



U.S. Department of Justice
Civil Division, Federal Programs Branch

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August 13, 2014

VIA E-MAIL

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Derek E. Bambauer
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Re: ACLU Found. of Ariz. v. DHS, No. 14-2052 (D. Ariz.)

Counsel:

Enclosed please find additional records that U.S. Customs and Border Protection has determined to release in response to the FOIA requests submitted on January 23, 2014, by Plaintiffs in the above-referenced case.

If you have any questions about the enclosed materials, please contact me at (202) 514-3338.

Sincerely,

Eric B. Beckenhauer

JOINT INTAKE

From: b6,b7C
Sent: Tuesday, March 25, 2014 8:20 PM
To: JOINT INTAKE
Subject: JICMS Case # b7E
Attachments: 2014_03_25_14_02_15.pdf; Audio recording of b6,b7C Interview.mp3; b6,b7C b6,b7C (I213).PDF; I-44 Report of Apprehension or Seizure.pdf; I-213 b6,b7C .pdf
Importance: High

Good Evening JIC,

Please add the attachments on this email to JICMS Case # b7E . If you have any questions, contact me at either of the below numbers or this email address.

Thank you,

b6,b7C SPECIAL AGENT

US CUSTOMS AND BORDER PROTECTION, OFFICE OF INTERNAL AFFAIRS

2120 WEST INA ROAD, SUITE 202 TUCSON, ARIZONA 85741 // OFFICE b6,b7C // CELL b6,b7C

Important: This document contains U.S. Customs and Border Protection information and records that may be confidential and sensitive. This information is meant only for the listed intended recipient(s) above. U.S. Customs and Border Protection has not approved the documents review, retransmission, dissemination, or use by anyone other than the intended recipient(s). If this information has reached anyone other than the intended recipient(s) listed above, please deliver it immediately to the intended recipient(s). Anyone who steals, knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record or thing of value to U. S. Customs and Border Protection shall be fined or imprisoned not more than ten (10) years pursuant to 18 USCS § 641.

From: b6,b7C
Sent: Tuesday, March 25, 2014 2:19 PM
To: b6,b7C
Cc: b6,b7C
Subject: b6,b7C,b7E -All reports as requested
Importance: High

As requested.

b6,b7C
Tucson Station Disrupt Unit
b6,b7C -O
b6,b7C -BB

b7E

2430 South Swan Road
Tucson, Arizona 85711



**U.S. Customs and
Border Protection**

March 25, 2014

MEMORANDUM FOR: **b6,b7C**
Patrol Agent in Charge
Tucson Sector

FROM: **b6,b7C** **b6,b7C**
Supervisory Border Patrol Agent
Tucson Station

SUBJECT: Vehicle Stop-Complaint

On March 24, 2014 at approximately 3:15 PM, I conducted a traffic stop near Sierrita Mountain Road and Arizona State Route 86 along with Border Patrol Agent **b6,b7C**. The vehicle that was stopped was a white 1997 Chevrolet Tahoe registered to a **b6,b7C** of **b6,b7C**.

At the time of the traffic stop there were four males in the vehicle. During an interview of all four subjects it was determined that the two rear passengers were illegal aliens, present in the United States without proper immigration documents. Further detail is noted below as well as in the e3 event number **b6,b7C,b7E**. Throughout the entire time we were on the vehicle stop three of the four occupants were continually non-compliant and belligerent to BPA **b6,b7C** and me. All the occupants except for **b6,b7C** continued to tell BPA **b6,b7C** and me that they were stopped because they were Mexican and that we were discriminating against them.

The right rear passenger identified as **b6,b7C**, freely admitted to being a citizen and national **b6,b7C** and was removed from the vehicle and was field processed by BPA **b6,b7C**. As BPA **b6,b7C** was dealing with **b6,b7C** Tucson Sector Communications **b7E** relayed that one of the subjects we were dealing with, **b6,b7C**, should be considered armed and dangerous due a previous weapons charge. Hearing this information I asked **b6,b7C** to exit the vehicle and I patted him down for weapons. **b6,b7C** was then placed in handcuffs and escorted to the rear of the white Tahoe and was told to sit there. Given the information I received from **b7E**, it was my intention to remove all occupants from the vehicle and search the passenger compartment for any potential weapons. I then instructed the driver to exit the vehicle at this time BPA **b6,b7C** did not realize that I had instructed **b6,b7C** to do so and was startled by his actions. BPA **b6,b7C** yelled at **b6,b7C** to remain in the vehicle, I then clarified to BPA **b6,b7C** what was going on. It was at that point the **b6,b7C** became upset with BPA **b6,b7C** and began taunting her and arguing. Once the situation was deescalated I had the driver and left rear passenger exit the vehicle and I also patted them down for weapons.

Memorandum for **b6,b7C**
Subject: Complaint-Vehicle Stop

Page 2

Before I conducted my search of the vehicle, I asked the driver **b6,b7C** if there was anything in the vehicle such as contraband or weapons, **b6,b7C** and **b6,b7C** laughed and gave consent for me to search the vehicle. I then proceeded to conduct a cursory search of the passenger compartment for any weapons and did not find any. Once I was satisfied that there were no weapons in the vehicle I allowed three of the four occupants to get back in the vehicle.

b6,b7C the fourth occupant, was subsequently arrested and transported to the TCC for further processing.

Also during the course of the field interviews it was determined that the driver **b6,b7C** **b6,b7C** was not in possession of a valid driver's license. Pima County Sherriff's Deputy **b6,b7C** (badge# **b6,b7C**) responded and cited the driver for driving without a license and had the Tahoe impounded. Once the remaining three occupants realized their vehicle was being impounded all three became aggravated and continued to state that we were discriminating against them.

As the three remaining occupants were retrieving their personal property from the Tahoe, **b6,b7C** **b6,b7C** asked me if I deleted videos from his phone. I advised him that I only placed the phones I found on the dashboard of the vehicle.

BPA **b6,b7C** and I remained on scene and continued to try and determine if the left rear passenger **b6,b7C** had any record or petition for an immigration status. No such record was found and **b6,b7C** was taken into custody and transported to the Tucson Coordination Center. I asked **b6,b7C** if he had all of his personal property to include any cell phone or money. **b6,b7C** told me that he had nothing but a piece of paper which had a contact number on it.

The driver **b6,b7C** and front passenger **b6,b7C** were released from the scene. As BPA **b6,b7C** and I were leaving both **b6,b7C** commented that it was no big deal we were arresting **b6,b7C** that in fact we were doing him a favor.

Occupants:

Driver: **b6,b7C**

Front Passenger: **b6,b7C**

Right Rear passenger: **b6,b7C** (arrested and transported)

Left Rear passenger: **b6,b7C** (arrested and transported)

b7E

2430 South Swan Road
Tucson, Arizona 85711



**U.S. Customs and
Border Protection**

March 25, 2014

MEMORANDUM FOR:

b6,b7C
Border Patrol Agent
Tucson Station

FROM:

b6,b7C **b6,b7C**
Supervisory Border Patrol Agent
Tucson Station

SUBJECT:

Notice of Right to Union Representation

The Civil Service Reform Act gives some employees the right to have a union representative present at meetings involving an examination by a representative of the agency in connection with an investigation under the following circumstances:

Section 7114(a) (2) of the Civil Service Reform Act of 1978 states:

(2)(B) Any examination of an employee in the unit by a representative of the agency in connection with an investigation if

- (i) The employee reasonably believes that the examination may result in disciplinary action against the employee; and
- (ii) The employee requests representation.

Therefore, as also required by Section 7114(a) (3), you are hereby given notice of the right set forth in this provision.

I acknowledge receipt of this memorandum.

b6,b7C

Er

3/25/14
Date

b7E

2430 South Swan Road
Tucson, Arizona 85711



**U.S. Customs and
Border Protection**

March 25, 2014

MEMORANDUM FOR:

b6,b7C

Patrol Agent in Charge
Tucson Sector

FROM:

b6,b7C

Border Patrol Agent
Tucson Station

b6,b7C

SUBJECT:

Complaint-Vehicle Stop

On March 25th SOS **b6,b7C** requested a memorandum concerning a vehicle stop.

On March 24th, 2014, at approximately 3:17 PM., I conducted a vehicle stop with SBPA **b6,b7C** on State Route 86 and milepost 154. The white Chevrolet Tahoe bearing **b6,b7C** was initially encountered on Sierrita Mountain Road and followed on to State Route 86 as we waited for Sector Communications to relay the information on the license plate.

Upon questioning of the four occupants in the vehicle, three of the occupants claimed to be "Dreamers" and one subject, **b6,b7C** claimed to not have any documentation. I asked **b6,b7C** to exit the vehicle in order to interview him further. SBPA **b6,b7C** and I asked the occupants not to move and to keep their hand visible at all times. Then SBPA **b6,b7C** walked over to the rear bumper area and began communicating with Sector Communications about the vehicle stop. While interviewing **b6,b7C** I noticed the occupants of the Chevrolet moving around and fidgeting a lot, disregarding our request. This action made me extremely uncomfortable and raised my level of vigilance. I have been assigned this area before and have had numerous encounters with criminal subjects. In my years of experience working this area, I have encountered people with extensive violent criminal records, assaultive individuals, gang members and an aggravated felon armed with a gun.

I immediately approached the front seat passenger, **b6,b7C**, and firmly ordered him to stay still, obey our commands and keep his hands where we could see them. They all began saying things to me in an antagonizing manner, with aggressive hand gestures and angry looks on their faces. I could not understand what they were saying because they continued to speak over one another. The front seat passenger, **b6,b7C**, gave me a smug look and in a mocking manner began touching the roof of the car with the palms of his hands. I thanked them

for finally obeying the commands and walked back to the rear bumper area where I was interviewing [b6,b7C].

Shortly after, Sector Communications advised us that record checks on [b6,b7C] came back indicating that he should be considered armed and dangerous. SBPA [b6,b7C] walked over to the front seat passenger, [b6,b7C], and asked him to exit the vehicle. SBPA [b6,b7C] patted [b6,b7C] down and placed him in handcuffs. I was standing at the rear bumper area watching [b6,b7C] when I noticed the driver exit the vehicle. Due to the fact that we were dealing with multiple defiant and non-compliant subjects, I immediately approached the driver and ordered him not to move. SBPA [b6,b7C] then advised me that he asked the driver to exit the vehicle and walk towards him. I went back to watching [b6,b7C], who began laughing, mocking me and threatening to file a complaint.

Because of our concern of [b6,b7C] criminal history, a pat down on the remaining subjects and a quick cursory search of the vehicle, for weapons, was conducted. Once the search was completed and no weapons were found on any of the subjects or in the vehicle, [b6,b7C] [b6,b7C] was promptly un-handcuffed and all subjects were quickly returned to the vehicle.

Records checks also revealed that the rear passenger, [b6,b7C] did not have any pending applications for legal status. We continued interviewing [b6,b7C] to figure out if he indeed had status but we could not find anything other than he was in the country illegally.

PSCO Officer [b6,b7C] arrived on scene and began conducting his own investigation. Officer [b6,b7C] told the driver that he was going to cite him for not having a license and that he was also going to impound the Chevrolet Tahoe. At this point the subjects became more irate towards us, accused us of discrimination and said that they were going to file a complaint against us.

BPA [b6,b7C] arrived on scene and transported [b6,b7C] to the TCC for further processing. BPA [b6,b7C] later arrived on scene and transported the juvenile, [b6,b7C] to the TCC for further processing.

BORDER PATROL
REPORT OF APPREHENSION OR SEIZURE

FDIN:

Office or Agency SHERIFF PIMA COUNTY SHERIFF'S DEPARTMENT 1750 E. BENSON HIGHWAY TUCSON, AZ	File CASE No: b6,b7C,b7E b6,b7C Sector TCA/TUS Date 03/24/2014
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Patrol Agents **b6,b7C** of the **TUCSON** station
☐ assisted the _____ (Agency) _____ (City and State)

in the apprehension and seizure of the following:

☒ apprehended/interviewed:

Name (Surname in CAPS) b6,b7C	First	Middle	Date and Place of Birth b6,b7C b6,b7C
<small>More subjects listed in narrative section</small>			Nationality b6,b7C
Address of person apprehended/interviewed			

☐ and seized/recovered

VESSEL, VEHICLE OR AIRCRAFT

Description (Year, Make Model, Color) 1997 CHEVROLET TAHOE White	Motor or Serial No. b6,b7C	Registry or License No. b6,b7C	Value (Est.)
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CONTRABAND, MERCHANDISE OR OTHER

Quantity	Description	Value (Est.)

Place of Apprehension or Seizure THREE POINTS, ARIZONA	Date and Hour 03/24/2014 1651	Offense
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NARRATIVE: (Include Circumstances of apprehension and seizure and facts to which apprehending officers can testify.)

INCIDENT COORDINATES:

b7E

... (CONTINUED ON I-831)

b6,b7C

b6,b7C

Received above persons and items:

Details regarding "HOLD" placed

Signature and Title
PIMA COUNTY SHERIFF'S DEPARTMENT
Office or Agency

Date

INSTRUCTIONS

1. To be prepared when a citizen or non-deportable alien is processed for violation of the Immigration and Nationality Act, or the person arrested or article seized is delivered to an agency or person outside the Department of Homeland Security, or when such an arrest or seizure is made in a joint operation with another agency.
 2. The form is addressed to the office receiving the person or article seized. In a joint operation, the form is addressed to the Chief Patrol Agent and no receipt is required.
 3. Any number of persons, conveyances, or other articles may be listed on the same form provided they are a part of the same transaction.
 4. Estimated values should be based on Customs appraisal when readily available or on current market values. Value of automobiles may be obtained from National Automobile Dealers' Association Handbook (Blue Book) or similar sources. Value of narcotics shall be based on the appraised value by the receiving agency. The state of refinement and location will be considered in establishing the value of seized narcotics.
 5. The narrative shall briefly outline all the circumstances surrounding the apprehension or seizure and indicate the agency furnishing the original information. In a joint operation, disposition of the persons arrested or articles seized shall be shown.
 6. When the person arrested is a deportable alien, or will become deportable upon conviction, an appropriate "Hold" order shall be placed and details inserted in the black box on the face of the form. In addition to this form, an I-213 shall be prepared for each alien found to be deportable at time of apprehension and that fact so noted in the narrative on the file copy only.
 7. The copy retained at the Sector Headquarters of apprehension shall reflect distribution made.
 8. Where words "apprehended/interviewed" and "seized/recovered" are used, delete inappropriate words.
-

NARRATIVE (Continued)

Alien's Name b6,b7C	File Number Ab6,b7C Event No: b6,b7C,b7E	Date 03/24/2014
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SUBJECTS:

Name - b6,b7C
Date of Birth - b6,b7C
Place of Birth - b6,b7C
Nationality - b6,b7C

Narrative Title: Report of Apprehension or Seizure

On March 24, 2014, I, Border Patrol Agent (BPA) b6,b7C and Supervisory Border Patrol Agent (SBPA) b6,b7C were assigned patrol duties near Sierrita Mountain Road southeast of Three Points, Arizona.

This particular area is located east of State Route (SR) 286 b7E b7E as it is heavily patrolled by law enforcement on a regular basis. Diamond Bell Road provides direct access to Sierrita Mountain Road which connects to State Route 86. b7E b7E

At approximately 3:30PM, we observed a white Chevrolet Tahoe traveling north on Sierrita Mountain Road. As the vehicle passed our unmarked service vehicle we could see that the b7E b7E. We also noticed that the Chevy Tahoe was bearing a b7E b7E. We have consistently patrolled this area b7E b7E

As we turned around to further investigate and follow the vehicle northbound on Sierrita Mountain Road, b7E b7E b7E

In our experience this behavior is common in drivers involved in illicit activity as they are concerned with law enforcement detection and apprehension rather than safe driving.

As we followed the vehicle I requested a registration and stolen vehicle check on license plate b6,b7C via Tucson Sector Communications b7E b7E indicated the vehicle was registered to b6,b7C in b6,b7C b6,b7C.

At the time we could clearly see that there were no females in the vehicle and that the driver appeared to be a male.

As the vehicle traveled north we noticed that the four visible occupants were nervously moving around a lot and moving stuff from the rear part of the vehicle to the passenger compartment area. The occupants kept looking at each other and appeared to be talking. We have encountered similar behavior in the past with vehicles containing illegal contraband. In our experience, it appeared that the occupants were preparing to run out of the vehicle and into the desert.

Given the above mentioned observations, time of day, and area we decided to conduct a vehicle stop on the white Chevrolet Tahoe and perform an immigration inspection of its

Signature b6,b7C b6,b7C SENIOR PATROL AGENT

Alien's Name b6,b7C	File Number Ab6,b7C Event No: b6,b7C,b7E	Date 03/24/2014
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occupants. We then activated our emergency lights and sirens. The vehicle pulled to the shoulder of State Route 86 east of Sierrita Mountain Road. As SBPA b6,b7C approached the passenger door he immediately identified himself as a Border Patrol Agent and began questioning all four male occupants as to their citizenship. The front seat occupants stated that they were not US citizens but had immigration papers. Both front seat occupants presented documentation indicating that they were currently going through immigration proceedings. The driver was later identified as b6,b7C (COB: b6,b7C, DOB: b6,b7C). The front seat passenger was identified as b6,b7C (COB: b6,b7C, DOB: b6,b7C). b7E records checks indicated that both subjects were pending immigration hearings.

The right rear passenger, later identified as b6,b7C (COB: b6,b7C, DOB: b6,b7C), admitted to being a citizen and national of b6,b7C without any immigration documents that would allow him to be in or remain in the United States.

