

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

1002.2: Criminal Investigator Hiring and Career Progression

Issue Date: December 7, 2010
Effective Date: December 7, 2010
Superseded: Directive No. 1002.1 (formerly Directive No. 1-1.0), "Criminal Investigator (GS-1811 Series) Career Path," November 20, 2007. This Directive is the originating and establishing policy for U.S. Immigration and Customs Enforcement (ICE) on hiring of Criminal Investigators. This Directive supersedes any and all previous issuances, including legacy U.S. Customs Service and U.S. Immigration and Naturalization Service guidance and procedures that are inconsistent with the policy, guidance, and procedures contained in this Directive.

Federal Enterprise Architecture Number: 403-251-001a

- 1. Purpose/Background.** This Directive establishes the policies and procedures governing the career progression of Criminal Investigators, also referred to as Special Agents (SA), General Schedule (GS) 1811, from entry-level GL-05 to the Senior Executive Service (SES) for all Program Offices in U.S. Immigration and Customs Enforcement (ICE). This Directive defines the requirements for hiring and advancement to each non-supervisory and supervisory/management position, and provides consistency for the selection of eligible candidates for those positions based on the knowledge, skills, and abilities necessary to perform the duties and responsibilities required. Except as provided in subsection 2.10., this Directive applies to all Criminal Investigator positions within ICE.

Succession planning is critical to ensuring that ICE has the appropriate balance of field agents, supervisors, managers, and leaders for future years. This Directive is intended to establish a standardized framework to ensure that the Criminal Investigator workforce has the depth of combined investigative, operational, supervisory, and leadership experience necessary to support the agency mission.

The core investigative mission for ICE is performed within Homeland Security Investigations (HSI) domestic field offices with critical support and oversight provided by Headquarters (HQ) and other ICE Programs and offices. As such, Criminal Investigators should develop the strongest investigative competencies as journeyman level agents and the strongest leadership and management competencies for each supervisory level in line with HSI domestic field office mission requirements.

While there are important roles for Criminal Investigators outside of HSI's domestic field offices, assignments outside domestic field offices are meant to be temporary in nature to

ensure ICE Criminal Investigators remain knowledgeable of threats/issues faced in domestic field offices and are prepared to assume senior positions that will invariably impact HSI's ability to accomplish its core investigative functions. ICE Criminal Investigators seeking and/or assuming senior leadership positions need to acquire sufficient experience supervising field operations and obtain Headquarters-level experience in order to adequately carry out and/or support these core investigative functions. The HQ-level experience, also referred to as a HQ tour, varies in scope and length depending on the position.

Adhering to this Directive will ensure that the best qualified Criminal Investigator candidates are identified through established assessments based on core competencies. This Directive is designed to encourage and support the concepts of equal opportunity for advancement, reassignment, and selection of assignments for the Criminal Investigator workforce.

2. **Policy.** It is the policy of ICE to recruit, retain, and advance the best-qualified candidates for its Criminal Investigator positions.
 - 2.1. All Criminal Investigators will be subject to geographic mobility as a condition of employment.
 - 2.2. HSI is the ICE Line of Business (LOB) Program Office for the Criminal Investigator, 1811 occupational series.
 - 2.3. ICE will use a competitive process to hire candidates and/or make use of the various hiring authorities authorized by the U.S. Office of Personnel Management to recruit entry-level Criminal Investigators (i.e., GL-05/07/09).
 - 2.4. Except as provided in subsection 2.5. below, external candidates may be considered for ICE Criminal Investigator positions at GL-05 through GS-12 grade levels only. This provision also applies to external Criminal Investigators who accept a voluntary change to a lower grade to obtain an ICE Criminal Investigator position. Repromotion to a grade previously held will be effected in accordance with the procedures outlined in the ICE Criminal Investigator Hiring and Career Progression Manual.
 - 2.5. Former ICE Criminal Investigators who currently occupy non-Criminal Investigator positions but seek to return as an ICE Criminal Investigator shall be placed at the grade level last held as an ICE Criminal Investigator. This provision also applies to former Criminal Investigators who served with the U.S. Immigration and Naturalization Service and U.S. Customs Service.
 - 2.6. ICE will limit the area of consideration when recruiting for Criminal Investigator positions at the GS-13, GS-14, and GS-15 grade levels to internal ICE candidates only. The area of consideration for SES positions will be in accordance with applicable Department of Homeland Security policies and guidance.

