



Office for Civil Rights and Civil Liberties

Summary of CRCL's Recommendations and ICE's Response *HSI Investigative Procedures*

On September 10, 2024, U.S. Immigration and Customs Enforcement (ICE) responded to a Recommendation Memorandum issued in September 2023 by the Office for Civil Rights and Civil Liberties (CRCL) about enhancing Fourth Amendment protections related to search and seizure during law enforcement interactions. ICE concurred with three of CRCL's recommendations, partially concurred with two, and non-concurred with one.

Background

In June 2021, CRCL received a complaint alleging that ICE Homeland Security Investigations (HSI) violated the Fourth Amendment when special agents racially profiled an individual during a vehicle stop violating her Fourth Amendment rights. The complaint alleged that the agents asked the complainant to prove she was not "illegal," showed her pictures of one man and two women of her race, and asked if she was any of those individuals. The complainant claimed that the agents then followed her home, where she produced her passport, which the agents photographed.

Investigation

CRCL requested information from HSI. The information provided indicated that the stop was related to a third party who shared the same last name as the complainant, but it was also confirmed that complainant did not have any connection to the ICE target. HSI's documents contained no information specific to the complainant, including no evidence or suspicion of criminality or a connection to the actual target. CRCL established that HSI did follow the individual to her home where she produced her passport.

CRCL found that HSI's interactions with the complainant rose to the level of an investigative detention yet lacked the reasonable suspicion necessary to conduct an investigative detention. CRCL also found concerns with HSI's documentation of the investigative detention involving the complainant and concerns regarding general awareness of Fourth Amendment requirements by HSI agents.

Recommendations

On September 27, 2023, CRCL sent ICE a Recommendation Memorandum with six recommendations regarding enhancing Fourth Amendment protections related to search and seizure during law enforcement interactions. On September 10, 2024, ICE concurred with three recommendations, partially concurred with two, and non-concurred with one. ICE agreed that HSI agents are required to document all investigative detentions in the Report of Investigation (ROI), including the "who, what, where, when, how, and why of an investigation." However, HSI did not explicitly indicate whether demographic data, including race, ethnicity, age, and gender, would be included in the ROI, as recommended by CRCL. Additionally, ICE agreed with CRCL recommendations to ensure specialized and targeted training on Fourth Amendment topics on a recurring bases and to monitor compliance with required training, as well as to maintain documentation of training and to provide to CRCL as appropriate.

CRCL provides the public with documents related to complaint investigations. After it has been prepared and reviewed, CRCL will post a redacted version of this Recommendation Memorandum on our [website](#) that will contain additional information about the complaint investigation and CRCL's findings and recommendations.