As b6,b7C was being processed outside of the vehicle the other three subjects were continuously moving and not following commands being given by SBPA b6,b7C and BPA b6,b7C to not move and to keep their hands visible. BPA b6,b7C had to stop processing b6,b7C and re-approach the front passenger (b6,b7C) and again instruct him to stop reaching and moving excessively while inside the vehicle. A short time later b7E advised agents that b6,b7C should be considered armed and dangerous due to a previous weapons charge. SBPA b6,b7C then approached b6,b7C and asked him to exit the vehicle, to which he complied. SBPA b6,b7C then advised b6,b7C that he was going to be patted down for weapons for officer safety reasons. b6,b7C complied and was searched. During the search b6,b7C appeared to be jovial and amused by the search. As SBPA b6,b7C concluded his search he placed b6,b7C in handcuffs so that he could search the rest of the vehicle and its occupants. SBPA b6,b7C then instructed the driver to exit the vehicle, which BPA b6,b7C did not hear. When BPA b6,b7C saw the driver exit the vehicle she immediately approached him and commanded him not to move. SBPA b6,b7C advised BPA b6,b7C that he had asked him to exit the vehicle and walk towards him. BPA b6,b7C deescalated her tone and continued to watch b6,b7C while SBPA b6,b7C continued searching. b6,b7C began mocking SBPA b6,b7C taunting her and threatening to file a complaint. b6,b7C was later provided information he requested in order to file a complaint if he wished to do so.

The driver was not in possession of a valid b6,b7C Driver's license, therefore BPA b6,b7C requested that Pima County Sheriff's Deputy respond to the stop. A short time later PCSD Deputy b6,b7C (badge# b6,b7C) and cited b6,b7C for not being in possession of a valid driver's license. Deputy b6,b7C also had the white Chevrolet Tahoe impounded due the driver not having a license.

Further interview of the left rear passenger b6,b7C (COB: b6,b7C, DOB: b6,b7C) revealed that he was a citizen and national of b6,b7C. Records checks indicated that b6,b7C b6,b7C had no immigration status nor did he have a pending immigration hearing. b6,b7C b6,b7C continued to claim that he was a "dreamer" and that his older brother may have submitted paperwork on his behalf but that he was not sure. SBPA b6,b7C later spoke to an individual named b6,b7C via one of the occupant's cell phone, who claimed to be b6,b7C legal guardian. b6,b7C stated that b6,b7C did have paperwork pending but that he was not able to find it at the time. SBPA b6,b7C was going to release b6,b7C but since no paperwork could be produced nor was there any record of any "dreamer" paperwork on file, b6,b7C b6,b7C was taken into custody and transported by Agent b6,b7C to the Tucson

Signature b6,b7C	Title b6,b7C SENIOR PATROL AGENT
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Alien's Name b6,b7C	File Number Ab6,b7C Event No: b6,b7C,b7E	Date 03/24/2014
<p>Coordination Center for further processing.</p> <p>It should be noted that during the entire encounter all subjects claimed to be working for a landscaping company, and were being paid ten dollars an hour to clean a yard in the vicinity of Sierrita Mountain Road on Guy Street. Throughout the field investigations all subjects continually taunted, ridiculed and undermined agents on scene and claimed that they were only pulled over because they were b6,b7C. All subjects claimed that they consistently antagonize all law enforcement encounters by overtly recording the investigations.</p> <p>b6,b7C and b6,b7C were released on scene due to the fact that no smuggling scheme could be determined.</p>		
Signature b6,b7C	Title b6,b7C SENIOR PATROL AGENT	

5 of 5 Pages

Family Name (CAPS) b6,b7C		First	Middle	Sex b6,b7C	Hair b6,b7C	Eyes b6,b7C	Complexion b6,b7C
Country of Citizenship b6,b7C	Passport Number and Country of Issue b6,b7C		File Number b6,b7C,b7E	Height b6,b7C	Weight b6,b7C	Occupation b6,b7C	
U.S. Address b6,b7C				Sewer and Males b6,b7C			
Date, Place, Time, and Manner of Last Entry Unknown Date, Unknown Time, 1 mile(s) E of NOG, AFOOT				Passenger Boarded at b6,b7C			
Number, Street, City, Province (State) and Country of Permanent Residence b6,b7C				F.B.I. Number b6,b7C,b7E b6,b7C			
Date of Birth b6,b7C Age: b6,b7C				Date of Action 03/24/2014		Location Code TCA/TUS	
City, Province (State) and Country of Birth b6,b7C				Form : (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>			
NIV Issuing Post and NIV Number				Social Security Account Name			
Date Visa Issued				Social Security Number			
Immigration Record b6,b7C See Narrative				Criminal Record			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)				Number and Nationality of Minor Children NONE CLAIMED			
Father's Name, Nationality, and Address, if Known See Narrative				Mother's Present and Maiden Names, Nationality, and Address, if Known See Narrative			
Monies Due/Property in U.S. Not in Immediate Possession None Claimed				Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Systems Checks See Narrative	
Name and Address of (Last)(Current) U.S. Employer				Type of Employment		Charge Code Words(s) I6A	
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) b6,b7C b6,b7C b6,b7C				Salary		Employed from/to Hr	
Left Index Print b6,b7C				Right Index Print b6,b7C			
ARREST COORDINATES: b7E							
Alien has been advised of communication privileges				(Date/Initials)			
Distribution: b7E				Received: (Subject and Documents) (Report of Interview) b6,b7C BORDER PATROL AGENT (Signature and Title of Immigration Officer)			
Officer: b6,b7C				on: March 24, 2014 at 2300 (time)			
Disposition: Warrant of Arrest/Notice to Appear				Examining Officer: b6,b7C			

Alien's Name b6,b7C	File Number b6,b7C Event No: b6,b7C,b7E	Date 03/24/2014
<p>FATHER NAME AND ADDRESS: ----- b6,b7C</p> <p>MOTHER NAME AND ADDRESS: ----- b6,b7C</p> <p>FUNDS IN POSSESSION: ----- b6,b7C</p> <p>RECORDS CHECKED: ----- b7E</p> <p>NARRATIVE: -----</p> <p>IMMIGRATION HISTORY: b6,b7C</p> <p>CRIMINAL HISTORY: b6,b7C</p> <p>ENCOUNTER: b6,b7C was encountered traveling alone by Border Patrol Agent (BPA) b6,b7C near Robles Junction, Arizona on 03/24/2014 at 3:50 PM. BPA b6,b7C determined, after questioning, that b6,b7C did not have any current legal status or documents to enter, remain, or pass through the United States. b6,b7C was arrested by BPA b6,b7C and transported to the Tucson Coordination Center (TCC) for further processing b7E</p> <p>IMMIGRATION VIOLATION: At the Tucson Sector Coordination Center, I b6,b7C questioned b6,b7C about</p>		
Signature b6,b7C		Title BORDER PATROL AGENT

Alien's Name b6,b7C	File Number b6,b7C Event No: b6,b7C,b7E	Date 03/24/2014
<p>his citizenship. He again stated he was a citizen and national of b6,b7C without the necessary legal documents to enter, pass through, or remain in the United States. b6,b7C claims to have been living in the United States about 11 years.</p> <p>CONSULAR NOTIFICATION: b6,b7C was notified of his right to communicate with a Consular Officer from his country as per Article 36(a) (b) of the Vienna Convention of Consular Relations. b6,b7C b6,b7C understood his right to speak to a Consular Officer and did not want to speak to anyone at this time.</p> <p>DISPOSITION: b6,b7C is being served with a Warrant of Arrest/Notice to Appear (I-862) and will be held in service custody pending removal proceedings.</p> <p>b6,b7C gave the following U.S. address: b6,b7C</p>		
Signature b6,b7C	Title BORDER PATROL AGENT	

BORDER PATROL
REPORT OF APPREHENSION OR SEIZURE

FDIN:

Office or Agency SHERIFF PIMA COUNTY SHERIFF'S DEPARTMENT 1750 E. BENSON HIGHWAY TUCSON, AZ	File CASE No. b6,b7C,b7E b6,b7C
	Sector TCA/TUS
	Date 03/24/2014

Patrol Agents **b6,b7C** of the **TUCSON** station
☐ assisted the _____ (Agency) _____ (City and State)

in the apprehension and seizure of the following:

☒ apprehended/interviewed:

Name (Surname in CAPS) b6,b7C	First	Middle	Date and Place of Birth b6,b7C b6,b7C
<small>More subjects listed in narrative section</small>			Nationality b6,b7C
Address of person apprehended/interviewed			

☐ and seized/recovered:

VESSEL, VEHICLE OR AIRCRAFT

Description (Year, Make Model, Color) 1997 CHEVROLET TAHOE White	Motor or Serial No. b6,b7C	Registry or License No. b6,b7C	Value (Est.)
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CONTRABAND, MERCHANDISE OR OTHER

Quantity	Description	Value (Est.)

Place of Apprehension or Seizure THREE POINTS, ARIZONA	Date and Hour 03/24/2014 1651	Offense
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NARRATIVE: (Include Circumstances of apprehension and seizure and facts to which apprehending officers can testify.)

INCIDENT COORDINATES:

b7E

... (CONTINUED ON I-831)

b6,b7C

b6,b7C

Received above persons and items.

Details regarding "HOLD" placed

Signature and Title
PIMA COUNTY SHERIFF'S DEPARTMENT
Office or Agency

Date

INSTRUCTIONS

1. To be prepared when a citizen or non-deportable alien is processed for violation of the Immigration and Nationality Act, or the person arrested or article seized is delivered to an agency or person outside the Department of Homeland Security, or when such an arrest or seizure is made in a joint operation with another agency.
2. The form is addressed to the office receiving the person or article seized. In a joint operation, the form is addressed to the Chief Patrol Agent and no receipt is required.
3. Any number of persons, conveyances, or other articles may be listed on the same form provided they are a part of the same transaction.
4. Estimated values should be based on Customs appraisal when readily available or on current market values. Value of automobiles may be obtained from National Automobile Dealers' Association Handbook (Blue Book) or similar sources. Value of narcotics shall be based on the appraised value by the receiving agency. The state of refinement and location will be considered in establishing the value of seized narcotics.
5. The narrative shall briefly outline all the circumstances surrounding the apprehension or seizure and indicate the agency furnishing the original information. In a joint operation, disposition of the persons arrested or articles seized shall be shown.
6. When the person arrested is a deportable alien, or will become deportable upon conviction, an appropriate "Hold" order shall be placed and details inserted in the black box on the face of the form. In addition to this form, an I-213 shall be prepared for each alien found to be deportable at time of apprehension and that fact so noted in the narrative on the file copy only.
7. The copy retained at the Sector Headquarters of apprehension shall reflect distribution made.
8. Where words "apprehended/interviewed" and "seized/recovered" are used, delete inappropriate words.

NARRATIVE (Continued)

Alien's Name b6,b7C	File Number b6,b7C Event No: b6,b7C,b7E	Date 03/24/2014
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SUBJECTS:

Name - b6,b7C
Date of Birth - b6,b7C
Place of Birth - b6,b7C
Nationality - b6,b7C

Narrative Title: Report of Apprehension or Seizure

On March 24, 2014, I, Border Patrol Agent (BPA) b6,b7C and Supervisory Border Patrol Agent (SBPA) b6,b7C were assigned patrol duties near Sierrita Mountain Road southeast of Three Points, Arizona.

This particular area is located east of State Route (SR) 286 b7E b7E as it is heavily patrolled by law enforcement on a regular basis. Diamond Bell Road provides direct access to Sierrita Mountain Road which connects to State Route 86. b7E b7E

At approximately 3:30PM, we observed a white Chevrolet Tahoe traveling north on Sierrita Mountain Road. As the vehicle passed our unmarked service vehicle we could see that the b7E b7E We also noticed that the Chevy Tahoe was bearing a b7E We have consistently patrolled this area b7E b7E b7E As we turned around to further investigate and follow the vehicle northbound on Sierrita Mountain Road, b7E b7E b7E In our experience this behavior is common in drivers involved in illicit activity as they are concerned with law enforcement detection and apprehension rather than safe driving.

As we followed the vehicle I requested a registration and stolen vehicle check on license plate b6,b7C via Tucson Sector Communications b7E b7E indicated the vehicle was registered to b6,b7C in b6,b7C b6,b7C. At the time we could clearly see that there were no females in the vehicle and that the driver appeared to be a male.

As the vehicle traveled north we noticed that the four visible occupants were nervously moving around a lot and moving stuff from the rear part of the vehicle to the passenger compartment area. The occupants kept looking at each other and appeared to be talking. We have encountered similar behavior in the past with vehicles containing illegal contraband. In our experience, it appeared that the occupants were preparing to run out of the vehicle and into the desert.

Given the above mentioned observations, time of day, and area we decided to conduct a vehicle stop on the white Chevrolet Tahoe and perform an immigration inspection of its

Signature b6,b7C b6,b7C SENIOR PATROL AGENT

Alien's Name b6,b7C	File Number Ab6,b7C Event No: b6,b7C,b7E	Date 03/24/2014
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occupants. We then activated our emergency lights and sirens. The vehicle pulled to the shoulder of State Route 86 east of Sierrita Mountain Road. As SBPA b6,b7C approached the passenger door he immediately identified himself as a Border Patrol Agent and began questioning all four male occupants as to their citizenship. The front seat occupants stated that they were not US citizens but had immigration papers. Both front seat occupants presented documentation indicating that they were currently going through immigration proceedings. The driver was later identified as b6,b7C (COB: b6,b7C DOB: b6,b7C). The front seat passenger was identified as b6,b7C (COB: b6,b7C DOB: b6,b7C). b7E records checks indicated that both subjects were pending immigration hearings.

The right rear passenger, later identified as b6,b7C (COB: b6,b7C DOB: b6,b7C), admitted to being a citizen and national of b6,b7C without any immigration documents that would allow him to be in or remain in the United States.

As b6,b7C was being processed outside of the vehicle the other three subjects were continuously moving and not following commands being given by SBPA b6,b7C and BPA b6,b7C to not move and to keep their hands visible. BPA b6,b7C had to stop processing b6,b7C and re-approach the front passenger b6,b7C and again instruct him to stop reaching and moving excessively while inside the vehicle. A short time later b7E advised agents that b6,b7C should be considered armed and dangerous due to a previous weapons charge. SBPA b6,b7C then approached b6,b7C and asked him to exit the vehicle, to which he complied. SBPA b6,b7C then advised b6,b7C that he was going to be patted down for weapons for officer safety reasons. b6,b7C complied and was searched. During the search b6,b7C appeared to be jovial and amused by the search. As SBPA b6,b7C concluded his search he placed b6,b7C in handcuffs so that he could search the rest of the vehicle and its occupants. SBPA b6,b7C then instructed the driver to exit the vehicle, which BPA b6,b7C did not hear. When BPA b6,b7C saw the driver exit the vehicle she immediately approached him and commanded him not to move. SBPA b6,b7C advised BPA b6,b7C that he had asked him to exit the vehicle and walk towards him. BPA b6,b7C deescalated her tone and continued to watch b6,b7C while SBPA b6,b7C continued searching. b6,b7C began mocking SBPA b6,b7C taunting her and threatening to file a complaint. b6,b7C was later provided information he requested in order to file a complaint if he wished to do so.

The driver was not in possession of a valid b6,b7C Driver's license, therefore BPA b6,b7C requested that Pima County Sherriff's Deputy respond to the stop. A short time later PCSD Deputy b6,b7C (badge: b6,b7C) and cited b6,b7C for not being in possession of a valid driver's license. Deputy b6,b7C also had the white Chevrolet Tahoe impounded due the driver not having a license.

Further interview of the left rear passenger b6,b7C (COB: b6,b7C DOB: b6,b7C) revealed that he was a citizen and national of b6,b7C. Records checks indicated that b6,b7C b6,b7C had no immigration status nor did he have a pending immigration hearing. b6,b7C b6,b7C continued to claim that he was a "dreamer" and that his older brother may have submitted paperwork on his behalf but that he was not sure. SBPA b6,b7C later spoke to an individual named b6,b7C, via one of the occupant's cell phone, who claimed to be b6,b7C legal guardian. b6,b7C stated that b6,b7C did have paperwork pending but that he was not able to find it at the time. SBPA b6,b7C was going to release b6,b7C but since no paperwork could be produced nor was there any record of any "dreamer" paperwork on file, b6,b7C b6,b7C was taken into custody and transported by Agent b6,b7C to the Tucson

Signature b6,b7C	Title b6,b7C SENIOR PATROL AGENT
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Alien's Name b6,b7C	File Number b6,b7C Event No: b6,b7C,b7E	Date 03/24/2014
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Coordination Center for further processing.

It should be noted that during the entire encounter all subjects claimed to be working for a landscaping company, and were being paid ten dollars an hour to clean a yard in the vicinity of Sierrita Mountain Road on Guy Street. Throughout the field investigations all subjects continually taunted, ridiculed and undermined agents on scene and claimed that they were only pulled over because they were b6,b7C. All subjects claimed that they consistently antagonize all law enforcement encounters by overtly recording the investigations.

b6,b7C and b6,b7C were released on scene due to the fact that no smuggling scheme could be determined.