- 2.7. ICE will utilize approved assessment instruments and procedures when hiring entry-level Criminal Investigators (i.e., GL-05, GL-07, and GL-09 grade levels). Such instruments and procedures will be in accordance with the ICE Criminal Investigator Hiring and Career Progression Manual.
- 2.8. ICE will utilize the ICE Merit Promotion Plan or an ICE approved alternative merit promotion procedure when filling GS-1811-14 and GS-1811-15 Criminal Investigator positions, as outlined in items 1), 2), and 3) below. The standard operating procedures associated with these actions shall be developed in accordance with the ICE Criminal Investigator Hiring and Career Progression Manual.
- 1) Except as provided in subsection 2.8.2 below, ICE will use the SA-14 assessment process, referred to in subsection 3.6. for GS-14 Criminal Investigator positions to be filled on either a permanent or temporary basis (e.g., a temporary promotion in excess of 120 calendar days).
 - 2) ICE will use the Treasury Enforcement Communications System (TECS) to announce reassignment actions to First-Line Resident Agent in Charge (RAC), Assistant Attaché, and Second-Line RAC Criminal Investigator positions.
 - 3) ICE shall use the SA-15 assessment process (as referred to in subsection 3.7. below) only for GS-15 Criminal Investigator positions to be filled on a *permanent* basis.
 - 4) ICE shall use the ICE Merit Promotion Plan for GS-15 Criminal Investigator positions to be filled on a *temporary* basis.
- 2.9. In order to ensure mission requirements are met and in accordance with section 1 and subsection 2.1. above, the following time limitations apply to Criminal Investigator assignments in ICE:
- 1) HSI Domestic Offices (Field and HQ). There are no time limitations for assignments within HSI domestic offices.
 - 2) Assignments Outside HSI Domestic Offices. Assignments outside HSI domestic offices shall not exceed 60 months. However, rotational assignments to the Office of Professional Responsibility (OPR) that result in a permanent promotion or reassignment may be extended by an additional 36 months. Except where authorized by the Executive Associate Director for Homeland Security Investigations (EAD-HSI), the Criminal Investigator will return to an HSI domestic office as soon as the time limit has expired.
 - 3) Foreign Assignments. Foreign assignments shall not exceed 60 months.
- The provisions of this subsection do not preclude multiple assignments outside HSI domestic offices. However, personnel must serve a minimum of 36 months in an HSI

domestic office prior to their next assignment outside HSI domestic offices. A waiver from this requirement may be approved by the EAD-HSI, or designee, pursuant to this Directive.

- 2.10. **Grandfather Clause:** The policies and procedures contained herein do not apply to employees who permanently occupy the Criminal Investigator positions outlined in subsection 5.2. below as of the effective date of this Directive. They will continue to be covered by the applicable provisions in effect at the time of their placement into their current Criminal Investigator position. However, Criminal Investigators who experience a change in position (e.g., via reassignment, promotion, etc.) on or after the effective date of this Directive will become subject to the policies and procedures contained in this Directive.
3. **Definitions.** The following definitions apply for purposes of this Directive only:
 - 3.1. **Field Supervisor.** Any supervisor assigned to an office outside the HQ organizational code.
 - 3.2. **GL-1811.** Refers to employees covered by the General Schedule classification and pay system (1) who are law enforcement officers and (2) who receive special base rates at grades 03-10 under section 403 of the Federal Employees Pay Comparability Act of 1990.
 - 3.3. **Headquarters (HQ).** Any unit with an HQ organizational code.
 - 3.4. **HQ Tour:** Criminal Investigator assignments in any organizational unit within ICE HQ as a GS-1811-14 or above for a specified period of time. Such assignments at ICE HQ, FLETC, the Law Enforcement Support Center (LESC), the Bulk Cash Smuggling Center (BCSC), and liaison positions physically located within the Washington, D.C., metropolitan area shall be credited as HQ tours for purposes of this Directive. This includes time served in these positions prior to the effective date of this Directive.
 - 3.5. **Program Office Heads.** Employees who occupy the highest ranking positions in the Program Offices. These positions include: the Executive Associate Directors (EAD) of Enforcement and Removal Operations (ERO) and Homeland Security Investigations (HSI) and the Assistant Directors, Officers, or equivalent positions who report directly to the Director, Deputy Director, the Chief of Staff or the Executive Associate Director for Management and Administration.
 - 3.6. **Special Agent (SA)-14 Assessment.** A competency-based assessment process for ICE Criminal Investigators used for competitive and noncompetitive placement actions into GS-1811-14 Criminal Investigator positions.
 - 3.7. **Special Agent (SA)-15 Assessment.** A competency-based assessment process for ICE Criminal Investigators used for competitive and noncompetitive placement actions into GS-1811-15 Criminal Investigator positions.

