tr> <tr> <td>W=White</td><td>A=Asian or Pacific Islander</td><td>M=Male</td></tr> <tr> <td>B=Black</td><td>U=Unknown</td><td>F=Female</td></tr> <tr> <td>I=American Indian</td><td>(Note: Records for Hispanics should be entered with the race code most closely representing the individual)</td><td>U=Unknown</td></tr> </table>	Race Codes	Sex Codes	W=White	A=Asian or Pacific Islander	M=Male	B=Black	U=Unknown	F=Female	I=American Indian	(Note: Records for Hispanics should be entered with the race code most closely representing the individual)	U=Unknown
Race Codes	Sex Codes											
W=White	A=Asian or Pacific Islander	M=Male										
B=Black	U=Unknown	F=Female										
I=American Indian	(Note: Records for Hispanics should be entered with the race code most closely representing the individual)	U=Unknown										
Block 9 - Height	In feet and inches. Minimum is 4' to a max of 7'11". If the information is unknown, enter "Unknown" and an estimate in Box 32, "Remarks".											
Block 10 - Weight	In pounds. Minimum of 050 and maximum of 499. If the information is unknown, enter "Unknown" and an estimate in Box 32, "Remarks".											
Block 11 - Eye Color	Brown, Blue, Green, etc.											
Block 12 - Hair Color	Self-explanatory											
Block 13 - Skin Tone	Light, Medium, or Dark											
Block 14 - FBI Number	If known											
Block 15 - Fingerprint Classification	If known											
Block 16 - Scars/Marks/Tattoos	Self-explanatory											
Block 17 - Operator License Number	Driver's License number											
License State	State where license was issued											
Year Expires	Year license expires											
Block 18 - Warrant Number	Self-explanatory											
Block 19 - Date of Warrant	Date Warrant was issued											
Block 20 - Warrant Type	i.e., Arrest											
Block 21 - Bond	Amount in dollars, if known											
Block 22 - Charge	Describe charge or, if known, NCIC offense code.											
Block 23 - Court of Jurisdiction	Court where warrant was issued											
Block 24 - Social Security Number	Self-explanatory. If more, use Block 29.											
Block 25 - Citizenship	If known, country where citizen, not necessarily birth country											
Block 26 - Alien Registration Number	Self-explanatory, if known											
Block 27 - Passport Number	Self-explanatory; if more, use Block 29. Other Miscellaneous Numbers.											
Block 28 - State Agency NBR (SID)	If known, this is the identification number of a state criminal history record. Include state.											
Block 29 - Last Known Address/ Other Miscellaneous Numbers	Last known address: Other identification cards, identifications, or numbers of subject. Additional dates of birth. Other Social Security Numbers. List numbers of cell phones, pagers, associate phone numbers used by fugitive or family.											
Block 30 - Aliases	Other names and aliases of the subject											
Block 31 - Photo	Attach photo to DHS Form 59, if applicable.											
Block 32 - Remarks	Include here: Any additional data. Reason report date is 24 hours older than Warrant date, i. e., 'Sealed Indictment.' <i>When entering License Plate and/or Vehicle data, two (2) higher standards MUST be met, 1-Location of vehicle and/or license plate MUST be unknown, AND 2- the reporting officer has reasonable grounds to believe the subject is operating the vehicle or a vehicle with the license plate. Note: Mere knowledge or verification through a DMV that a vehicle and/or license plate is registered to the subject does not meet the criteria for entry!</i>											
Block 33 - Clearance Information	Use this block ONLY if the subject has been apprehended. Blocks are self-explanatory.											
Block 34 - Cancellation Information	Use this block to explain any reason why the warrant is no longer valid.											
Block 35 - TECS ID	TECS Record Identification number											
Block 36 - NIC	National Criminal Information Center (NCIC) number, if known; used for removing an NCIC record.											
Block 37 - OCA	OCA is an NLECC assigned number.											
Block 38 - Primary Apprehension Responsibility	Check one box to signify the agency which has primary apprehension responsibility.											
Block 39 - Reporting Officer	Print name, sign, and date. Include office telephone and cellular numbers.											
Block 40 - Approving Official	Print name, sign, and date.											

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ACRONYMS

A

AOR Area of Responsibility
AUSA Assistant United States Attorney

B-C

D

DHS Department of Homeland Security
DOJ Department of Justice

E

F

FTA Failure to Appear

G-H

I

ICE U.S. Immigration and Customs Enforcement
INA Immigration and Nationality Act
INTERPOL International Criminal Police Organization

J-K

L

LESC Law Enforcement Support Center

M

MOU Memorandum of Understanding

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N

NCB	National Central Bureau
NCIC	National Crime Information Center
NFPM	National Fugitive Program Manager

O

OI	Office of Investigations
OIA	Office of International Affairs

P-Q

R

ROI	Report of Investigation
-----	-------------------------

S

SA	Special Agent
SAC	Special Agent in Charge

T

U

USCS	United States Customs Service
USMS	United States Marshals Service
USNCB	United States National Central Bureau

V-Z

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