Signature

b6,b7C

b6,b7C

Title

SENIOR PATROL AGENT

5 of 5 Pages

Family Name (CAPS) b6,b7C		First	Middle	Sex b6,b7C	Hair b6,b7C	Eyes b6,b7C	Complexion b6,b7C	
Country of Citizenship b6,b7C	Passport Number and Country of Issue b6,b7C		File Number b6,b7C,b7E	Height b6,b7C	Weight b6,b7C	Occupation b6,b7C		
U.S. Address See Narrative								
Date, Place, Time, and Manner of Last Entry Unknown Date, Unknown Time, 1 mile(s) E of NOG, AFOOT				Passenger Boarded at				
Number, Street, City, Province (State) and Country of Permanent Residence FAILED TO PROVIDE								
Date of Birth b6,b7C	Age b6,b7C	Date of Action 03/24/2014	Location Code TCA/TUS	At/Near ROBLES JUNCTION, AZ				Date/Hour 03/24/2014 1550
City, Province (State) and Country of Birth b6,b7C		AR <input checked="" type="checkbox"/>	Form: (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>					
NIV Issuing Post and NIV Number		Social Security Account Name		By b6,b7C				
Date Visa Issued		Social Security Number		Status at Entry PWA Mexico		Status When Found IN TRAVEL		
				Length of Time Illegally in U.S. OVER 1 YEAR				
Immigration Record b6,b7C				Criminal Record				
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)				Number and Nationality of Minor Children CLAIMED NONE				
Father's Name, Nationality, and Address, if Known See Narrative				Mother's Present and Maiden Names, Nationality, and Address, if Known See Narrative				
Monies Due/Property in U.S. Not in Immediate Possession b6,b7C		Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks	Charge Code Words(s) I6A				
Name and Address of (Last)(Current) U.S. Employer		Type of Employment	Salary	Employed from/to Hr				
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) FINS # b6,b7C b6,b7C b6,b7C b6,b7C Left Index Print Right Index Print ARREST COORDINATES: b7E								
Alien has been advised of communication privileges		b6,b7C 3/24/14 (Date/Initials)	b6,b7C BORDER PATROL AGENT	b6,b7C (Signature and Title of Immigration Officer)				
Distribution: b7E		Received: (Subject and Documents) (Report of Interview) Officer: b6,b7C on: March 24, 2014 at 1651 (time) Disposition: Release Examining Officer: b6,b7C b6,b7C						

Alien's Name b6,b7C	File Number b6,b7C Event No: b6,b7C,b7E	Date 03/24/2014
US ADDRESS: b6,b7C		
FATHER NAME AND ADDRESS: b6,b7C		
MOTHER NAME AND ADDRESS: b6,b7C		
UNACCOMPANIED JUVENILE: b6,b7C		
FUNDS IN POSSESSION: b6,b7C X b6,b7C		
NARRATIVE: ENCOUNTER: See attached I-44. b6,b7C was advised of his rights to speak to a consulate officer.		
IMMIGRATION HISTORY: b6,b7C claims to be a citizen of b6,b7C by virtue of his birth in b6,b7C b6,b7C on b6,b7C claims to have entered the United States before		
Signature b6,b7C	b6,b7C	Title BORDER PATROL AGENT

Alien's Name b6,b7C	File Number Ab6,b7C Event No: b6,b7C,b7E	Date 03/24/2014
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the age of b6,b7C with his parents and has resided here since that time. b6,b7C claims that to the best of his knowledge he does not remember where he crossed into the United States.

IMMIGRATION VIOLATION:
b6,b7C was encountered without the necessary legal documents to remain in the United States. b6,b7C does not have in his possession any immigration documents issued by the United States government that permit him to reside in or be present in the United States lawfully. Immigration records check indicate that b6,b7C has no lawful status to be in the United States at this time.

CRIMINAL HISTORY:
b6,b7C

SWORN STATEMENT:

Q. Any statement you make must be given freely and voluntarily. Are you willing to answer my questions at this time?
A: Yes

Q. Do you swear or affirm that all the statements you are about to make are true and complete?
A. Yes

Q. Were you under the age of sixteen when you came to the United States?
A. Yes. I was b6,b7C years old.

Q. Have you continuously resided in the United States for at least five years prior to June 15, 2012?
A. Yes I've been here about 14 years.

Q. Were you present in the United States on June 15th, 2012.
A. Yes.

Q. Were you in School, graduated from High School, obtained a general education development certificate, or an honorably discharged veteran of the Coast Guard or Armed Forces of the United States?
A. Yes, I am in the b6,b7C th grade currently attending b6,b7C.

Q. Have you been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise poses a threat to national security or public safety?
A. No.

Q. Are you under the age of 30?
A. Yes, I'm b6,b7C

Signature b6,b7C b6,b7C	Title BORDER PATROL AGENT
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Alien's Name b6,b7C	File Number Ab6,b7C Event No: b6,b7C,b7E	Date 03/24/2014
Signature of alien: b6,b7C		
<p>DISPOSITION: b6,b7C appears not to pose a threat to national security or public safety at this time. b6,b7C was provided the number to USCIS (1-800-375-5283) that he may contact during business hours with questions or to request more information on the forthcoming process of his case. b6,b7C was released from the Tucson, AZ Border Patrol Station, based on CBP policy regarding Deferred Action approved by Assistant Chief Patrol Agent b6,b7C. He was released to his adult brother identified as b6,b7C, who has legal status to reside in the United States.</p> <p>I-77 PROPERTY #: b6,b7C,b7E</p>		
Signature b6,b7C b6,b7C		Title BORDER PATROL AGENT

From: b6,b7C [REDACTED]@ice.dhs.gov>
Sent: Tuesday, March 25, 2014 11:35 AM
To: JOINT INTAKE
Cc: b6,b7C [REDACTED]
Subject: JIC Duty Call (15)
Attachments: b6,b7C,b7E JIC - Duty Agent (15).pdf

Duty call, alleged BPAs took alien cell phone and erased video of arrest.

b6,b7C [REDACTED]
HSI/Office of Professional Responsibility
San Antonio, Texas
b6,b7C [REDACTED] Desk

JOINT INTAKE CENTER – TELEPHONE WORKSHEET

Date 03/24/2014	Time 2:06 am	Duty Agent b6,b7C Phone # b6,b7C
Time Sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Arrests, assaults (physical/sexual), bribes, death, discharge of weapon, medical, media, serious injuries, suicide, workplace violence, e.g.

Caller Data	
<input type="checkbox"/> Anonymous <input type="checkbox"/> Detainee <input checked="" type="checkbox"/> Source <input type="checkbox"/> Subject <input type="checkbox"/> Victim <input type="checkbox"/> Witness	
Name SBPA b6,b7C	Phone Number b6,b7C
Language Spoken n/a	City, State Tucson, AZ (BP Coordination Center)
A# n/a	Facility Name n/a

Information	
<input checked="" type="checkbox"/> Allegation <input type="checkbox"/> Management Issue <input type="checkbox"/> Detainee Issue <input type="checkbox"/> Incident <input type="checkbox"/> Other	
Briefly Describe (Who/What/Where/When/Why)	
SBPA b6,b7C reporting that arrested/alien b6,b7C A# b6,b7C POB: b6,b7C b6,b7C yoa) complaining that when he (b6,b7C was arrested in a vehicle he was recording the arrest on his cell phone, when BPAs b6,b7C and b6,b7C took the cell phone from b6,b7C and erased the the recording.	
<input checked="" type="checkbox"/> CBP <input type="checkbox"/> ERO <input type="checkbox"/> HSI <input type="checkbox"/> Other	

Action Taken	
<input type="checkbox"/> JICMS File # _____	<input type="checkbox"/> JIC Log # _____

b7E

Helpful Numbers

b7E

From: b6,b7C
Sent: Tuesday, March 25, 2014 11:38 AM
To: JOINT INTAKE
Cc: b6,b7C
Subject: FW: JIC Duty Call (15) (CORRECTION)
Attachments: b6,b7C,b7E JIC - Duty Agent (15).pdf

Sorry the actual date of the call is 03/25/14.

Long night.

b6,b7C
HSI/Office of Professional Responsibility
San Antonio, Texas
b6,b7C Desk

From: b6,b7C
Sent: Tuesday, March 25, 2014 10:35 AM
To: JOINT INTAKE
Cc: b6,b7C
Subject: JIC Duty Call (15)

Duty call, alleged BPAs took alien cell phone and erased video of arrest.

b6,b7C
HSI/Office of Professional Responsibility
San Antonio, Texas
b6,b7C Desk

JOINT INTAKE CENTER – TELEPHONE WORKSHEET

Date 03/24/2014	Time 2:06 am	Duty Agent b6,b7C Phone # b6,b7C
Time Sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Arrests, assaults (physical/sexual), bribes, death, discharge of weapon, medical, media, serious injuries, suicide, workplace violence, e.g.

Caller Data	
<input type="checkbox"/> Anonymous <input type="checkbox"/> Detainee <input checked="" type="checkbox"/> Source <input type="checkbox"/> Subject <input type="checkbox"/> Victim <input type="checkbox"/> Witness	
Name SBPA b6,b7C	Phone Number b6,b7C
Language Spoken n/a	City, State Tucson, AZ (BP Coordination Center)
A# n/a	Facility Name n/a

Information	
<input checked="" type="checkbox"/> Allegation <input type="checkbox"/> Management Issue <input type="checkbox"/> Detainee Issue <input type="checkbox"/> Incident <input type="checkbox"/> Other	
Briefly Describe (Who/What/Where/When/Why)	
SBPA b6,b7C reporting that arrested/alien b6,b7C , A# b6,b7C , POB: b6,b7C b6,b7C (yoa) complaining that when he b6,b7C was arrested in a vehicle he was recording the arrest on his cell phone, when BPAs b6,b7C and b6,b7C took the cell phone from b6,b7C and erased the the recording.	
<input checked="" type="checkbox"/> CBP <input type="checkbox"/> ERO <input type="checkbox"/> HSI <input type="checkbox"/> Other	


Action Taken	
<input type="checkbox"/> JICMS File # _____ <input type="checkbox"/> JIC Log # _____	
Referred To b7E	
Helpful Numbers b7E	


Family Name (CAPS) b6,b7C		First	Middle
Country of Citizenship b6,b7C	Passport Number and Country of Issue	File Number CASE No b6,b7C,b7E b6,b7C	
U.S. Address See Narrative			
Date, Place, Time, and Manner of Last Entry Unknown Date, Unknown Time, 1 mile(s) E of NOG, AFOOT		Passenger Boarded at	
Number, Street, City, Province (State) and Country of Permanent Residence FAILED TO PROVIDE			
Date of Birth b6,b7C	Age: b6,b7C	Date of Action 03/24/2014	Location Code TCA/TUS
City, Province (State) and Country of Birth b6,b7C	AR <input checked="" type="checkbox"/>	Form : (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>	
NIV Issuing Post and NIV Number	Social Security Account Name		
Date Visa Issued	Social Security Number		
Immigration Record b6,b7C		Criminal Record	
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)			Number and Nationality of Minor Children CLAIMED NONE
Father's Name, Nationality, and Address, if Known See Narrative		Mother's Present and Maiden Names, Nationality, and Address, if Known See Narrative	
Monies Due/Property in U.S. Not in Immediate Possession b6,b7C	Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks	Charge Code Word(s) I6A
Name and Address of (Last)(Current) U.S. Employer	Type of Employment	Salary Hr	Employed from/to
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) EINS #b6,b7C b6,b7C b6,b7C b6,b7C Left Index Print Right Index Print ARREST COORDINATES: b7E			
Alien has been advised of communication privileges		(Date/Initials) b6,b7C BORDER PATROL AGENT (Signature and Title of Immigration Officer)	
Distribution: b7E		Received: (Subject and Documents) (Report of Interview) Officer: b6,b7C on: March 24, 2014 at 1651 (time) Disposition: Release Examining Officer: b6,b7C	

Alien's Name b6,b7C	File Number Ab6,b7C Event No: b6,b7C,b7E	Date 03/24/2014
<p>US ADDRESS: ----- b6,b7C</p> <p>FATHER NAME AND ADDRESS: ----- b6,b7C</p> <p>MOTHER NAME AND ADDRESS: ----- b6,b7C</p> <p>UNACCOMPANIED JUVENILE: ----- b6,b7C</p> <p>FUNDS IN POSSESSION: ----- b6,b7C</p> <p>NARRATIVE: ----- ENCOUNTER: See attached I-44.</p> <p>b6,b7C was advised of his rights to speak to a consulate officer.</p> <p>IMMIGRATION HISTORY: b6,b7C claims to be a citizen of b6,b7C by virtue of his birth in b6,b7C b6,b7C on b6,b7C claims to have entered the United States before</p>		
Signature b6,b7C		Title BORDER PATROL AGENT

Alien's Name b6,b7C	File Number Ab6,b7C Event No: b6,b7C,b7E	Date 03/24/2014
<p>the age of b6,b7C with his parents and has resided here since that time. b6,b7C claims that to the best of his knowledge he does not remember where he crossed into the United States.</p> <p>IMMIGRATION VIOLATION: b6,b7C was encountered without the necessary legal documents to remain in the United States. b6,b7C does not have in his possession any immigration documents issued by the United States government that permit him to reside in or be present in the United States lawfully. Immigration records check indicate that b6,b7C has no lawful status to be in the United States at this time.</p> <p>CRIMINAL HISTORY: b6,b7C</p> <p>SWORN STATEMENT:</p> <p>Q. Any statement you make must be given freely and voluntarily. Are you willing to answer my questions at this time? A: Yes</p> <p>Q. Do you swear or affirm that all the statements you are about to make are true and complete? A. Yes</p> <p>Q. Were you under the age of sixteen when you came to the United States? A. Yes. I was b6,b7C years old.</p> <p>Q. Have you continuously resided in the United States for at least five years prior to June 15, 2012? A. Yes I've been here about 14 years.</p> <p>Q. Were you present in the United States on June 15th, 2012. A. Yes.</p> <p>Q. Were you in School, graduated from High School, obtained a general education development certificate, or an honorably discharged veteran of the Coast Guard or Armed Forces of the United States? A. Yes, I am in the b6,b7Cth grade currently attending b6,b7C.</p> <p>Q. Have you been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise poses a threat to national security or public safety? A. No.</p> <p>Q. Are you under the age of 30? A. Yes, I'm b6,b7C.</p>		
Signature b6,b7C		Title BORDER PATROL AGENT

Alien's Name b6,b7C	File Number Ab6,b7C Event No: b6,b7C,b7E	Date 03/24/2014
Signature of alien: _____		
<p>DISPOSITION:</p> <p>b6,b7C appears not to pose a threat to national security or public safety at this time. b6,b7C was provided the number to USCIS (1-800-375-5283) that he may contact during business hours with questions or to request more information on the forthcoming process of his case. b6,b7C was released from the Tucson, AZ Border Patrol Station, based on CBP policy regarding Deferred Action approved by Assistant Chief Patrol Agent b6,b7C. He was released to his adult brother identified as b6,b7C, who has legal status to reside in the United States.</p> <p>I-77 PROPERTY #: b6,b7C,b7E</p>		
Signature b6,b7C	Title BORDER PATROL AGENT	

 <p align="center">DEPARTMENT OF HOMELAND SECURITY Immigration and Customs Enforcement</p> <p align="center">REPORT OF INVESTIGATION HB 4200-01 (37), Special Agent Handbook</p>		1. CASE NUMBER b7E
		PREPARED BY b6,b7C
		2. REPORT NUMBER 001
3. TITLE EMPLOYEE, UNKNOWN/Unknown b7E /TUCSON, PIMA, AZ		
4. FINAL RESOLUTION		
5. STATUS Initial Report	6. TYPE OF REPORT Allegation	7. RELATED CASES
8. TOPIC BPA or SBPA allegedly deleted a video of a traffic stop which a UDA recorded with his cell phone.		
9. SYNOPSIS On March 25, 2014, the Joint Intake Center (JIC), Washington, DC, received an e-mail from U.S. Customs and Border Protection (CBP) Supervisory Border Patrol Agent (SBPA) b6,b7C, Tucson, AZ, in which an allegation of misconduct is lodged by undocumented alien (UDA) b6,b7C. According to the information provided, the UDA, who was arrested by agents of the Tucson station on March 24, 2014, alleges agents took his cell phone from him and deleted the video he had recorded during the traffic stop of the vehicle in which he was a passenger.		
10. CASE OFFICER (Print Name & Title) b6,b7C Specialist	11. COMPLETION DATE 25-MAR-2014	14. ORIGIN OFFICE b7E
12. APPROVED BY(Print Name & Title) b6,b7C Supervisor	13. APPROVED DATE 25-MAR-2014	15. TELEPHONE NUMBER b6,b7C
THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.		
THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ONGOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.		

<div data-bbox="110 226 276 394"></div> <div data-bbox="397 157 1036 199">DEPARTMENT OF HOMELAND SECURITY</div> <div data-bbox="495 394 938 472">REPORT OF INVESTIGATION CONTINUATION</div> <div data-bbox="511 478 922 514">HB 4200-01 (37), Special Agent Handbook</div>	1. CASE NUMBER b7E
	PREPARED BY b6,b7C
	2. REPORT NUMBER 001

10. NARRATIVE

DETAILS OF INVESTIGATION:

On March 25, 2014, the Joint Intake Center (JIC), Washington, DC, received an e-mail from U.S. Customs and Border Protection (CBP) Supervisory Border Patrol Agent (SBPA) b6,b7C, Tucson, AZ, in which an allegation of misconduct is lodged by undocumented alien (UDA) b6,b7C b6,b7C. According to the information provided, the UDA, who was arrested by agents of the Tucson station on March 24, 2014, alleges agents took his cell phone from him and deleted the video he had recorded during the traffic stop of the vehicle in which he was a passenger.

Following is the narrative of SBPA b6,b7C e-mail to the JIC. No changes have been made to grammar, punctuation or spelling; however, any information which may be considered personally identifiable has been partially redacted. Any changes in format are due to formatting limitations within the Joint Integrity Case Management System (JICMS).

<Begin>

On March 24, 2014, at approximately 11:00 PM, b6,b7C (A#xxx xxx b6,b7C) had an allegation of misconduct against Supervisory Border Patrol Agent (SBPA) b6,b7C and Border Patrol Agent (BPA) b6,b7C after being processed at the Tucson Coordination Center (TCC). b6,b7C alleged that he videoed taped a traffic stop which he was a passenger in the vehicle with his cellphone. b6,b7C said that agents took his phone away and erased the video from his cellphone. b6,b7C was processed as a candidate for the Dream Act. b6,b7C will be held at the TCC for an interview.


b6,b7C was notified by email.

