

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
ICE Policy System

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SUPERSEDES:	See Section 3 Below.

DIRECTIVE TITLE: TRAINING REVIEW BOARD

1. **PURPOSE and SCOPE.** This Directive establishes an agency-wide Training Review Board (TRB) and outlines the policies, procedures, and purposes governing the TRB's role in the training process of U.S. Immigration and Customs Enforcement (ICE) law enforcement personnel.
2. **AUTHORITIES/REFERENCES.**
 - 2.1. 5 U.S.C. Section 41, Training.
 - 2.2. 5 CFR Part 410.302, "Responsibilities of the head of an agency".
 - 2.3. 5 CFR Part 410.306, "Selecting and assigning employees to training".
 - 2.4. 5 CFR Part 410.601, "Responsibilities of the head of an agency".
3. **SUPERSEDED/CANCELLED POLICY/SUMMARY OF CHANGES.** This Directive supersedes all previously recognized policies governing the review of training requirements and the resolution of certain training issues.
4. **BACKGROUND.** ICE has determined that its law enforcement personnel must successfully complete specific training requirements. Critical to this mission is a uniform review process to address cases involving waivers of training and certain atypical cases that require careful consideration, for employees who may have had similar training, before a final determination is made on the fulfillment of training requirements.
5. **DEFINITIONS.** The following definitions are provided for the purposes of this Directive:
 - 5.1. **Law Enforcement Personnel** are employees trained, certified, and assigned to enforce federal immigration and customs law, as well as other federal law related to intelligence, protective services, and agency integrity.

- 5.2. Primary Program Offices** are Detention and Removal Operations, Office of Investigations, Office of Intelligence, Office of Professional Responsibility, and Federal Protective Service.
- 5.3. Training** is the process of designing, developing, and delivering a planned and coordinated program, course, curriculum, subject, system, or routine of instruction or education that will improve individual and organizational performance and assist in achieving the agency's mission and performance goals.
- 5.4. Training Policy Guidance** consists of approved OTD-related Directives and other instructions issued by OTD officials relating to training functions and processes.
- 6. POLICY.**
- 6.1.** The TRB will consist of officials from the primary Program Offices. The TRB will review cases described below (see section 6.3) to ensure that an impartial and consistent review process exists to address special training-related circumstances. The TRB's function is to make recommendations for action regarding the resolution of those cases referred by the Director OTD or any other Program Office Director who requests a TRB review.
- 6.2.** The TRB shall serve as an advisory council on the usage of waivers of training requirements and atypical training matters for law enforcement personnel as well as having the authority to review cases involving waivers of basic, advanced, and specialized mandatory training. The Director OTD shall make the final determination on waivers.
- 6.3. TRB Membership.**
- 1) The TRB is comprised of officials from the primary Program Offices and others as deemed necessary by the Director OTD.
 - 2) TRB members are selected by their respective Program Office Directors from among GS-14, GS-15, and Senior Executive Service (SES) managers and supervisors.
 - 3) The Director OTD will determine the number of TRB members designated from each Program Office and will consider several factors, including the Program Office's organizational size, mission, and training requirements.
 - 4) Designated TRB members shall receive an orientation on the mission, procedures, and processes used by the TRB prior to participating on a TRB panel.
 - 5) Program Office Directors shall make TRB members available to serve as required by the Director OTD.

6.4. TRB Panel Composition.

- 1) A TRB panel consists of three (3) members.
- 2) Each TRB panel must occupy a position at a grade level equivalent to, or higher than, the grade level of the employee whose training record is under review.
- 3) Recognizing that subject matter experts are in the best position to make informed and knowledgeable recommendations, one (1) of the panel members will be from the Program Office of the employee whose training record is being reviewed.
- 4) A representative from OTD shall chair all panels.

6.5. Conflict of Interest.

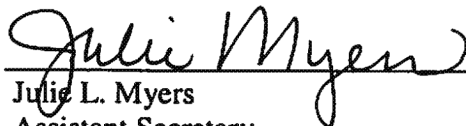
- 1) If a TRB panel member's participation in the review process is determined to create a conflict of interest, a potential conflict of interest, or the appearance of a conflict of interest, the TRB member will be excused and an alternate designated. Examples of circumstances possibly warranting such action include:
 - a) A TRB panel member is party to, involved in, or has responsibility for the approval of the performance of the employee whose training record is under review;
 - b) A TRB panel member is subordinate to the subject of the review; and/or
 - c) A TRB panel member has a personal or familial relationship with the subject of the review.
- 2) The Director OTD, in consultation with the ICE Ethics Officer as necessary, will make determinations regarding conflicts of interest.

7. RESPONSIBILITIES.

- 7.1. The Director OTD is responsible for the development and management of ICE-wide training programs, policies, procedures, and training required for implementing the provisions of this Directive. The Director OTD may delegate these duties to his or her designee.
- 7.2. Program Directors are responsible for ensuring compliance with ICE-wide training policy within their respective offices and training divisions and for the development and management of Program Office specific training directives or standard operating procedures.

- 7.3. All Headquarters Program Office Directors must designate TRB representatives and provide a copy of this designation to the Director OTD.
- 7.4. TRB members are responsible for faithfully executing their duties and maintaining appropriate professional judgment in all decision-making processes and related activities.
- 7.5. The TRB panel member representing OTD is responsible for deciding disagreements involving the interpretation of ICE-wide training policies. For Program Office-specific training policies, the senior TRB member from the affected Program Office is responsible for the interpretation of policies issued by their Program Office.
8. **PROCEDURES.**
- 8.1. ICE Headquarters Program Office Directors may submit any case involving waivers of basic, advanced, and specialized mandatory training (See Section 6.2.) to the Director OTD. The following support information should be included: the employee's training file, including any training certificates, transcripts, or other official achievement-related records; relevant evaluations; and any other pertinent information helpful to the TRB panel in evaluating a recommended course of action.
- 8.2. The Director OTD will assemble a TRB panel and refer the request to the TRB panel for the development of a recommendation.
- 8.3. The Director OTD will consider the TRB's recommendation and make a decision. The Director OTD will then forward the decision to the Program Office Director. The Program Office Director may request reconsideration by the Director OTD. The Director OTD will then make a final determination and forward it to the Program Office Director.
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



Julie L. Myers
Assistant Secretary
U.S. Immigration and Customs Enforcement