

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
ICE Policy System (IPS)**

**OFFICE OF PRIMARY INTEREST: OFFICE OF PROFESSIONAL RESPONSIBILITY**

<b>DISTRIBUTION:</b>	ICE
<b>ICE POLICY NO.:</b>	6-5.0
<b>ISSUE DATE:</b>	02/03/2005
<b>EFFECTIVE DATE:</b>	02/03/2005
<b>REVIEW DATE:</b>	02/03/2008
<b>SUPERSEDES:</b>	None

**DIRECTIVE TITLE: Investigation of Bribery and Attempted Bribery**

1. **PURPOSE and SCOPE.** This Directive establishes policy and clarifies jurisdiction for all investigations involving the bribery or attempted bribery of U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (CIS) employees. [REDACTED] (b)(7)(E)

**(b)(7)(E)**

2. **AUTHORITIES.**
- 2.1 Department of Homeland Security Delegation Number 7030.2, issued November 13, 2004.
- 2.2 ICE Delegation Order Number ICE DO 04-008, issued June 18, 2004.
- 2.3 Title 19 United States Code (USC), Section 1589a.
- 2.4 Title 8 USC, Section 1103 (a) (1).
- 2.5 ICE and CBP joint reporting memorandum, signed by the Commissioner of CBP and the Assistant Secretary of ICE dated July 2, 2004 and entitled, "Guidance on Reporting Employee Misconduct."
3. **BACKGROUND.**
- 3.1 Violations of bribery statutes often involve concurrent violations of laws enforced by ICE Offices other than the Office of Professional Responsibility (OPR). The potential for dual investigations can be counterproductive in terms of identifying and prosecuting corrupt employees and/or persons bribing or attempting to

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**INVESTIGATION OF BRIBERY AND ATTEMPTED BRIBERY**

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corrupt ICE, CBP and CIS employees. To preclude conflicts, investigative jurisdiction is clarified in section 5 of this Directive.

- 3.2 ICE, CBP and CIS employees may become aware of potential or actual violators of bribery statutes seeking corrupt ICE, CBP or CIS employee to aid in the furtherance of their criminal activities. (b)(7)(E)

**(b)(7)(E)**

- 3.3 (b)(7)(E)

- 3.4 Reporting requirements established by CBP and CIS follows. Any information received by CBP or CIS employees concerning bribery or attempted bribery of an employee shall be reported immediately to the ICE/CBP Joint Intake Center.

**4. DEFINITIONS.**

- 4.1 **Bribery.** The Federal Anti-Bribery Act, 18 U.S.C. Section 201, defines bribery in the following manner:

“Whoever directly or indirectly gives, offers or promises anything of value to any public official with intent to influence any official act.”

- 4.2 **Office Director.** Indicates the head of an operational or administrative component within ICE (e.g., Office of Investigations, Office of Detention and Removal Operations, Office of Resource Management, etc.).

- 5. **POLICY.** ICE, CBP and CIS employees must immediately report any information received concerning bribery or attempted bribery to the ICE/CBP Joint Intake Center (1-877-2INTAKE). In any bribe offer to an employee, and every instance when information is received from any source alleging employee collusion in criminal activities, such as recipients of bribes and/or co-conspirators in other criminal activities, all investigative action pertaining to the alleged bribery will come under the primary jurisdiction and direction of OPR.

**6. RESPONSIBILITIES.**

- 6.1 The Director of OPR shall implement all aspects of this Directive.
- 6.2 Office Directors shall ensure all employees are aware of their responsibility to immediately report to OPR any information they receive on bribery, attempted bribery or any other criminal activity by ICE, CBP or CIS employees.

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**INVESTIGATION OF BRIBERY AND ATTEMPTED BRIBERY**

7. **PROCEDURES.**

7.1 There may be instances when bribery or attempted bribery is discovered during the course or result of an Office of Investigations case. In these circumstances, OPR is responsible for the investigation of the bribery or attempted bribery aspect of the case and any additional criminal or procedural integrity or internal violations uncovered. Decisions, which impact both entities, such as overall investigative strategy, timeliness of activities, informant control, etc, shall be coordinated at the field level (Resident Agent in Charge and/or Special Agent in Charge before being raised to Headquarters).

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8. **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   
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Michael J. Garcia  
Assistant Secretary