This allegation was reported to the Joint Intake Center (JIC) on March 25, 2014 at 12:05 AM telephonically and by email.

The JIC will assign and distribute, via email, a log number to this incident upon review.

This incident local tracking number b6,b7C,b7E and will be released as a limited distribution IIR.

<End>

<div data-bbox="110 226 279 403"></div> <div data-bbox="399 163 1036 197">DEPARTMENT OF HOMELAND SECURITY</div> <div data-bbox="496 399 938 470">REPORT OF INVESTIGATION Exhibit List</div> <div data-bbox="516 483 919 512">HB 4200-01 (37), Special Agent Handbook</div>	1. CASE NUMBER b7E [REDACTED]
	PREPARED BY b6, b7C [REDACTED]
	2. REPORT NUMBER 001

None

From: b6,b7C
Sent: Tuesday, March 25, 2014 3:25 AM
To: b6,b7C
Cc: JOINT INTAKE; b6,b7C
Subject: Limited Distribution: b6,b7C,b7E Allegation of Misconduct- b6,b7C

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Subject Info:

Name: b6,b7C
DOB: b6,b7C
POB: b6,b7C
A# b6,b7C
E3 Event: b6,b7C,b7E
b6,b7C,b7E

b6,b7C

b6

From: b6
Sent: Thursday, January 16, 2014 1:07 PM
To: b6
Cc: b6
Subject: TCA Response Memos - Arivaca Road Checkpoint
Attachments: Arivaca Road (Checkpoint) Response Jan 2014 pdf.pdf

v/r,

b6
Staff Assistant to
Chief Patrol Agent
Deputy Chief Patrol Agent
Tucson Sector Headquarters
U.S. Border Patrol
PH: b6
FAX: b6
CELL: b6

JAN 16 2014



**U.S. Customs and
Border Protection**

Supporters of Arivaca Residents
P.O. Box 826
Arivaca, Arizona 85601

Dear Supporters of Arivaca Residents:

We recently received your letter and petition, dated December 8, 2013, calling for the closure of the U.S. Border Patrol Checkpoint located on Arivaca Road ("Checkpoint"). First, I want to thank you for raising your concerns about the Checkpoint to us directly. Our mission requires that we not only protect our nation's borders, but that we do so with vigilance, integrity, and professionalism. Because our agency serves the public, it is important for us to receive feedback from the public, both positive and negative, so that we can continue to serve in the most effective and professional manner possible. It must be noted that as an agency of the executive branch, we are charged with enforcing the laws created by the legislative branch, but unlike the other two branches of the Federal government, our agency does not create new or change existing laws.

I want to assure you that I have read and understand your concerns about the Checkpoint location. That being said, this Checkpoint, along with the other checkpoints positioned near our international boundaries, are essential tools in helping us protect our nation's borders and enforce the immigration laws enacted by Congress. The U.S. Border Patrol is authorized to operate immigration checkpoints based on the Immigration and Nationality Act. The use of checkpoints as a tool for enforcing our nation's immigration laws has long been found to be lawful under the U.S. Constitution, as explained by the United States Supreme Court in *United States v. Martinez-Fuerte*, 428 U.S. 543 (1976). To not use this effective tool would have a substantial negative impact on our ability to accomplish our mission. Therefore, we will continue to utilize the Checkpoint in our daily operations.

You are welcome to bring to our attention any specific incidents or issues regarding local residents at the Checkpoint. While we will not close the Checkpoint, we do want to work with local residents to address concerns. Please remember that in the end, our checkpoints are a vital part of our efforts to safeguard the nation's borders.

Respectfully,

b6

Chief Patrol Agent

JAN 16 2014



**U.S. Customs and
Border Protection**

Arivaca Residents
P.O. Box 826
Arivaca, Arizona 85601

Dear Arivaca Residents:

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Respectfully,

b6

Chief Patrol Agent

December 8, 2013

Chief Patrol Agent [b6]
Border Patrol Tucson Headquarters
2430 South Swan Road
Tucson, AZ 85711

To Tucson Sector Border Patrol Chief Agent [b6]

Enclosed is a petition calling for the immediate removal of the Arivaca Road checkpoint. Attached are copies of the signatures gathered to date: over 220 local Arivaca residents and 8 local Arivaca businesses. Signed petitions continue to be collected and will be forwarded to you as they come in.+

The petition and signatures will also be circulated to the enclosed list of politicians, agencies, and representatives, as well as released to the press.

We expect your response to this petition by January 8, 2014 by certified US mail sent to PO Box 826, Arivaca, AZ 85601.

Thank you for your consideration of our petition.

Arivaca Residents

PO Box 826
Arivaca, AZ 85601

PETITION WILL BE COPIED TO THESE

Names & Addresses For Letter Writing

AGENCIES &

INDIVIDUALS

Department of Homeland Security & Border Protection

Rand Beers, Acting Secretary of Department of Homeland Security

The Honorable Rand Beers

Acting Secretary of Homeland Security

Washington, D.C. 20528

Clark W. Stevens, DHS Assistant Secretary for Public Affairs

Homeland Security

Department Office of Public Affairs

Washington, D.C. 20528

For all Border Protection addressed letters:

1300 Pennsylvania Avenue, N.W.

Washington, D.C. 20229

Thomas S. Winkowski, Acting Commissioner of Customs & Border Protection

Kevin K. McAleenan, Acting Deputy Commissioner, U.S. Customs and Border Protection

Melanie Roe, Assistant Commissioner, CBP Office of Public Affairs

b6 [REDACTED], Tucson Sector Border Patrol Chief

b6 [REDACTED], Tucson Sector Deputy Chief

2430 S. Swan Road

Tucson AZ 85711

Politicians

President Barack Obama

The White House

1600 Pennsylvania Avenue NW

Washington, DC 20500

Senator John McCain

407 West Congress Street

Suite 103

Tucson, AZ 85701

Senator Jeff Flake

6840 North Oracle Road

Suite 150

Tucson, AZ 85704

Representative Raul Grijalva

738 N 5th Ave. Suite 110

Tucson, AZ 85705

State Senator Linda Lopez

1700 W Washington St

Phoenix, AZ 85007

State Representative Rosanna Gabaldón
State Representative Andrea Dalesandro
House of Representatives
1700 W. Washington
Room 117
Phoenix, AZ 85007

Sharon Bronson, Pima County Board of Supervisors
Pima County Board of Supervisors
130 W. Congress, 11th floor
Tucson, Arizona 85701

Governor Jan Brewer
The Honorable Janice K. Brewer
Executive Tower
1700 West Washington Street
Phoenix, AZ 85007

Law Enforcement

Pima County Sheriff Clarence Dupnik
1750 E. Benson Highway
Tucson, AZ 85714

Santa Cruz County Sheriff Tony Estrada
2170 N. Congress Dr.
Nogales, AZ 85621

Legal

John S. Leonardo, U.S. Attorney, District of Arizona
405 W. Congress Street, Suite 4800
Tucson, AZ 85701-5040

Barbara LaWall, Pima County Attorney
32 N. Stone Avenue
Tucson, Arizona 85701

Tom Horne, Arizona Attorney General
400 West Congress
South Building, Suite 315
Tucson, AZ 85701-1367

[To Be Delivered To **b6** Border Patrol Tucson Sector Chief]

We the undersigned residents of Arivaca, Arizona hereby petition for the immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

Though it was originally created as a tactical and temporary checkpoint, the Arivaca Road checkpoint has been in continual use at the same location for over six years while having no demonstrable effect on its stated purpose—to deter undocumented immigration. Instead, the checkpoint has had the following negative impacts:

-The checkpoint severely interferes with the constitutional rights of local residents.

Residents are intimidated by armed federal agents and subjected to improper questioning and warrantless searches in violation of their 4th, 5th and 14th Amendment rights. It is not possible for Arivaca residents to leave northbound without passing through one of three area checkpoints. Thus, locals must pass through the checkpoint with regularity, sometimes daily, such that these constitutional rights violations are not merely occasional or minor inconveniences but rather frequent and substantial infringements. People of color experience greater scrutiny and longer detentions at the checkpoint; such racial profiling violates the law as well as the federal government's own guidelines prohibiting any consideration of race or ethnicity in such encounters.

-The checkpoint has a severe economic impact on the local residents.

The checkpoint implies that the area is dangerous to the public, deterring visitors, reducing tourism and dampening economic activity for Arivaca businesses and residents, despite the fact that the surrounding area is among the safest in the state (neighborhoodscout.com/az/crime/). The checkpoint also diminishes local property values. A 2012 study concluded that the nearby I-19 checkpoint is "associated with fairly large negative impacts on the difference in housing prices... and those negative impacts are increasing over time" (*Arizona Republic*, December 28, 2012).

-The checkpoint is part of the increasing militarization of border communities.

The Arivaca Road checkpoint is part of a misguided border enforcement strategy that increases the tragic and unnecessary deaths of migrants, leading to a humanitarian crisis, which extends into the Arivaca community and beyond. Consequently, a generation of Arivaca children and young people are growing up in this militarized zone, where they are taught by experience that the erosion of civil and human rights, freedoms and quality of life is acceptable.

At great cost to local residents and U.S. taxpayers, the checkpoint on Arivaca Road has resulted in nothing but fear, anger and mistrust, perpetuating the fiction that increased militarization and the creation of "constitution free zones" are the best and only ways to respond to the complex economic and social issues of the borderlands.

For all of these reasons, this checkpoint must go.

Businesses + Organizations

We the undersigned residents of Arivaca, Arizona hereby petition for the immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

Name (Please Print)	Address	Signature
1. Sweet Peas Cafe + Catering	15785 Universal Ranch Rd	b6
2. UNIVERSAL RANCH RV PARK	15785 UNIVERSAL	b6
3. Arivaca Community Internet	PO Box 592	b6
4. Ramsey Painting Contractors Int.	Tucson, S. Az.	
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Businesses & Organizations

We the undersigned residents of Arivaca, Arizona hereby petition for the immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

Name (Please Print)

Address

Signature

1. Walking J Farm 10461 Arivaca Road

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4. LA GITANA CANTINA PO Box 343

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5. Connection PO Box 338

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6. Arivaca Humanitarian Aid Office PO Box 826

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Businesses + Organizations

We the undersigned residents of Arivaca, Arizona hereby petition for the immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

Name (Please Print)	Address	Signature
1. Forever Young Farm	33225 Moynihan Ranch Rd	
2. Creds & Coffee Co.	16680 W. Arivaca Rd	
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FOR ARIVACA RESIDENTS

We the undersigned residents of Arivaca, Arizona hereby petition for the immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

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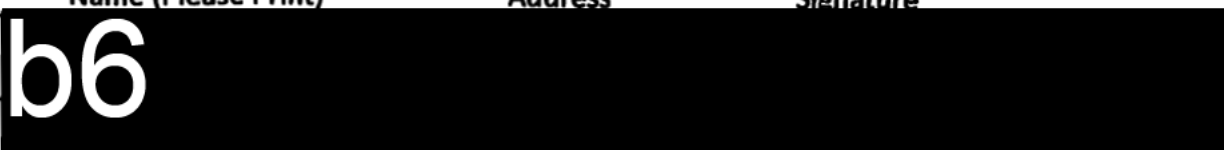
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We the undersigned residents of Arivaca, Arizona hereby petition for the immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

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FOR ARIVACA RESIDENTS

We the undersigned residents of Arivaca, Arizona hereby petition for the Immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

Name (Please Print)

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December 8, 2013

Chief Patrol Agent [b6]
Border Patrol Tucson Headquarters
2430 South Swan Road
Tucson, AZ 85711

To Tucson Sector Border Patrol Chief Agent [b6]

Enclosed is a petition in support of Arivaca residents calling for the immediate removal of the Arivaca Road checkpoint, signed by individuals and organizations in Amado, Tubac, Green Valley, Tucson, and the surrounding areas.

The petition and signatures will also be circulated to the enclosed list of politicians, agencies, and representatives, as well as released to the press.

We support Arivaca residents calling for your response by January 8, 2014.

Thank you for your consideration of our petition.

Supporters of Arivaca Residents

PETITION WILL BE COPIED TO THESE

Names & Addresses For Letter Writing

AGENCIES*
INDIVIDUALS

Department of Homeland Security & Border Protection

Rand Beers, Acting Secretary of Department of Homeland Security
The Honorable Rand Beers
Acting Secretary of Homeland Security
Washington, D.C. 20528

Clark W. Stevens, DHS Assistant Secretary for Public Affairs
Homeland Security
Department Office of Public Affairs
Washington, D.C. 20528

For all Border Protection addressed letters:
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20229

Thomas S. Winkowski, Acting Commissioner of Customs & Border Protection
Kevin K. McAleenan, Acting Deputy Commissioner, U.S. Customs and Border Protection
Melanie Roe, Assistant Commissioner, CBP Office of Public Affairs

b6 [REDACTED], Tucson Sector Border Patrol Chief
b6 [REDACTED], Tucson Sector Deputy Chief
2430 S. Swan Road
Tucson AZ 85711

Politicians

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Senator John McCain
407 West Congress Street
Suite 103
Tucson, AZ 85701

Senator Jeff Flake
6840 North Oracle Road
Suite 150
Tucson, AZ 85704

Representative Raul Grijalva
738 N 5th Ave. Suite 110
Tucson, AZ 85705

State Senator Linda Lopez
1700 W Washington St
Phoenix, AZ 85007

RECEIVED
JUN 10 1998
JUN 10 1998
State Representative Rosanna Gabaldón
State Representative Andrea Dalessandro
House of Representatives
1700 W. Washington
Room 117
Phoenix, AZ 85007

Sharon Bronson, Pima County Board of Supervisors
Pima County Board of Supervisors
130 W. Congress, 11th floor
Tucson, Arizona 85701

Governor Jan Brewer
The Honorable Janice K. Brewer
Executive Tower
1700 West Washington Street
Phoenix, AZ 85007

Law Enforcement

Pima County Sheriff Clarence Dupnik
1750 E. Benson Highway
Tucson, AZ 85714

Santa Cruz County Sheriff Tony Estrada
2170 N. Congress Dr.
Nogales, AZ 85621

Legal

John S. Leonardo, U.S. Attorney, District of Arizona
405 W. Congress Street, Suite 4800
Tucson, AZ 85701-5040

Barbara LaWall, Pima County Attorney
32 N. Stone Avenue
Tucson, Arizona 85701

Tom Horne, Arizona Attorney General
400 West Congress
South Building, Suite 315
Tucson, AZ 85701-1367

PETITION IN SUPPORT FOR NON-RESIDENTS

[To Be Delivered To **b6** Border Patrol Tucson Sector Chief]

We the undersigned hereby petition in solidarity with the residents of Arivaca, Arizona for the immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

Though it was originally created as a tactical and temporary checkpoint, the Arivaca Road checkpoint has been in continual use at the same location for over six years while having no demonstrable effect on its stated purpose—to deter undocumented immigration. Instead, the checkpoint has had the following negative impacts:

-The checkpoint severely interferes with the constitutional rights of local residents.

Residents are intimidated by armed federal agents and subjected to improper questioning and warrantless searches in violation of their 4th, 5th and 14th Amendment rights. It is not possible for residents of Arivaca to leave northbound without passing through one of three area checkpoints. Thus, residents must pass through the checkpoint with regularity, sometimes daily, such that these constitutional rights violations are not merely occasional or minor inconveniences but rather frequent and substantial infringements. People of color experience greater scrutiny and longer detentions at the checkpoint; such racial profiling violates the law as well as the federal government's own guidelines prohibiting any consideration of race or ethnicity in such encounters.

-The checkpoint has a severe economic impact on the local residents.

The checkpoint implies that the area is dangerous to the public, deterring visitors, reducing tourism and dampening economic activity for Arivaca businesses and residents, despite the fact that the surrounding area is among the safest in the state (neighborhoodscout.com/az/crime/). The checkpoint also diminishes local property values. A 2012 study concluded that the nearby I-19 checkpoint is "associated with fairly large negative impacts on the difference in housing prices... and those negative impacts are increasing over time" (*Arizona Republic*, December 28, 2012).

-The checkpoint is part of the increasing militarization of border communities.

The Arivaca Road checkpoint is part of a misguided border enforcement strategy that increases the tragic and unnecessary deaths of migrants, leading to a humanitarian crisis, which extends into the Arivaca community and beyond. Consequently, a generation of Arivaca children and young people are growing up in this militarized zone, where they are taught by experience that the erosion of civil and human rights, freedoms and quality of life is acceptable. At great cost to local residents and U.S. taxpayers, the checkpoint on Arivaca Road has resulted in nothing but fear, anger and mistrust, perpetuating the fiction that increased militarization and the creation of "constitution free zones" are the best and only ways to respond to the complex economic and social issues of the borderlands.

For all of these reasons, this checkpoint must go.