- 3.8. **Supervisor.** As defined by 5 U.S.C. 7103, a supervisor is an individual employed by the agency having authority in the interest of the agency to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees of ICE, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment.
- 3.9. **Tier 1 Attaché** - An HSI Attaché (GS-1811-15) supervising an Attaché office with two or more Assistant Attachés (GS-1811-14), at least one subordinate office and a minimum of 20 employees (to include direct hire, foreign service national, and/or vetted unit personnel).
- 3.10. **Tier 2 Attaché** - All other HSI Attachés not meeting the definition of Tier 1 Attaché.
4. **Responsibilities.**
- 4.1. **The Director** shall establish the policy and objectives for the hiring and career progression of ICE Criminal Investigators.
- 4.2. As hereby delegated by the **Director**, the **EAD-HSI**, or designee, shall:
- 1) Provide oversight of the Criminal Investigator career path in ICE.
 - 2) Approve waivers for Program Offices requesting exceptions from the provisions of this Directive.
 - 3) Authorize an extension of time limitations for international or OPR assignments.
- 4.3. **Program Office Heads** authorized to have Criminal Investigators in their respective programs, or their designee(s), shall:
- 1) Have the authority to make final selections for Criminal Investigator positions within their respective lines of supervision.
 - 2) Observe merit principles in all aspects of the recruitment and selection process.
 - 3) Adhere to the principles and policies of this Directive.
- 4.4. **Chief Human Capital Officer**, in coordination with the **EAD-HSI**, shall:
- 1) Develop policies governing Criminal Investigator positions.
 - 2) Develop and approve manuals associated with carrying out the policies covered under this Directive.

- 3) Ensure Program Offices comply with merit systems principles in implementing the policies and procedures governing the hiring and career progression of Criminal Investigators within the guidelines outlined in the associated manual.
5. **Procedures.** The U.S. Office of Personnel Management's (OPM's) "Operating Manual: Qualification Standards for General Schedule Positions," will govern the minimum qualification and eligibility requirements for the Criminal Investigator positions. The required knowledge, skills, and abilities (KSAs) will be articulated through specific vacancy announcements. The detailed procedures for the GS-1811 Criminal Investigator career path are outlined in the ICE Criminal Investigator Hiring and Career Progression Manual. This section contains a general summary of the procedures.
- 5.1. New hires are appointed at the GL-05, GL-07, or GL-09 grade levels, and may be promoted up to the GS-13 level without further competition in accordance with the ICE Criminal Investigator Hiring and Career Progression Manual.
 - 5.2. In addition to the OPM requirements stated in section 5., the experiences described below could assist employees in attaining the KSAs and higher levels of competencies for the following types of positions:
 - 1) **GS-1811-13 Non-Domestic Positions:** For a lateral reassignment to a GS-1811-13 position outside of an HSI domestic office (e.g., Attaché office), 24 months of experience as a GS-1811-13 in HSI.
 - 2) **GS-1811-14 Positions:**
 - a) ICE GS-1811-14 positions, other than for reassignment actions listed in items b) and c) below in this subsection: Twenty-four months of experience as a GS-1811-13 in a field domestic office.
 - b) **GS-1811-14 First-Line RAC or Assistant Attaché:** Twelve months of experience as a permanent GS-1811-14.
 - c) **GS-1811-14 Second-Line RAC:**
 - i) A combined 24 months as a permanent GS-1811-14 in a ICE Group Supervisor and/or first-line RAC, Field Intelligence Group (FIG) Director, or Assistant Attaché position (GS-1811-14 positions); or
 - ii) A combined 24 months with 12 months as a permanent GS-1811-14 in a field supervisor position (GS-1811-14) and 12 months in any other permanent ICE GS-1811-14 position.
 - 3) **GS-1811-15 Positions:**

