

*Office of Investigations*U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536**U.S. Immigration
and Customs
Enforcement****JUL 18 2008**

MEMORANDUM FOR: Assistant Directors
Special Agents in Charge
Deputy Assistant Directors

FROM: (b)(6); (b)(7)(C)
Director (b)(6); (b)(7)(C)

SUBJECT: Use of Border Search Authority for Documents and Electronic Media

On July 16, 2008, Assistant Secretary Julie L. Myers issued a new directive, No. 7-6.0, titled "Border Searches of Documents and Electronic Media." This directive supersedes all previous directives issued by the former U.S. Customs Service and former Immigration and Naturalization Service, and applies to all ICE Special Agents, other domestic and foreign law enforcement officers cross designated by ICE as customs officers, and persons whose assistance ICE demands under 19 U.S.C. § 507.

Border search authority is a well-recognized and long-established exception to the probable cause and warrant requirements of the Fourth Amendment. Even so, the conduct of such border searches, as with any search, must be reasonable. While traditionally border searches were of physical containers, modern law enforcement officers and the courts have had to consider examinations of laptop computers, thumb drives, and other electronic devices. This new ICE border search directive addresses both advances in technology and developments in case law.

Questions regarding this new directive should be addressed to National Security Investigations Division, National Security Unit, Section Chief (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)

Attachment