We the undersigned hereby petition in solidarity with the residents of Arivaca, Arizona for the immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

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FOR NON-RESIDENTS

CBP00000160

We the undersigned hereby petition in solidarity with the residents of Arivaca, Arizona for the immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

Name (Please Print)

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We the undersigned hereby petition in solidarity with the residents of Arivaca, Arizona for the immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

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FOR NON-RESIDENTS

CBP00000162

We the undersigned hereby petition in solidarity with the residents of Arivaca, Arizona for the immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

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NON RESIDENTS in Solidarity
FOR ALL VACA BUSINESSES AND ORGANIZATIONS

Name (Please Print)

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We the undersigned hereby petition in solidarity with the residents of Arivaca, Arizona for the immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

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17. *next page - Tucson Samaritans Organization, 317 W. 23rd St., Tucson, AZ 85717*

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We the undersigned hereby petition in solidarity with the residents of Arivaca, Arizona for the immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

Name (Please Print)

Address

Signature

Date

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We the undersigned hereby petition in solidarity with the residents of Arivaca, Arizona for the immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

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FOR NON-RESIDENTS

GP 0000170

We the undersigned hereby petition in solidarity with the residents of Arivaca, Arizona for the immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

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FOR NON-RESIDENTS

CBP00000171

We the undersigned hereby petition in solidarity with the residents of Arivaca, Arizona for the immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

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FOR NON-RESIDENTS

CB-00000173

We the undersigned hereby petition in solidarity with the residents of Arivaca, Arizona for the immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

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We the undersigned hereby petition in solidarity with the residents of Arivaca, Arizona for the immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

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FOR NON-RESIDENTS

CBF 00000177

We the undersigned hereby petition in solidarity with the residents of Arivaca, Arizona for the immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

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Non Residents
We the undersigned residents of ~~Arivaca, Arizona~~ hereby petition for the immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

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Non Residents

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We the undersigned hereby petition in solidarity with the residents of Arivaca, Arizona for the immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

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FOR NON-RESIDENTS

CBP00000181

We the undersigned hereby petition in solidarity with the residents of Arivaca, Arizona for the immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

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FOR NON-RESIDENTS

CBP 00000183

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NON-Residents in Solidarity
FOR ABYSSAL BUSINESSES AND ORGANIZATIONS

Name (Please Print)

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Non
FOR ARIZONA RESIDENTS in solidarity

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Non Resident Petition in
Solidarity

(Please Print)

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P.O. Box 826
Arivaca, AZ 85601

To:

Tucson Sector Border Patrol Chief

b6

Border Patrol Tucson Headquarters

2430 South Swan Road

Tucson, AZ 85711

Tucson Sector Headquarters Routing and Transmittal Slip

SUBJECT: Petition Response to Arivaca Residents and Supporters of Arivaca			Log:	26781
			File No.:	
			Date:	1/15/2014
ROUTED TO:	INITIAL	DATE	COMMENT	
1 (A)DCPA b6	b6	1-15-13	<i>only Response For Arivaca Residents AND only Response For supporters of The Residents - TIA</i>	
2 DCPA b6	b6	1-16	b6	
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IMPORTANT COMMENTS				
<i>Return to b6 when complete</i>				
File Path:				
Routed By:			Contact Number:	
b6			b6	

b6

From: b6
Sent: Friday, April 12, 2013 11:31 AM
To: b6
Cc: b6
Subject: Response Memo - Nogales City Attorney b6
Attachments: CheckPoint Response to Attorney b6 - City of Nogales .pdf

Good Morning,

The attached will mailed out today. Thank you.

v/r,

b6

Staff Assistant to
Chief Patrol Agent
Deputy Chief Patrol Agent
Tucson Sector Headquarters
U.S. Border Patrol
PH: b6
FAX: b6
CELL: b6



**U.S. Customs and
Border Protection**

APR 11 2013

b6

City of Nogales
Office of the City Attorney
777 North Grand Avenue
Nogales, AZ 85621

Dear **b6**

Thank you for raising your concerns about the checkpoints operated by the U.S. Border Patrol on Interstate 19 and providing us with the opportunity to explain our authority to operate checkpoints along our nation's borders. As you may be aware, the State of Arizona sees the largest number of illegal entries and narcotic trafficking than any other portion of our nation's borders. Border Patrol checkpoints are a critical enforcement tool for carrying out the mission of securing our nation's borders against terrorists, smugglers of weapons of terrorism and other contraband, as well as illegal aliens.

The authority to conduct immigration checkpoints has evolved from a series of court decisions interpreting the Immigration and Nationality Act (INA) 287(a)(3) within the context of the Fourth Amendment. Additionally, Section 287(a)(3) of the INA states that Immigration Officers, without warrant, may: "within a reasonable distance from any external boundary of the United States, to board and search for aliens in any vessel within the territorial waters of the United States and any railcar, aircraft, conveyance, or vehicle..". Title 8 of the Code of Federal Regulations, Section (a)(1) defines reasonable distance as 100 air miles from the border. The Supreme Court has affirmed the right of the Border Patrol to conduct reasonably located checkpoint operations while still complying with the requirements of the Fourth Amendment.

With respect to your March 2nd encounter at the checkpoint, our agents are authorized to verify the immigration status of travelers at the checkpoint. Our agents use a wide variety of techniques to conduct these authorized checkpoint operations for the purposes of determining citizenship and immigration status. Furthermore, the development and resolution of each stop may vary, depending on the facts and circumstances. I want to assure you that in properly exercising our legal authority to conduct these operations, we make every effort to minimize any inconvenience to the traveling public. Moreover, we instruct and expect our Agents to be courteous and professional with the traveling public because of the limited interruption our checkpoints create.

We take seriously your complaint with respect to this specific incident. We are always looking to improve upon ourselves while maintaining our operational focus in securing our nation's borders. Be assured that Customs and Border Protection, Tucson Sector Headquarters Border Patrol will continue to operate checkpoints in a safe, efficient, and cost effective manner that respects the stopped traveler, while staying within the legal bounds of our authority.

Per agency guidelines, we have sent your letter to the appropriate division for further review.

Sincerely,

b6

Acting Chief Patrol Agent

cc: Mayor Arturo R. Garino, Nogales, Arizona
b6 Patrol Agent in Charge, Nogales Station

CITY OF NOGALES



OFFICE OF THE CITY ATTORNEY

March 7, 2013

b6

Chief Patrol Agent
2430 S. Swan Road
Tucson, AZ 85711

Re: Incident of March 2, 2013; I-19 Checkpoint; Approximate time 6:30 p.m.

b6

By means of the present I wish to file a complaint regarding the actions of a couple of your Border Patrol Agents in connection with the referenced incident. I believe their actions to be egregious and illegal. It is clearly an example of illegal racial profiling and abuse of authority.

On Saturday, March 2, 2013 at approximately 6:30 p.m. I was traveling northbound on I-19 on my way to Tucson, Arizona. As I approached the checkpoint located near Tubac, Arizona, I saw that all three (3) lanes were backed up with cars. I was in the center lane. There was an agent using a drug detection dog who was checking cars in the lanes. Due to the volume of cars the dog was unable to check each vehicle and was being directed to the various lanes and some of the cars. The dog did not approach my vehicle.

As I approached the Agent on duty, I noted him to have brief conversations with the cars and drivers in front of me before allowing them to proceed. As I approached the agent, the following conversation took place:

Agent:	"Where are you coming from?"
Answer:	"From Nogales, Arizona"
Agent:	"Where are you going?"
Answer:	"Tucson, Arizona"
Agent:	"Where do you live?"
Answer:	"b6 Arizona."
Agent:	"What were you doing in Nogales?"
Answer:	"What do your questions have to do with my immigration status?"
Agent:	"So you don't want to answer? Pull in to secondary right in front of the first cone."

I asked for the agents' name which he refused to provide. I was unable to see his name tag. During this encounter not one (1) question was asked of me regarding my immigration status.

When I pulled into secondary I was approached by Agent b6 according to his name tag. I asked him his first name which he refused to provide. I was told to get out of my vehicle and sit in a chair under a tent structure. I asked Agent b6 why I was referred to secondary and the following transpired:

Answer: "Why was I referred to secondary?"
Agent: "The dog alerted to your truck."
Answer: "No he did not; he did not even approach my truck."
Agent: "Are you a certified dog handler."
Answer: "No I am not, but I have been in law enforcement many years and I know when a dog alerts. Besides like I just said, the dog did not get near my truck."
Agent: "You are a liar, sit down."

From the moment of my first question to him, Agent b6 demeanor, voice, and attempted intimidation, made it clear that he was upset that I would question the reason for my detention and search.

My vehicle was moved and searched. While the asserted reason for the search was the dog alert, it is interesting to note that the dog was never brought over for the subsequent search of the vehicle. The stated reason for the search was obviously pretextual. Moreover, if the drug dog had alerted as claimed, I would have been immediately referred to secondary without the need of questioning. This did not occur, clearly evidencing the pretextual nature of the drug alert claim.

During the search of my vehicle I remained seated where directed. After being seated for approximately 15 to 20 minutes, I was approached by Agent b6 and was told to stand, empty my pockets, and place my hand on my head for a search. I was then subjected to a search of my person, which included the removal and search of my shoes and sweat shirt, along with the contents of my wallet. This search was obviously well beyond of a permissible frisk for safety reasons, although it is hard to conceive how a search after being seated for 15 to 20 minutes surrounded by agents can be premised on safety reasons. There was nothing present justifying even a limited frisk, must less a full blown search. After Agent b6 was finished with his search, he made a deliberate show of throwing my shoes and sweat shirt back to me.

The search of my vehicle obviously provided nothing and after approximately 20 more minutes, I was informed by another agent that I could leave. As I got up to leave, Agent b6 literally screamed "I told you to sit down". I pointed to the Agent who said I could leave and started to walk away. Agent b6 who had begun striding menacingly toward me, stopped and allowed me, although, obviously upset, to leave. During the entire encounter not one single agent inquired regarding my citizenship or asked me for identification.

Unfortunately, I do not believe the incident and conduct described above is isolated. This is not the first time I have been subjected to such abuse; however it is my first written complaint. I am sure that you have received written complaints of a similar nature. I have in my office a Deputy City Attorney who regularly travels to Tucson through the same checkpoint. He has on numerous occasions been pulled into secondary and has had his vehicle subjected to a search. The excuse and reason given each single time was "The dog alerted to your car". Even after the changing of vehicles, and even after having his vehicle checked by a law enforcement drug dog, the detentions and searches continue.

Racial profiling occurs and continues to occur at the checkpoint, regardless of the countless denials by Border Patrol. How many non-Hispanic looking persons get subjected to non-immigration questions? How many declarations of U.S. Citizenship by non-Hispanic looking persons are subjected to further questioning? The tired excuse of "the dog alerted" has worn incredibly thin as a reason to search

Hispanics. Law enforcement agencies are required to keep performance logs concerning each drug dog's alerts, and also each dog's false alerts. Why not make these logs public if in fact the drug dogs are not merely used as excuses?

I am requesting that a thorough investigation be conducted regarding this incident including a review of the drug dog performance logs. With the recent videos showing the prevalence of Border Patrol misconduct, I hope this matter is simply not ignored, denied, or cursorily investigated. Should the accuracy of my recitation above be denied or questioned, I suggest a lie detector test if all the agents involved in this incident would be appropriate. I myself would certainly be willing to submit to such a test.

If you have any questions or need anything additional from me, I am at your disposal.

Sincerely,

b6

Nogales City Attorney

b6

Cc: Congressman Raul Grijalva
738 N. 5th Avenue, Suite 110
Tucson, AZ 85705

Congressman Ron Barber
3945 E. Fort Lowell Road, Suite 211
Tucson, AZ 85712

b6

Nogales Station Patrol Agent in Charge
1500 W. La Quinta Road
Nogales, AZ 85621

Tucson Sector Headquarters Routing and Transmittal Slip

SUBJECT: Complaint from Nogales City Attorney b6			Log:	24066
			File No.:	100/5.5
			Date:	3/12/2013
ROUTED TO:	INITIAL	DATE	COMMENT	
1 DC b6	b6	3/12/13	HAS FILE BEEN SENT TO THE JIC JIC'ed b6	
2 ACPA b6		3/13/13		
3 XO b6		3.18		
4 (A)DC b6		3.18		
5 (A)ACPA b6		3/19		
6				
7				
8				
9				
10				
<div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> <p style="text-align: center; font-weight: bold; font-size: 1.2em;">RECEIVED</p> <p style="text-align: center;">MAR 11 2013</p> <p style="text-align: center;">CHIEF PATROL AGENT TUCSON, ARIZONA</p> </div>				
Document is routed for awareness as we will pc Congressman Barber in the near future regardi well.				
Grijalva and the letter as				
<div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 60%;"> <p style="text-align: center;">Original to DC b6 / ACPA b6</p> </div>				
File Path:				
Routed By: b6			Contact Number: b6	

b6,b7C

From: b6,b7C
Sent: Friday, March 15, 2013 12:58 PM
To: JOINT INTAKE
Subject: Complaint Letter
Attachments: Letter from NGL City Attny 3-15-13.pdf

ALCON,

Please see attached complaint letter from the City Attorney at Nogales, AZ. The complaint is in reference to the attorney's encounter with agents at the I-19 checkpoint, Amado, AZ.

Thank you,

b6,b7C
Investigations and Accountability
b6,b7C (Office)
b6,b7C (Mobile)

b6

Tucson Sector Headquarters Routing and Transmittal Slip

SUBJECT: Complaint Response to b6 Nogales City Attorney			Log:	24284
			File No.:	
			Date:	4/2/2013
ROUTED TO:	INITIAL	DATE	COMMENT	
1 DC b6	b6	4-3-13		
2 XO b6	b6	4-5-13		
3 (A)DC b6	b6	4-8		
4 (A)DCPA b6	b6	4/11/13		
5 (A)CPA b6	b6	4/12/13	* Copy to PIC b6	
6				
7				
8				
9				
10				
IMPORTANT COMMENTS				
<p>Needs Additional Copy to be mailed TO Nogales Mayor Arturo R. Gasión & PAIC b6, All need to be sent out at the same time The X, b6</p>				
File Path: b5, b7E			Response to b6	
Routed By: b6			Contact Number: b6	

b6

b6

b6

RECEIVED**OCT 18 2011****CHIEF PATROL AGENT
TUCSON, ARIZONA**

October 12, 2011

b6

Acting Chief Patrol Agent
U.S. Customs and Border Protection
2430 South Swan Road
Tucson, AZ 85711

Dear Acting Chief b6

Thank you for your letter of July 22, 2011 of which I am enclosing a copy rather than reiterate the facts.

In the aforementioned letter you state that Arizona Department of Transportation will be installing signage related to bicyclists. As of the date of this letter there is nothing more than what appears to be a hand painted wooden sign on a small mobile post located to the East of the third lane under the tent.

I might add that in early September I was out of town for several days and did not make my daily drive through the checkpoint. Upon return and on, or about September 14th I noticed that the aforementioned sign was no longer anywhere to be seen. I made inquiry of Agent b6 and he stated that the bolts had fallen out of the sign and it was lying on the ground by the dog cages. Sure enough there it laid; I assume reflecting someone's opinion of where it should be and what purpose it should be used for. I asked Agent b6 why it was laying there and not up and he commented that they (the agents) recognize most of the riders anyway, although admitting that when they did have it up they had actually found 'a couple' of bicyclists who actually were not U.S. citizens. Following this theory and realizing that my wife and I have passed through this checkpoint almost every day since the first day it was set up on the Agua Linda exit I would think we also should be permitted to simply roll through. Our vehicles are fairly unique, we pass approximately the same time every day and our appearances do not change much from day to day. I am being facetious of course as my entire point of addressing this issue is to insure that our national safety is protected at this checkpoint by not making any exceptions.

I contacted Agent b6 in Nogales and left her a voicemail reporting the downing of the bicycle sign and it went up again shortly thereafter. I do feel however that this issue is apparently not being taken serious by your agents, or perhaps even you in light of Agent b6 cavalier attitude and the fact that someone simply decided to 'pitch' the sign or you do not have command of your troops.

I would like to know from you when the ADOT signs may be installed and some assurance from you that you do realize the importance of everyone being stopped at this checkpoint and that you will somehow convey that to your agents since they apparently do not grasp this concept.

Sincerely,

b6

Cc: Chief b6

b6



**U.S. Customs and
Border Protection**

JUL 22 2011

b6

Dear b6

Thank you for your July 7, 2011 letter regarding the U.S. Border Patrol Interstate 19 checkpoint near Tubac, Arizona.

It is the Border Patrol's policy to inspect all vehicles passing through any checkpoint. Agents within the Nogales Station have been reminded of the importance of inspecting all motorized and non-motorized vehicles seeking passage through the I-19 checkpoint. For safety reasons it is not advisable to have non-motorized vehicles enter the motor vehicle lane of travel especially during periods of high volume. Therefore non-motorized vehicles are generally sent to the secondary inspection area to allow for a safer inspection for all individuals at the checkpoint.

To correct this issue, the Nogales Station will work with the Arizona Department of Transportation on signage that instructs all bicyclists to stop on the east shoulder adjacent to the number three lane of travel and wait to be inspected. In the immediate future until signage can be approved, procured and displayed, the agent inspecting the number three lane will verbally instruct all bicyclists to stop and wait for an agent to perform an inspection.

In addition, the Nogales Station Patrol Agent in Charge over the Interstate 19 checkpoint is looking into the referenced incident with Border Patrol Agent b6 and will take appropriate action. The mission of the U.S. Border Patrol is to protect our Nation's borders, and this includes ensuring the safety of every person passing through U.S. Border Patrol checkpoints.

As always, my staff and I are available to answer any Border Patrol related questions you may have.

Sincerely,

b6

Acting Chief Patrol Agent



U.S. Customs and
Border Protection

b6

October 21, 2011

MEMORANDUM FOR:

b6

(A)Chief Patrol Agent
Tucson Sector

b6

FROM:

b6

Patrol Agent in Charge
Nogales Station

SUBJECT:

b6

Letter Response

b6 voiced his concerns regarding bicyclists not being stopped and inspected at the I-19 Checkpoint in a letter dated July 7, 2011. In response to his inquiry, Nogales Station management took steps to address his concerns.