- a) **GS-1811-15 positions**, other than those listed in items b), c), and d) below in this subsection:
 - i) A combined 24 months as a permanent GS-1811-14 in a ICE Group Supervisor, RAC, FIG Director, or Assistant Attaché position (GS-1811-14 positions); or
 - ii) A combined 24 months with 12 months as a permanent GS-1811-14 in a field supervisor position (GS-1811-14) and 12 months in any other permanent ICE GS-1811-14 position.
- b) **GS-1811-15 Assistant Special Agent in Charge (ASAC) or Tier 1 Attaché**: Completion of a HQ tour of 18 months, *and*:
 - i) A combined 24 months as a permanent ICE Group Supervisor, first-line RAC, or Assistant Attaché (GS-1811-14); or
 - ii) Twelve months as a permanent second-line RAC (GS-1811-14) or Tier 2 Attaché (GS-1811-15); or
 - iii) A combined 24 months with 12 months as a permanent ICE Group Supervisor, Assistant Attaché, and/or first-line RAC (GS-1811-14), and 12 months as any other permanent ICE GS-1811-14 supervisor position.
- c) **GS-1811-15 Deputy Assistant Director (DAD)**:
 - i) A combined 24 months as a permanent ICE Group Supervisor, first-line RAC, or Assistant Attaché (GS-1811-14); or
 - ii) Twelve months as a permanent second-line RAC (GS-1811-14) or Tier 2 Attaché (GS-1811-15); or
 - iii) A combined 24 months with 12 months as a permanent ICE Group Supervisor, Assistant Attaché, and/or first-line RAC (GS-1811-14), and 12 months as any other permanent ICE GS-1811-14 supervisor position.
- d) **GS-1811-15 Special Agent in Charge (SAC) or Deputy Special Agent in Charge (DSAC)**: Completion of a HQ tour of 36 months, 18 months of which were in an assignment within the Washington, D.C., metropolitan area, *and*:
 - i) A combined 24 months as an ASAC, Tier 1 Attaché (GS-1811-15); or


- ii) A combined 24 months with 12 months as an ASAC, Tier 1 Attaché (GS-1811-15), second-line RAC (GS-1811-14), and 12 months as any other ICE GS-1811-15 supervisor; or
- iii) Thirty-six months as a DAD (GS-1811-15) in HQ and a second-line RAC (GS-1811-14).

4) **ES-1811 Positions:**

- a) **HQ ES-1811 positions**, except as listed in item c) below in this subsection:
 - i) A combined 24 months as a SAC or DSAC (GS-1811-15); or
 - ii) A combined 36 months as an ASAC or Tier 1 Attaché (GS-1811-15); or
 - iii) A combined 36 months experience as a SAC, DSAC, ASAC, Tier 1 Attaché (GS-1811-15), which includes 12 months of experience as a SAC, DSAC, ASAC, Tier 1 Attaché *and* 24 months of experience as any other ICE GS-1811-15 supervisor.
- b) **Field Office ES-1811 positions:** Completion of a HQ tour of 36 months, 18 months of which were in an assignment within the Washington, D.C., metropolitan area *and*:
 - i) A combined 24 months as a SAC or DSAC (GS-1811-15); or
 - ii) A combined 36 months as an ASAC or Tier 1 Attaché (GS-1811-15); or
 - iii) A combined 36 months experience as a SAC, DSAC, ASAC, Tier 1 Attaché (GS-1811-15), which includes 12 months of experience as a SAC, DSAC, ASAC, Tier 1 Attaché *and* 24 months of experience as any other ICE GS-1811-15 supervisor.
- c) **ES-1811 HSI Executive Associate Director and Deputy Associate Director Positions:** A total of 24 months in an HSI SAC (ES-1811-00) position.

6. **Authorities/References.**

- 6.1. Title 5, United States Code, Chapter 23, "Merit System Principles."
 - 6.2. Title 5, Code of Federal Regulations, Part 335, "Promotion and Internal Placement," current edition.
 - 6.3. Title 5, Code of Federal Regulations, Part 300, Subpart A, "Employment Practices," current edition.
 - 6.4. U.S. Office of Personnel Management, "Operating Manual: Qualification Standards for General Schedule Positions," current edition.
 - 6.5. ICE Merit Promotion Plan, October 1, 2009.
 - 6.6. ICE Criminal Investigator Hiring and Career Progression Manual.
7. **Attachments.** None.
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; contractors or any other person.



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