

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
ICE Policy System**

OFFICE OF PRIMARY INTEREST: OFFICE OF INVESTIGATIONS

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DIRECTIVE TITLE: ICEGANGS DATABASE: DATA ENTRY AND USE

1. **PURPOSE and SCOPE.** This Directive establishes policy for the entry of suspected gang members and/or their associates into the ICE Gangs database by U.S. Immigration and Customs Enforcement (ICE) Office of Investigations (OI) Special Agents, Office of Detention and Removal Operations (DRO) Officers and Immigration Enforcement Agents (IEAs), Office of Intelligence (INTEL) Special Agents and Analysts, and Federal Protective Service (FPS) Special Agents and Police Officers. The ICEGangs database will enable information sharing between participating federal, state, and local police agencies.
2. **AUTHORITIES/REFERENCES.**
 - 2.1 Authority
 - 2.1.1 18 U.S.C. § 521, Criminal Street Gangs
 - 2.2 References
 - 2.2.1 "Memorandum of Understanding between the Department of Homeland Security, Immigration and Customs Enforcement and California Department of Justice, Criminal Intelligence Bureau Regarding the Sharing of Information Relating to Criminal Street Gangs" (January 3,2006).
 - 2.2.2 Department of Homeland Security Management Directive 11042.1, "Safeguarding Sensitive but Unclassified (For Official Use Only) Information," January 6, 2005.
3. **SUPERSEDED/CANCELLED POLICY/SUMMARY OF CHANGES.**

None.
4. **BACKGROUND.**
 - 4.1 In the first federal initiative of its kind, ICE Headquarters has deployed a comprehensive street gang-tracking software program through the existing ICE Law Enforcement Analysis Data System (NETLEADS) Intelligence Fusion Intranet Web site and OI Proprietary Intranet Web site.

- 4.2 The gang-tracking software application is known as ICEGangs and is based on the commercially developed GangNet software utilized by numerous federal, state, and local police agencies across the United States and Canada.
- 4.3 ICE will use ICEGangs to provide connectivity to the California Department of Justice CalGang© network and other GangNet users. Connectivity with California alone will give ICE access to information on approximately 200,000 documented gang members.
- 4.4 The ICEGangs database will also enhance each Principal Field Officer's capability to identify and arrest gang members within their areas of responsibility (AORs) by using existing ICE communications and software tools.
- 4.5 ICEGangs will complement the Treasury Enforcement Communications System (TECSHI) with the capability to incorporate biometric identifiers associated with gangs, such as fingerprints, photographs, tattoos, and gang symbols, each with its own search capability.
5. DEFINITIONS. The following definitions are provided for the purposes of this Directive.
- 5.1 CalGang© is a browser-based investigative, analytical, and statistical software program based on the commercially available GangNet software developed for recording and tracking suspected gang members and their associates. It was originally developed for the California Department of Justice and is known outside of California as GangNet.
- 5.2 Gang, as used in this Directive, is a formal or informal group, club, organization, or association of three or more persons that has as one of its purposes the commission of criminal activity either in the United States or outside the United States has committed two or more criminal acts on separate and distinct occasions, and the members of which may share a common identifying sign, symbol, or name.
- 5.3 GangNet is the name by which CalGang® is known outside of California.
- 5.4 ICEGangs is a browser-based investigative, analytical, and statistical software program based on the commercially available GangNet software developed for recording and tracking suspected gang members and their associates. The ICEGangs database will enable information-sharing between participating agencies.
- 5.5 ICE Principal Field Officers are OI Special Agents in Charge, DRO Field Office Directors, FPS Regional Directors, and INTEL Field Intelligence Unit Directors.
6. POLICY.
- 6.1 OI Special Agents, DRO Officers and IEAs, FPS Special Agents and Police Officers, and INTEL Special Agents and Analysts who encounter, obtain information about, or become aware of suspected gang members and/or associates are required to place information about those individuals into ICEGangs within 72 hours.

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- 6.2** Individuals convicted of violations associated with 18 U.S.C. § 521 or any other Federal or state law punishing or imposing civil consequences for gang-related activity or association or who, during any questioning by law enforcement officers, have admitted their gang membership qualify as suspected gang members for the purposes of entry into ICEGangs.
- 6.3** Individuals also qualify for entry into ICEGangs as suspected gang members if two or more of the criteria set forth in Sections 6.3.1 - 6.3.10 apply, one of which having occurred within the previous 5 years. (Note: This information must be documented in the appropriate TECS-II, ENFORCE, or other reporting system record.)
- 6.3.1** Subject has tattoos identifying a specific gang.
- 6.3.2** Subject frequents an area notorious for gangs and/or associates with known gang members.
- 6.3.3** Subject has been seen displaying gang signs/symbols.
- 6.3.4** Subject has been identified as a gang member through a reliable source.
- 6.3.5** Subject has been identified as a gang member through an untested informant.
- 6.3.6** Subject has been arrested with other gang members on two or more occasions.
- 6.3.7** Subject has been identified as a gang member by a jail or prison.
- 6.3.8** Subject has been identified as a gang member through seized or otherwise obtained written or electronic correspondence.
- 6.3.9** Subject has been seen wearing distinctive gang style clothing or has been found in possession of other gang indicia.
- 6.3.10** Subject has been identified as a gang member through documented reasonable suspicion.
- 6.4** The entry of suspected gang members into ICEGangs does not eliminate the requirement to create an appropriate TECS-II record.
- 6.5** All information accessed through ICEGangs (ICE or third agency) is to be treated as law enforcement intelligence and not to be disclosed or used as evidence in any criminal, civil, or administrative proceeding, nor is it to be used independently as probable cause to support arrests, searches, seizures, or other law enforcement actions. Only original source (TECS-II, ENFORCE, etc.) documentation may be used to support legal proceedings.
- 6.5.1** The use and release of any non-ICE information contained in or accessed through ICEGangs must be approved by the source agency to support any law enforcement action.
- 6.6** Pursuant to 8 C.F.R. § 208.6, asylum information is generally protected from disclosure to third parties. As such, it should not be accessible by non-DHS law enforcement agencies accessing ICEGangs, unless it is provided on a

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case-by-case basis to a federal law enforcement agency when it is necessary to disclose such information for investigative purposes pursuant to 8C.F.J.L. §208.6(c)(1)(v).

6.7 ICEGangs data should be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS MD 11042.1. (See Section 2.3.)

7. **RESPONSIBILITIES.**

7.1 The Assistant Secretary has overall responsibility for the ICEGangs database.

7.2 The Directors of 01, DRO, FPS, and INTEL have the responsibility of implementing this Directive within their respective Program Offices.

7.3 The Director of 01 has management oversight of the ICEGangs database.

7.4 The Principal Field Officers of 01, DRO, FPS, and INTEL will ensure compliance with the provisions of this Directive within their* respective AORs.

8. **PROCEDURES.** Procedures for entering and accessing records in the ICEGangs database are included in the training provided to the users.

9. **ATTACHMENTS.** None.

10. **NO PRIVATE RIGHT STATEMENT.** This Directive is an internal policy statement of ICE. It is not intended to, and does not create any rights, privileges, or benefits, substantive or procedural, enforceable by any party against the United States; its departments, agencies, or other entities; its officers or employees; or any other person.

Approved _____ /s/
Julie L. Myers
Assistant Secretary
U.S. Immigration and Customs Enforcement