On October 12, 2011, Tucson Sector Border Patrol received a second letter from b6. The letter was in response to actions taken by the Nogales Border Patrol Station concerning bicycle inspections at the I-19 Checkpoint. b6 complains in his letter that the sign was broken and laying near the canine cage. The sign had, in fact, broken during a recent monsoon and upon, being informed of this, it was repaired promptly and re-erected. Additionally, b6 complains that the US Border Patrol is not taking the issue of inspecting bicycles seriously as the signage is not an ADOT sign. b6 is misinformed in his thinking that the Arizona Department of Transportation (ADOT) will be installing any signage pertaining to bicycles stopping for inspection. The current signage at the I-19 Checkpoint is Federal Highway Administration approved and ADOT approved. There is no known signage in the State of Arizona that requires a bicycle to stop on an interstate highway.

Upon his first complaint, the Nogales Border Patrol Station did submit an ADOT permit modification to allow an internally manufactured "Bicycles Must Stop" sign. This sign was constructed by the Nogales Station welding crew and is placed on the outside shoulder of the primary inspection lanes at the I-19 Checkpoint. The sign is visible and acknowledged by bicyclists passing through the I-19 Checkpoint. I have physically witnessed bicyclists stop and wait to be inspected.

Nogales Station Border Patrol Agents have been reminded to inspect all bicyclists that pass through the I-19 Checkpoint in the manner of other travelers. During this particular time of year bicycle training for the Tour De Tucson is occurring and groups of up to 30 bicyclists pass through the I-19 Checkpoint due to lack of a frontage road. Each bicyclist is inspected in the most expeditious manner to not interfere with the overall I-19 Checkpoint Operations.

Tucson Sector Headquarters				
SUBJECT: Bicycle Signs			Log # 13314	
ROUTING AND TRANSMITTAL SLIP			10/19/2011	
TO:	Comments/Assistant	Draft	Initials	Date
1. XO b6			b6	10/20
2. b6				10/21
3. DC b6	DC b6 See Note Inside			10/25
4.				
5.				
6.				
7.				
8.				
9.				

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Distribution	Prepare Reply
Circulate	For Information	See Me
Comment	Investigate	Signature
Coordination	Justify	Review

Remarks:

CLOSE-OUT

- PAIC **b6**

b6 *FD*

Point of Contact: **b6**

RAÚL M. GRIJALVA
3RD DISTRICT, ARIZONA

COMMITTEE ON NATURAL RESOURCES

PUBLIC LANDS AND ENVIRONMENTAL
REGULATION—RANKING MEMBER

INDIAN AND ALASKA NATIVE AFFAIRS

ENERGY AND MINERAL RESOURCES

COMMITTEE ON EDUCATION AND THE WORKFORCE

EARLY CHILDHOOD, ELEMENTARY,
AND SECONDARY EDUCATION

HEALTH, EMPLOYMENT, LABOR, AND PENSIONS

CONGRESSIONAL PROGRESSIVE CAUCUS
Co-Chair

Congress of the United States
House of Representatives
Washington, DC 20515-0307

WEBSITE: <http://grijalva.house.gov/>

January 23, 2014

1511 LONGWORTH HOB
WASHINGTON, DC 20515
PHONE (202) 225-2435 | FAX (202) 225-1541

738 N. 5TH AVENUE, SUITE 110
TUCSON, AZ 85705
PHONE (520) 622-6788 | FAX (520) 622-0198

130 NORTH STATE AVENUE
P.O. Box 4105
SOMERTON, AZ 85350
PHONE (928) 343-7933 | FAX (928) 343-7949

13065 WEST McDOWELL ROAD, SUITE C-123
AVONDALE, AZ 85392
PHONE (520) 536-3388 | FAX (623) 748-0451

FACEBOOK: [Facebook.com/Rep.Grijalva](https://www.facebook.com/Rep.Grijalva)
TWITTER: [Twitter.com/RepRaulGrijalva](https://twitter.com/RepRaulGrijalva)

Chief **b6**
2430 S. Swan Road
Tucson, AZ 85711

RECEIVED

JAN 27 2014

CHIEF PATROL AGENT
TUCSON, ARIZONA

Dear Chief **b6**

I am writing in support of the recent petition by Arivaca residents to eliminate the U.S. Border Patrol checkpoint which has been occurring on Arivaca Road in Amado, Arizona. This checkpoint was originally created to be temporary, but has been in continual for over six years.

The Arivaca community has shared with me various concerns, such as the severe economic impact on the local residents, the increase in militarization that has proven to increase migrant deaths and numerous violations of the constitutional rights of U.S. citizens.

The signatures of over 240 residents of the Arivaca community as well as ten local businesses have been gathered to date, and signature collections are ongoing. Given that the adult population of Arivaca is just over 600 people, this petition represents the position of a significant portion of the Arivaca community. Arivaca residents requested you respond to their petition by January 8th, 2014, but they have not heard from you to this date.

I respectfully request a thorough review and full consideration of the petition. We are committed to working with you to ensure the safety of the Amado community, and welcome your thoughts on this matter.

Sincerely,



Raúl M. Grijalva
Member of Congress

[To Be Delivered To b6 Border Patrol Tucson Sector Chief]

We the undersigned residents of Arivaca, Arizona hereby petition for the immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

Though it was originally created as a tactical and temporary checkpoint, the Arivaca Road checkpoint has been in continual use at the same location for over six years while having no demonstrable effect on its stated purpose—to deter undocumented immigration. *Instead, the checkpoint has had the following negative impacts:*

-The checkpoint severely interferes with the constitutional rights of local residents.

Residents are intimidated by armed federal agents and subjected to improper questioning and warrantless searches in violation of their 4th, 5th and 14th Amendment rights. It is not possible for Arivaca residents to leave northbound without passing through one of three area checkpoints. Thus, locals must pass through the checkpoint with regularity, sometimes daily, such that these constitutional rights violations are not merely occasional or minor inconveniences but rather frequent and substantial infringements. People of color experience greater scrutiny and longer detentions at the checkpoint; such racial profiling violates the law as well as the federal government's own guidelines prohibiting any consideration of race or ethnicity in such encounters.

-The checkpoint has a severe economic impact on the local residents.

The checkpoint implies that the area is dangerous to the public, deterring visitors, reducing tourism and dampening economic activity for Arivaca businesses and residents, despite the fact that the surrounding area is among the safest in the state (neighborhoodscout.com/az/crime/). The checkpoint also diminishes local property values. A 2012 study concluded that the nearby I-19 checkpoint is "associated with fairly large negative impacts on the difference in housing prices... and those negative impacts are increasing over time" (*Arizona Republic*, December 28, 2012).

-The checkpoint is part of the increasing militarization of border communities.

The Arivaca Road checkpoint is part of a misguided border enforcement strategy that increases the tragic and unnecessary deaths of migrants, leading to a humanitarian crisis, which extends into the Arivaca community and beyond. Consequently, a generation of Arivaca children and young people are growing up in this militarized zone, where they are taught by experience that the erosion of civil and human rights, freedoms and quality of life is acceptable.

At great cost to local residents and U.S. taxpayers, the checkpoint on Arivaca Road has resulted in nothing but fear, anger and mistrust, perpetuating the fiction that increased militarization and the creation of "constitution free zones" are the best and only ways to respond to the complex economic and social issues of the borderlands.

For all of these reasons, this checkpoint must go.

Congress of the United States
House of Representatives
Washington, DC 20515

OFFICIAL BUSINESS



Paul W. Higgins
M.C.

CBP00000206



LAPUSP1 85711



b6

From: b6
Sent: Wednesday, April 20, 2011 1:43 PM
To: b6
Cc: b6
Subject: Congressional Response - John McCain

Follow Up Flag: Follow up

Flag Status: Completed

All,

Please close out the Congressional Response tasking from OBP HQ – log # 11191. We have submitted our draft to SWB who will handle the official response.

ACPA b6

Tucson Sector Border Patrol
office: b6
cell: b6

JOHN MCCAIN
ARIZONA

COMMITTEE ON ARMED SERVICES
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
COMMITTEE ON HEALTH,
EDUCATION, LABOR, AND PENSIONS
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS
COMMITTEE ON INDIAN AFFAIRS

United States Senate

241 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-0303
(202) 224-2235

5353 NORTH 18TH STREET
SUITE 105
PHOENIX, AZ 85018
(602) 952-2410

122 NORTH CORTEZ STREET
SUITE 108
PRESCOTT, AZ 86301
(928) 445-0833

4703 SOUTH LAKESHORE DRIVE
SUITE 1
TEMPE, AZ 85282
(480) 897-6289

407 WEST CONGRESS STREET
SUITE 103
TUCSON, AZ 85701
(520) 670-6334

TELEPHONE FOR HEARING IMPAIRED
(602) 952-0170

March 10, 2011

b6

Acting Director
Office of U.S. Border Patrol
1300 Pennsylvania Avenue, N.W.
Washington, DC 20229

Dear b6

Refer to: U.S. Border Patrol Checkpoint
Douglas, Arizona

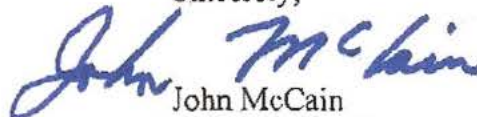
I wish to bring to your attention a matter concerning my constituent, b6
b6 who has encountered a problem with a border check point in Douglas, Arizona
that she alleges is not adequately monitored.

Please investigate, within existing rules, regulations and ethical guidelines, the
statements made in the enclosed letter and return the response to me with the enclosures.
MARK ALL CORRESPONDENCE TO:

Attn: b6
Office of Senator John McCain
4703 S. Lakeshore Drive
Suite 1
Tempe, AZ 85282

The response you provide will be most appreciated and will be forwarded to my
constituent. If you should have any questions in the meantime, you can reach my office at
(480) 897-6289. I look forward to your reply at your earliest convenience.

Sincerely,


John McCain
United States Senator

JM b6
attachments

CBP00000208

b6
b6
b6

FEB 28 2011

Honorable John McCain
5353 N 16th Street Ste 105
Phoenix AZ 85016

Dear Senator:

I am writing you with great concern regarding the US Border Patrol. I regularly pass through the Border Patrol check point on highway 191 near Douglas Arizona. I have never been stopped, questioned or asked for ID when passing through this check point.

A matter of fact most of the time the agents at this check point are standing around talking, drinking, what I am hoping is coffee, or not present at the check point shack at all. In fact on February 19, 2011 at approximately 4:30 pm or 5:00 pm this check point was totally closed. Upon calling the Border Patrol they said it was closed because of the wind. Well to me that is not an acceptable excuse for having the check point closed. I am sure that all of those illegal's did not stop crossing because of the wind.

I have several times call the Border Patrol to advise them of my concerns regarding this check point but nothing has changed. That is why I am writing your office.

I am an older woman, traveling alone in a SUV sometimes in the dark. So you can see my concerns. What if there was someone in the back of my vehicle and what is I was being held hostage with a weapon to my head. I just think that there needs to be more vigilance on the part of these agents. Collecting a paycheck every two weeks is nice but lets earn it. That particular check point I am sure is not that busy that they cannot stop a vehicle, check for ID or just ask a question regarding citizenship. I, for one would not object and I am sure not many would.

I thank you for listening to me and I hope that something can be done about this lax situation.

Sincerely Yours,

b6

RECEIVED

MAR 28 2011

CBP00000209

BY: OBP Headquarters

b6

From: b6
Sent: Monday, April 18, 2011 9:39 AM
To: b6
Subject: FW: Congressional - McCain
Follow Up Flag: Follow up
Flag Status: Completed
Attachments: CONG - Sen McCain RE - Checkpoint unattended.pdf; McCain-closed chkpts (final sent to b6).doc

Here is the final letter for formatting and processing. Thank you.

b6

Director
Tucson Sector Policy and Compliance Division
b6 - Office
b6 - Cell

From: b6
Sent: Friday, April 01, 2011 2:40 PM
To: b6
Cc: b6
Subject: Fw: Congressional - McCain

b6

Can I get a cover for the CPA's signature.

Thanks,

b6

From: b6
To: b6
Cc: b6
Sent: Thu Mar 31 19:06:44 2011
Subject: Congressional - McCain

Chief,

Here is the Mc Cain Letter with Revisions.

Please advise if you want changes. If you are good with it I will have it logged and PDFed and generate a cover for the CPA.

Thank you,

b6

Associate Chief
Operations Division
US Border Patrol

CBP00000210

4/29/2011

Tucson Sector Headquarters

Office: b6 [REDACTED]

Cell: b6 [REDACTED]

Outlook: b6 [REDACTED]@DHS.Gov

b6

JAN 11 2011



U.S. Customs and
Border Protection

b6

Dear b6:

I read your complaint submitted to U.S. Customs and Border Protection's online Complaints Center regarding your November 26, 2010, experience at our checkpoint on Highway 90. I assure you the Border Patrol views complaints seriously and takes corrective action where appropriate.

I forwarded your complaint to Patrol Agent in Charge b6, Willcox Border Patrol Station, as his station is responsible for operating the Highway 90 checkpoint. He will contact you directly to discuss your encounter.

The Border Patrol strives to operate checkpoints efficiently and professionally. Pursuant to U.S. law, Border Patrol agents may stop each vehicle encountered at Border Patrol checkpoints and inquire as to the citizenship and nationality of the vehicle occupants, to include requesting to inspect any documents evidencing the occupants' right to be in the United States.

Additionally, any alien present in the U.S. is required to retain, in his or her possession, documents verifying their right to remain in the United States. Only original documents are acceptable. 8 U.S. Code § 1304 (e) provides as follows:

"Every alien 18 years of age and over shall, at all times, carry and have in his or her possession any certificate of alien registration or alien registration receipt card issued to him or her pursuant to subsection (d). Any alien who fails to comply with the provisions of this subsection shall be guilty of a misdemeanor and shall, upon conviction for each offense, be fined not to exceed \$100 or be imprisoned not more than 30 days, or both."

I hope this clarifies the responsibility for the documentary requirements of aliens within the United States. If you still have unanswered questions, please feel free to contact my office at b6.

Sincerely,

b6

Chief Patrol Agent

Reference #
b6

Status
Solved

Assigned To
Complaints Team
b6

Product
Rude/Insulting Treatment
Hostile Demeanor

Category
Tucson Sector (Arizona)
Sonoita

Disposition
With No Action

SLA
Not specified

Queue
Complaints

Date Created
12/01/2010 05:55 PM

Initial Response
12/03/2010 09:26 AM

Last Updated
12/07/2010 10:16 AM

Date Closed
12/07/2010 10:16 AM

b5

Anonymous complaint of unprofessional BPA.

Discussion Thread

Response b6 12/07/2010 10:16 AM
Thank you for the contact information, b6. I have forwarded your information to the Border Patrol office that handles complaints. You should receive a response from them in approximately 30 days.

Customer b6 12/03/2010 03:10 PM
b6
b6
b6
I don't know what sector it was. The only check point between Sierra Vista and Benson. What happened was. We pulled up to the check point and I was eating some chips. It took me less then 30 seconds to wipe my fingers in order to roll my window down. The officer first question was "Is this your first time coming through this check point". He said that statement in Spanish. I responded no. His next comment was "what took your ass so long to roll your window down". He also said "why didn't you have your documents ready" and "didn't you see the sign". I have been through that check point many times and there is no sign that states "have your documents ready". Just as he was handing my documents back his last statement "get the hell out of here".
— On Fri, 12/3/10, Customer Service Center wrote:
From: Customer Service Center
Subject: Anonymous complaint of unprofessional BPA. [Incident: b6]
To: b6
Date: Friday, December 3, 2010, 7:26 AM

Response b6 12/03/2010 09:26 AM
Thank you for contacting the CBP Complaints Center online b6. I am sorry to learn of your experience at the Border Patrol checkpoint. CBP takes allegations of unprofessional conduct seriously and we appreciate that you took the time to inform us of this incident. Can you please provide your full name, telephone number, and mailing address? I would like to forward your complaint to the Border Patrol Office for review and action. The Border Patrol will respond directly to your complaint by regular mail, which is why we need your mailing address. Should additional information be needed, having your telephone number would be helpful to contact you directly. Also, if you could let me know if this was the Tucson or Yuma Sector and provide a detailed description of the incident, it would be most helpful. Please state what he did or said that was vulgar.
I look forward to your response so that I can better assist you.

Auto-Response 12/01/2010 05:55 PM
Title: Duty on goods purchased overseas being exported for repair, alteration, processing, replacement, exchange, upgrade, or for use abroad
Link: https://help.cbp.gov/app/answers/detail/a_id/377
Title: Mail - Goods for repair or alteration
Link: https://help.cbp.gov/app/answers/detail/a_id/133
Title: Duty on U.S. made goods returning to the U.S.
Link: https://help.cbp.gov/app/answers/detail/a_id/375
Title: Paying duty on returned goods to the U.S. for repair/alteration
Link: https://help.cbp.gov/app/answers/detail/a_id/614
Title: Moving to the U.S. - Definition of a returning resident
Link: https://help.cbp.gov/app/answers/detail/a_id/352

Customer b6 12/01/2010 05:55 PM
On 11/26/2010 around 8:20pm my family and myself were returning from Sierra Vista AZ. We were stopped at the check point on highway 90, between Sierra Vista and Benson AZ. By a 5 foot 7 or 8 inches tall, about 170 lbs, hispanic looking officer. He was very rude and vulgar.
b6 :

Primary Contact

First Name: b6
Last Name: b6
Organization:
Login: b6
Title:
Contact Type:
Email: b6
Email - Alternate #1:
Email - Alternate #2:
Office Phone: Port Of Entry-Sweetgrass Area Port Port
Mobile Phone:
Fax:
Assistant Phone:
Home Phone:
Street
City
State/Province
Postal Code
Country

Additional Information

b6

From: **b6**
Sent: Wednesday, December 15, 2010 9:58 AM
To: **b6**
Cc: **b6**
Subject: FW: Citizen Complaint 11.26.10
Follow Up Flag: Follow up
Flag Status: Completed
Attachments: Citizen Complaint - **b6** (11.26.10).pdf

All,

Please see the attached memoranda and Article 31(b) Advisements relating to the complaint lodged by **b6**. The memorandum from Del Rio Sector/Carrizo Springs Station BPA **b6** was requested, but not yet received. I am working with FOS **b6** to try and get that memorandum today.

Please contact me with any questions or concerns.

Thanks,

b6

(A) APAIC
Willcox, Arizona

b6

Cell

12/15/2010

CBP00000215

b6

200 S. Rex Allen Jr. Rd.
Willecox, Arizona 85643



U.S. Customs and
Border Protection

December 14, 2010

MEMORANDUM FOR: b6
Chief Patrol Agent
Tucson Sector

FROM: b6 b6
Acting Patrol Agent in Charge
Willecox Station

SUBJECT: Citizen's Complaint

The Willecox Border Patrol Station received a complaint concerning an agent being rude and using vulgar language towards a subject, b6, that traveled through the Highway 90 Checkpoint in Whetstone, Arizona on November 26, 2010 at approximately 8:20 PM.

All agents assigned to the Highway 90 Checkpoint during the time of the complaint were directed to complete a memorandum detailing their knowledge of and involvement in the contact with the complainant. The memorandum and Article 31(b) Advisement have been requested but not yet received from BPA b6 of the Del Rio Sector, Carrizo Springs Station.

Attached please find the following correspondence related to this complaint.

Memorandum from FOS b6
Memorandum from SBPA b6
Memorandum from BPA b6
Article 31(b) Advisement signed by b6
Memorandum from BPA b6
Article 31(b) Advisement signed by BPA b6
Memorandum from BPA b6
Article 31(b) Advisement signed by b6
Memorandum from BPA b6
Article 31(b) Advisement signed by BPA b6
Memorandum from BPA b6
Article 31(b) Advisement signed by BPA b6
Memorandum from BPA b6
Article 31(b) Advisement signed by b6
Memorandum from BPA b6
Article 31(b) Advisement signed by b6
G-481 Daily Unit Assignment Logs

CBP00000216

b6

December 14, 2010



200 S. Rex Allen Jr. Rd.
Willcox, Arizona 85643

U.S. Customs and
Border Protection

MEMORANDUM FOR:

b6

Chief Patrol Agent
Tucson Sector

FROM:

b6

Field Operations
Willcox Station

b6

SUBJECT:

Citizen Complaint

The Willcox Border Patrol Station received a complaint concerning an agent being rude and using profane language towards a subject that had travelled through the Highway 90 Checkpoint in Whetstone, Arizona on November 26, 2010.

Attached are the correspondence relating to this complaint.

Memorandum from SBPA b6

Memorandum from BPA b6

Article 31(b) Advisement signed by BPA b6

Memorandum from BPA b6

Article 31(b) Advisement signed by BPA b6

Memorandum from BPA b6

Article 31(b) Advisement signed by BPA b6

Memorandum from BPA b6

Article 31(b) Advisement signed by BPA b6

Memorandum from BPA b6

Article 31(b) Advisement signed by BPA b6

Memorandum from BPA b6

Article 31(b) Advisement signed by BPA b6

Memorandum from BPA b6

Article 31(b) Advisement signed by BPA b6

Memorandum from BPA b6

Article 31(b) Advisement signed by BPA b6

G-481 Daily Unit Assignment Log, Team B (SPV 1400-2200 Shift), November 26, 2010

G-481 Daily Unit Assignment Log, Team Canine (SPV 1400-2200 Shift), November 26, 2010

b6

December 09, 2010



200 S. Rex Allen Jr. Rd.
Willcox, Arizona 85643

U.S. Customs and
Border Protection

MEMORANDUM FOR

b6

Chief Patrol Agent
Tucson Sector

FROM

b6

Supervisory Border Patrol Agent
Willcox Station

SUBJECT:

Highway 90 Checkpoint Complaint

On November 26, 2010 I was the assigned duty supervisor at the highway 90 Checkpoint. At no point during my shift was it brought to my attention that one of the Agents working acted in a non professional manner or that anybody wished to make a complaint regarding how they were treated at the checkpoint. My normal procedure involving a complaint is to gather as much information as possible and then quickly notify my Field Operations Supervisor. At no point through out the shift did I speak to anyone wishing to make a complaint.

b6

CBP00000218



U.S. Customs and
Border Protection

b6

December 11, 2010

MEMORANDUM FOR:

b6
Chief Patrol Agent
Tucson Sector

FROM:

b6 b6
Border Patrol Agent
Eagle Pass Station

SUBJECT:

Citizen Report

On November 26, 2010, I was assigned as the primary agent at the checkpoint located on (Highway 90) in Whetstone, Arizona. At approximately 2020 hours two subjects, a male driver and a female passenger, stopped at said checkpoint. After several seconds at the stop sign just sitting there, the driver of the vehicle proceeded to lower the driver's side window. I said good evening and asked both driver and passenger if they were U.S citizens. The female passenger replied she was a U.S citizen and the driver proceeded to take out his LAPR card from his wallet. I respectfully asked the driver if this was his first time through this checkpoint and he responded that it was not.

I proceeded to ask the driver why it took him several seconds to lower his window and to hand over his LAPR card to me for inspection. He answered he could take as long as he wants. I responded excuse me sir, but did you not see the signs saying that this was an Immigration Checkpoint? If you have your documents ready for inspection, it would make for a faster procedure for you and since this is not your first time through a checkpoint you should already know to have your documents ready. He answered whatever and that he did not see any signs stating to have his documents ready.

I suggested that next time he approached a checkpoint he should have his documents ready for inspection and the window down to make the process faster for him. I gave him back his card. At that point the female passenger stated that I did not need to be so rude. I did not hear her statement the first time and therefore I responded, excuse me? She repeated the statement. I responded that they were cleared and that they can continue on there way. The driver proceeded to drive off and then stopped his vehicle and said for me to get back to work. Then they drove off again.

At no point in this encounter was I rude or did I use any profanity towards the driver or the passenger in the vehicle. Despite the rudeness of the driver, I feel I maintained a professional and courteous attitude during the whole encounter, with both driver and passenger.

b6

b6

December 11, 2010



850 N. Hwy. 85
Why, Arizona 85321

U.S. Customs and
Border Protection

MEMORANDUM FOR:

b6

Border Patrol Agent
Eagle Pass Station

FROM:

b6

b6

Supervisory Border Patrol Agent
Ajo Station

SUBJECT:

Annual Notice of Right to Union Representation-
Weingarten Notice

In order to conform with the requirements of Section 7114 of the Civil Service Reform Act of 1978, it is necessary to notify all members of bargaining units of their right to be represented by the Union in a meeting where investigation of an employee might lead to disciplinary action. This notification, which has come to be known as the "Weingarten notice," must be distributed annually. Failure to make the distribution leaves the agency vulnerable to charges that employees have not been given fair notice of their rights under the Act.

Section 7114(a)(2) of the Civil Service Reform Act of 1978 states:

"(2) An exclusive representative of an appropriate unit in an agency shall be given the opportunity to be represented at -

(B) any examination of an employee in the unit by a representative of the agency in connection with an investigation if -

(i) the employee reasonably believes that the examination may result in disciplinary action against the employee; and

(ii) the employee requests representation."

Article 31 - of the Collective Bargaining Agreement**Formal Meetings and Investigate Interviews**

A. The Union shall be given the opportunity to be represented at any formal discussion between one or more representatives of the Service and one or more employees in the unit of their representatives concerning any grievance or any personnel policy or practices or other general conditions of employment.

B. (1) The Service will provide the Union the opportunity to be represented at any examination of an employee in the unit be a representative of the Service if:

a. The employee reasonably believes that the examination may result in disciplinary action against the employee; and

b. The employee requests representation.

(2) The employer will advise employees in the unit of this right annually and will post the annual notice throughout the year on bulletin boards where notices for employees are normally posted.

(3) The Service agrees prior to taking a written or sworn statement from an employee, or when an employee is going to be interrogated before witnesses which may lead to disciplinary action against the employee, he or she will be advised in writing of his or her right to be represented by the Union.

The failure to obtain representation will not delay the interrogation by more than 48 hours from the time the employee receives notice of the interrogation. The employee and the Union will promptly designate the representative and make reasonable efforts to minimize the delay. Upon request, a reasonable extension of time will be granted when the representative must travel more than 100 miles to represent the employee.

C. Normally, an employee who is a witness in an investigation is not entitled to Union representation; however, an employee who is requested to give information concerning another person and who refuses to do voluntarily will be entitled to representation upon request if he or she reasonably believes that the examination may result in discipline against him or her.

This memorandum shall serve as the annual notice as per the Civil Service Reform Act and as the written notice as per the Collective Bargaining Agreement.

b6

Supervisor's Signature

b6

E

Signature

Date of Advisement

12/11/10



U.S. Customs and
Border Protection

b6

December 10, 2010

MEMORANDUM FOR:

b6

Chief Patrol Agent
Tucson Sector

FROM:

b6

Border Patrol Agent
Eagle Pass South Station

SUBJECT:

Citizen Complaint

On December 10, 2010, I was advised about a citizen complaint. I was advised that the complaint was for a situation that took place at the U.S. Border Patrol Checkpoint located on Highway 90 in Willcox, Arizona, on November 26, 2010. I do not recall that situation or any other situation that could have led to a citizen's complaint. However, according to the CJ-481 I was there when the incident happened. I also want to mention that I always treated every citizen that went through that checkpoint accordingly and with respect.

b6

December 10, 2010



850 S. Third St.
Wixom, Arizona 86041

U.S. Customs and
Border Protection

MEMORANDUM FOR

b6

Border Patrol Agent
Eagle Pass South Station

FROM

b6

Supervisory Border Patrol Agent
Ajo Station

Subject

Annual Notice of Right to Union Representation-
Weingarten Notice

In order to conform with the requirements of Section 7114 of the Civil Service Reform Act of 1978, it is necessary to notify all members of bargaining units of their right to be represented by the Union in a meeting where investigation of an employee might lead to disciplinary action. This notification, which has come to be known as the "Weingarten notice," must be distributed annually. Failure to make the distribution leaves the agency vulnerable to charges that employees have not been given fair notice of their rights under the Act.

Section 7114(a)(2) of the Civil Service Reform Act of 1978 states:

"(2) An exclusive representative of an appropriate unit in an agency shall be given the opportunity to be represented at -

(B) any examination of an employee in the unit by a representative of the agency in connection with an investigation if

(i) the employee reasonably believes that the examination may result in disciplinary action against the employee; and

(ii) the employee requests representation."

Article 31 of the Collective Bargaining Agreement

Formal Meetings and Investigate Interviews

A. The Union shall be given the opportunity to be represented at any formal discussion between one or more representatives of the Service and one or more employees in the unit of their representatives concerning any grievance or any personnel policy or practices or other general conditions of employment.

B. (1) The Service will provide the Union the opportunity to be represented at any examination of an employee in the unit by a representative of the Service if:

a. The employee reasonably believes that the examination may result in disciplinary action against the employee; and

b. The employee requests representation.

(2) The employer will advise employees in the unit of this right annually and will post the annual notice throughout the year on bulletin boards where notices for employees are normally posted.

(3) The Service agrees prior to taking a written or sworn statement from an employee, or when an employee is going to be interrogated before witnesses which may lead to disciplinary action against the employee, he or she will be advised in writing of his or her right to be represented by the Union.

The failure to obtain representation will not delay the interrogation by more than 48 hours from the time the employee receives notice of the interrogation. The employee and the Union will promptly designate the representative and make reasonable efforts to minimize the delay. Upon request, a reasonable extension of time will be granted when the representative must travel more than 100 miles to represent the employee.

C. Normally, an employee who is a witness in an investigation is not entitled to Union representation; however, an employee who is requested to give information concerning another person and who refuses to do voluntarily will be entitled to representation upon request if he or she reasonably believes that the examination may result in discipline against him or her.

This memorandum shall serve as the annual notice as per the Civil Service Reform Act and as the written notice as per the Collective Bargaining Agreement.

b6

12/30/2010

Supervisor's Signature Employee Signature Date of Advisement

b6

December 14, 2010



200 S. Rex Allen Jr. Rd.
Willcox, Arizona 85643

U.S. Customs and
Border Protection

MEMORANDUM FOR:

b6

Chief Patrol Agent
Tucson Sector

FROM:

b6

Border Patrol Agent
Willcox Station

SUBJECT:

Highway 90 Checkpoint Complaint

On November 26, 2010 I was working in the San Pedro Valley at the highway 90 checkpoint. At no point in my shift did I use rude language or be unprofessional to any citizen or witness any Agent conduct themselves in this manner to any citizen.

ARTICLE 31 B (3) ADVISEMENT

Advisement of Union representation as explained in Article 31 B (3) of the Labor Management Contract. (Revised, 1/95).

Article 31 B (3) The Service agrees to prior to taking a written or sworn statement from an employee, or when an employee is going to be interrogated before witnesses which may lead to disciplinary action against the employee, he or she will be advised in writing of his or her right to be represented by the Union.

This form is to serve as written advisement of right to Union Representation as stated above.

b6

Supervisor's Signature

12/14/2010

Date of Advisement

b6

Employee's Signature

12/14/2010

Date of Receipt

b6

200 S. Rex Allen Jr. Rd.
Willcox, Arizona 85643



U.S. Customs and
Border Protection

December 09, 2010

MEMORANDUM FOR

b6

Chief Patrol Agent
Tucson Sector

FROM:

b6

b6

Border Patrol Agent
Willcox Station

SUBJECT

Highway 90 Checkpoint Complaint

On November 26, 2010 I was working my assigned duties at the highway 90 checkpoint. At no point did I observe any agents being rude to civilians coming through the checkpoint. At no point was I rude to any civilians at the checkpoint. Nor did I witness any civilians attempting to file a complaint because of an agent's actions.

ARTICLE 31 B (3) ADVISEMENT

Advisement of Union representation as explained in Article 31 B (3) of the Labor Management Contract. (Revised, 1/95).

Article 31 B (3) The Service agrees to prior to taking a written or sworn statement from an employee, or when an employee is going to be interrogated before witnesses which may lead to disciplinary action against the employee, he or she will be advised in writing of his or her right to be represented by the Union.

This form is to serve as written advisement of right to Union Representation as stated above.

b6

Supervisor's Signature

12/09/2010

Date of Advisement

b6

Employee's Signature

12/09/2010

Date of Receipt

b6

December 10, 2010



200 S. Rex Allen Jr. Rd.
Willcox, Arizona 85643

**U.S. Customs and
Border Protection**

MEMORANDUM FOR:

b6

Chief Patrol Agent
Tucson Sector

FROM:

b6

Border Patrol Agent
Willcox Station

SUBJECT:

Highway 90 Checkpoint Complaint

On November 26, 2010 I was working my assigned duties at the highway 90 checkpoint. On this day I was assigned to field operations and was not physically present at the checkpoint during the time in question. I did not observe any agents being rude to civilians coming through the checkpoint nor did I speak with any civilians traveling through the checkpoint. Nor did I witness any civilians attempting to file a complaint because of an agent's actions or my own.

b6

b6



200 S. Rex Allen Jr. Rd.
Willcox, Arizona 85643

December 10, 2010

U.S. Customs and
Border Protection

MEMORANDUM FOR:

b6

Border Patrol Agent
Willcox Station

FROM:

b6

Supervisory Border Patrol Agent
Willcox Station

SUBJECT:

Notice of Right to Union Representation

The Civil Service Reform Act gives some employees the right to have a union representative present at meetings involving an examination by a representative of the agency in connection with an investigation under the following circumstances:

Section 7114(a)(2) of the Civil Service Reform Act of 1978 states

(2)(B) any examination of an employee in the unit by a representative of the agency in connection with an investigation if

- (i) the employee reasonably believes that the examination may result in disciplinary action against the employee; and
- (ii) the employee requests representation.

Therefore, as also required by Section 7114(a)(3), you are hereby given notice of the right set forth in this provision.

I acknowledge receipt of this memorandum.

b6

Employee's Signature

Date

12-16-10

b6

200 S. Rex Allen Jr. Rd.
Willcox, Arizona 85643



U.S. Customs and
Border Protection

December 10, 2010

MEMORANDUM FOR:

b6

Chief Patrol Agent
Tucson Sector

FROM:

b6

Border Patrol Agent
Willcox Station

b6

SUBJECT:

Highway 90 Checkpoint Complaint

On November 26, 2010 I was working my assigned duties at the highway 90 checkpoint. I was not rude or vulgar to any civilians while I was working at the checkpoint that day. I did not observe any agents being rude to civilians coming through the checkpoint. Nor did I witness any civilians attempting to file a complaint because of an agent's actions or my own.

b6

ARTICLE 31 B (3) ADVISEMENT

Advisement of Union representation as explained in Article 31 B (3) of the Labor Management Contract. (Revised, 1/95).

Article 31 B (3) The Service agrees to prior to taking a written or sworn statement from an employee, or when an employee is going to be interrogated before witnesses which may lead to disciplinary action against the employee, he or she will be advised in writing of his or her right to be represented by the Union.

This form is to serve as written advisement of right to Union Representation as stated above.

b6

Supervisor's Signature

12/09/2010

Date of Advisement

b6

Employee's Signature

12/09/2010

Date of Receipt

b6

December 10, 2010



200 S. Rex Allen Jr. Rd.
Willcox, Arizona 85643

**U.S. Customs and
Border Protection**

MEMORANDUM FOR:

b6

Chief Patrol Agent
Tucson Sector

FROM:

b6

Border Patrol Agent
Willcox Station

SUBJECT:

Highway 90 Checkpoint Complaint

On November 26, 2010 I was working my assigned duties at the highway 90 checkpoint. At no time did I observe any agents being rude to civilians passing through the checkpoint. Nor was I personally rude to any person passing through the checkpoint. I have no knowledge of any civilians attempting to file a complaint due to an agent's actions.

b6

ARTICLE 31 B (3) ADVISEMENT

Advisement of Union representation as explained in Article 31 B (3) of the Labor Management Contract. (Revised, 1/95).

Article 31 B (3) The Service agrees to prior to taking a written or sworn statement from an employee, or when an employee is going to be interrogated before witnesses which may lead to disciplinary action against the employee, he or she will be advised in writing of his or her right to be represented by the Union.

This form is to serve as written advisement of right to Union Representation as stated above.

b6

Supervisor's Signature

12/09/2010

Date of Advisement

b6

Employee's Signature

12/09/2010

Date of Receipt

b6

530 East Grant Street
Willcox, Arizona 85643



**U.S. Customs and
Border Protection**

December 14, 2010

MEMORANDUM FOR:

b6

Chief Patrol Agent
Tucson Sector

FROM:

b6

Border Patrol Agent
Willcox Station

SUBJECT:

Checkpoint Complaint.

I was informed of a complaint that took place on November 26th. I was not working primary that day and was not rude to anyone myself and I did not witness any agents being rude to anyone.

ARTICLE 31 B (3) ADVISEMENT

Advisement of Union representation as explained in Article 31 B (3) of the Labor Management Contract. (Revised, 1/95).

Article 31 B (3) The Service agrees to prior to taking a written or sworn statement from an employee, or when an employee is going to be interrogated before witnesses which may lead to disciplinary action against the employee, he or she will be advised in writing of his or her right to be represented by the Union.

This form is to serve as written advisement of right to Union Representation as stated above

b6

Supervisor's Signature

12/14/2010

Date of Advisement

b6

Employee's Signature

12/14/2010

Date of Receipt

G-481 Daily Unit Assignment Log, Team B

Office: ICAWCA

Friday, November 26, 2010

Zone	Assignment	Fleet #	Star #	Agent Name	Shift	Comments
b2,b6,b7C,b7E						

Department of Homeland Security - Customs and Border Protection
Sensitive But Unclassified

Total Manpower is

b2,b6,b7C,b7E

Examined and Approved by

b7E

12/3/2010

G-481 Daily Unit Assignment Log, Team **Cannet**

Office: TCA-WA2N

Friday, November 26, 2016

Zone	Assignment	Fleet #	Star #	Agent Name	Shift	Comments
b2,b6,b7C,b7E						

Department of Homeland Security, Customs and Border Protection
Sensitive But Unclassified

Total Manpower: b2,b6,b7C,b7E

Examined and Approved by _____

b7E

12/9/2016

Tucson Sector Headquarters

SUBJECT: b6 [REDACTED] Complaint Letter
Checkpoint 90

Log # 10073

b6

ROUTING AND TRANSMITTAL SLIP

TO:	Comments/Assistant	Draft	Initials	Date
1. ACPA b6 [REDACTED]			b6 [REDACTED]	3-11
2. DC b6 [REDACTED]				13/11
3. DC b6 [REDACTED]				14/11
4. DCPA	OK	b6 [REDACTED]		17/10
5. CPA				
6.				
7.				
8.				
9.				

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Distribution	Prepare Reply
Circulate	For Information	See Me
Comment	Investigate	Signature
Coordination	Justify	Review

Remarks:

cc: b6 [REDACTED] in WCK

Point of Contact:

b6 [REDACTED]

Room - Bldg.

Phone No.

b6

From: **b6**
Sent: Friday, December 31, 2010 3:53 PM
To: **b6**
Cc: **b6**
Subject: FW: **b6** -checkpoint2.doc
Follow Up Flag: Follow up
Flag Status: Blue
Attachments: **b6** -checkpoint2.doc

b6

The attached needs to be placed on letterhead ... the packet is in your in-box. Routing should go through the DCs, Deputy and Chief. Big Thanks.

ACPA **b6**

Tucson Sector Border Patrol
office: **b6**
cell: **b6**

From: **b6**
Sent: Wednesday, December 15, 2010 12:19 PM
To: **b6**
Subject: **b6** -checkpoint2.doc

How about the completely new attached version?

1/3/2011

CBP00000240

b6

RECEIVED

June 21, 2013

JUL 02 2013

CHIEF PATROL AGENT
TUCSON, ARIZONA

b6

Chief Patrol Agent
2430 S. Swan Road
Tucson AZ 85711

Dear b6

I am writing to file a formal complaint against agent b6 (he refused to give me his first name) b6, badge number b6. He also refused to give me his badge number claiming he did not know it. His supervisor provided it to me.

I am a b6 with the Tohono O'odham Community College. The college owns a 25 passenger bus to transport employee commuters from Tucson to the campus in Sells, AZ. That bus is clearly identified as a college vehicle by signage. On June 20, 2013 at @5:30 that bus was routinely stopped at the checkpoint on highway 86 just east of the Tohono O'odham Reservation boundary. This routine stop typically occurs without incident since the bus is familiar to the regular agents at that location, and they simply ask the routine questions and let us pass. However, on a number of occasions it has been pulled aside because the agent "smells marijuana" and a trained drug detection dog is taken onto the bus after all passengers are asked to step off. The dogs have never indicated any evidence of drugs on the bus in nearly four years. On June 20, 2013 Agent b6, while standing outside the bus, asked all passengers to vacate the bus because he smelled marijuana. None of the 15 passengers had detected any unusual odors when they boarded the bus 30 minutes earlier. b6 had not actually stepped onto the bus; he was standing on the ground two steps below the internal floor of the vehicle. As soon as the college employees departed the bus into 100+ degree heat with no shade, Agent b6 became belligerent and started challenging female employees who had brought their purses with them and placed them on the ground in plain sight. When they requested their purses be checked by the dog while in their view, he snatched them from the ground to return them to the bus. I, as the senior staff person, informed him that one of those purses belonged to a member of the United States Armed Forces who was not allowed to permit her security ID (that was inside the purse) out of her sight. Only after the K-9 agent stepped in and informed the items could be scanned in view of the owners did he relent to having the purses scanned by the K-9 agent in view of the owners. Was he not aware of this possibility, or was this more hostility aimed at intimidating us?

After the K-9 inspection, I asked Agent b6 if the dog identified anything and he told me he had no idea, even though the dog and its handler had walked away from bus and returned to their routine. He made no effort to get an answer either. I informed b6 this was a bus from the community college on the Reservation and the college had very strict policies forbidding the use of drugs or alcohol by its staff on any college property. I asked for Agent b6's name and badge number and he continued his belligerent attitude. I indicated I was going to complain to the agency and the Chairman of the Tohono O'odham Nation about his attitude and the

treatment we received by agents who proclaimed they could detect marijuana without even boarding the bus, even though no trained drug detection dog, or K-9 agent, had ever detected any illegal substances in more than a dozen such instances. Agent b6's supervisor finally came to check on what the discussion was about. When I informed him b6 claimed not to remember his badge number the supervisor provided it to me. When I inquired if we could board the bus, the supervisor asked Agent b6, whom the supervisor seemed to think should have known but had not bothered to ask. The supervisor then cleared us to board.

My concerns in this matter are threefold:

1. Agent b6's belligerence and hostile attitude coupled with his continued insistence that he smelled marijuana without even boarding the vehicle even though a trained dog and his handler detected nothing.
2. His hostile attempt to conceal his first name and badge number (I have never known a law enforcement person to not know his/her badge number).
3. His lack of even minimal enough concern for his fellow citizens to even ask if the K-9 check discovered anything so he could clear us to get out of the 100+ degree heat and return to the bus and continue our long trip home after a full day's work.

b6, I am asking that you address the topics of professionalism and his unprovoked belligerence and hostility with this agent. I would also like to have a full account of the training that he received that gives him the ability to detect the odor of marijuana inside a vehicle as large as a 25 passenger bus when a trained drug detection dog cannot identify the same odor. I would also like for your agents to be trained to consider that vehicles parked in the desert heat during the day are subject to a vast majority of environmental conditions that may cause them to pick up pollen, dust, and many other elements on their exterior surfaces. That does not mean the passengers, who are educated and dedicated professionals working for a community college, should be so readily considered to be up to nefarious activities such as drug smuggling.

Thank you for considering my request and your prompt attention to this matter.

Sincerely,

b6

b6

November 13, 2013

U.S. Customs & Border Protection
Chief Patrol Agent b6
2430 South Swan Road
Tucson, AZ 85711

Dear Agent b6

I am attaching various documents for your reference relating to the issue of bicyclists passing through your checkpoints. Rather than reiterate all of the facts and details here I refer you to the attached correspondence. The ultimate resolve of this issue should have been that, as referenced in the attached letters from you dated Jul 22, 2011 and Chief b6 dated July 21, 2011 all vehicles including bicycles are to be stopped.

Monday, November 11, 2013 my wife and I passed through the checkpoint at approximately 8:00am. There just happened to be a bicycle pass through at the time we arrived at the agent in our lane's position. I noted that the bicycle proceeded through the checkpoint unimpeded, pedaled past several agents standing a few feet beyond the stop signs at the lanes and never slowed down or was stopped.

I inquired to the agent why the bicyclist was not stopped and he said "Oh, we just usually give them a nod". I do not understand why you do not seem to have any authority in enforcing this issue which from the enclosed material would indicate it is clear that bicyclists should come to a complete stop the same as any other vehicle. If you are not able to properly enforce the rules on your agents perhaps you should consider removing yourself from a position of a supervisory authority and allow someone who does have proper management skills the opportunity.

I contacted Agent b6 at the Nogales station immediately after passing through the checkpoint on Monday and relayed this issue to him. He recommended I contact the Public Relations Officer in Tucson, which I then did and left a voicemail at approximately 8:20 Am on Monday the 11th. It is now Wednesday the 13th at 1:30pm and as of yet I have not had the courtesy of a return call from him.

If it is your intention to ignore Agent b6 directive or if you are unable to enforce this rule due to your inability to have your orders carried out perhaps you could provide me with some form of written authority allowing me to pass through the checkpoint without stopping and merely receiving a nod from the agents there. This would only seem fair as both you and Chief b6 seem to agree with my position that bicycles are a vehicle in the eyes of the law and no different from the truck I happen to be driving. If you are going to make an exception for one type of vehicle I see no reason for not making exceptions for other types also.

I would appreciate a reply from you as to whether you have changed your previous position and it is now acceptable for certain types of vehicles to ignore the checkpoint stop and if it is acceptable when I will be receiving my letter of immunity from you.

Sincerely,

b6

Cc; Chief b6

b6

August 20, 2012

U.S. Customs and Border Protection
Chief Patrol Agent b6
2430 South Swan Road
Tucson, AZ 85711

Dear Agent b6

I am writing to you today on a very serious matter of breach of security at your I-19 checkpoint. This morning at approximately 8:30 AM I observed while going through the checkpoint a bicyclist who approached the checkpoint and proceeded to ride through the checkpoint without slowing down and no one made any attempt to stop this vehicle. Upon reaching the agent in my lane I immediately requested to see a supervisor. Unbeknownst to me at the time the dog had hit on my vehicle so it appears I would have been pulling over anyway but was not informed of this until the supervisor, Agent b6 asked me if I was aware that the dog had hit on my vehicle. The dog issue will be addressed at the end of this letter as this is a relatively minor issue as compared to the main issue of the lack of enforcement of your policy regarding bicycles.

While standing outside my truck and discussing the bicycle issue with Agent b6, two more bicycles approached and he actually pointed them out and said let's see what happens. What happened was that they also passed unimpeded. I asked Agent b6 why they would let these vehicles pass. His comment was, "they pass through here every day and they get very irate if we stop them". I asked Agent b6 then if since I have to pass everyday also it would be ok if I simply blow through the stop, especially if I express my dissatisfaction with having to stop. He seemed to think that for some reason that would be different and indicated that they would chase me down and arrest me. Can you please explain the difference to me? It seemed back in July of 2011 we were all of the same opinion in regards to this issue. It now seems that you have decided to discriminate against one type of vehicle as opposed to another and that there now is neither threat, nor any possibility of a bicycle transporting illegal substances or illegal immigrants. I would like to know why you now see a diminished threat and why you now feel bicycles have some sort of favored status at your checkpoints. Agent b6 although the supervisor on duty expressed that he has had no training on this issue. I notice that you have progressed from Acting Chief Patrol Agent in July of 2011 to Chief Patrol Agent currently. Apparently this promotion was not for your ability to have your agents follow your directions.

You may recall that we have corresponded on this issue previously. I am enclosing copies of prior correspondence for your reference.

Also, speaking of poorly trained agents, I mentioned the dog hitting on my vehicle this morning. Once Agent b6 informed me the dog had hit on my truck I told him that it was the box of trash in the bed. After a swarm of agents and an x-ray I was informed that sure enough the dog was hitting on the box of trash. This is the second incident where one of your dogs has hit on our truck and the hit was on a box, or bag of trash. We do not have trash service at our residence, the fee at the Tubac transfer station is \$7 per visit and I pay a monthly fee for a dumpster at my office in Green Valley so I chose to transport my trash from my home to my office. It is very disturbing to think that my clients may be passing by and seeing me being questioned and my truck being x-rayed at a drug and illegal immigrant checkpoint when in reality it is the result of one of your officers not being properly trained or inept at its job. I know that a canine member of your staff is considered to have the same status as a human member, i.e.; an assault committed on a canine member is in the same category as an assault on a human member therefore I would hope that the lack of proficiency at ones job would also be considered the same and that this particular canine would receive additional training as would a human officer if he was that inept.

As I was drafting this letter I received a phone call from Agent b6 stating that in the future bicyclists would be stopped. It seems unfortunate that I must be the one to provide training to your officers and at no fee!

Sincerely,

b6

Cc: b6 Chief U.S. Border Patrol
Congressman Ron Barber

b6



U.S. Customs and
Border Protection

JUL 22 2011

b6

Dear b6:

Thank you for your July 7, 2011 letter regarding the U.S. Border Patrol Interstate 19 checkpoint near Tubac, Arizona.

It is the Border Patrol's policy to inspect all vehicles passing through any checkpoint. Agents within the Nogales Station have been reminded of the importance of inspecting all motorized and non-motorized vehicles seeking passage through the I-19 checkpoint. For safety reasons it is not advisable to have non-motorized vehicles enter the motor vehicle lane of travel especially during periods of high volume. Therefore non-motorized vehicles are generally sent to the secondary inspection area to allow for a safer inspection for all individuals at the checkpoint.

To correct this issue, the Nogales Station will work with the Arizona Department of Transportation on signage that instructs all bicyclists to stop on the east shoulder adjacent to the number three lane of travel and wait to be inspected. In the immediate future until signage can be approved, procured and displayed, the agent inspecting the number three lane will verbally instruct all bicyclists to stop and wait for an agent to perform an inspection.

In addition, the Nogales Station Patrol Agent in Charge over the Interstate 19 checkpoint is looking into the referenced incident with Border Patrol Agent Smith and will take appropriate action. The mission of the U.S. Border Patrol is to protect our Nation's borders, and this includes ensuring the safety of every person passing through U.S. Border Patrol checkpoints.

As always, my staff and I are available to answer any Border Patrol related questions you may have.

Sincerely,

b6

Acting Chief Patrol Agent



**U.S. Customs and
Border Protection**

JUN 21 2011

b6

Dear **b6**

Thank you for your May 19, 2011 letter in which you mention witnessing bicyclists being waived through the Interstate 19 checkpoint near Tubac, Arizona, without being subjected to an immigration inspection. You also stated that Border Patrol agents at the checkpoint have told you that they have a "standing order" to waive bicyclists through the checkpoint without questioning their immigration status. Furthermore, after speaking to Nogales Station Supervisory Border Patrol Agent (SBPA) **b6**, who told you the problem would be rectified, you witnessed another incident. Your letter also describes the conversation you had with SBPA **b6** on the afternoon of May 4, 2011, at the same checkpoint.

The U.S. Border Patrol, as a part of U.S. Customs and Border Protection and the Department of Homeland Security, has been mandated to secure our Nation's borders between the designated ports of entry. The National Border Patrol Strategy is designed to greatly increase the probability that terrorists and terrorist weapons, as well as smugglers of humans, narcotics, and other contraband, will either be deterred from entering the United States or will be detected and apprehended after entry. Traffic checkpoints are an integral part of that strategy.

At Border Patrol checkpoints, all conveyances, including bicycles, encountering the checkpoint are stopped, and the occupants are briefly interviewed in furtherance of the Border Patrol's immigration mission. No suspicion is required to make this initial stop. During the stop, Border Patrol agents may perform a brief inspection of the exterior and interior of the conveyance and may question vehicle occupants regarding their immigration status. In many instances, agents may request to examine documents and ask further questions that would help resolve questions regarding an individual's immigration status or allay suspicions of illegal activity. Border Patrol agents are not restricted to a single set of standard questions. Court decisions have held that questions regarding a motorist's destination, travel plans, and vehicle ownership are not unreasonable.

Lastly, every member of the public is entitled to courteous, fair, impartial, and sympathetic treatment from every employee of the U.S. Border Patrol. Unprofessional or demeaning behavior is never tolerated. We are dedicated to ensuring that our operations reflect both professionalism and compassion for members of the public and we are committed to do our best to limit their inconvenience, while supporting the Border Patrol mission. The Border Patrol takes allegations of employee misconduct very seriously.

b6

Page 2

I appreciate your letter and your interest in the U.S. Border Patrol. Fully engaged citizens are critical to the success of our mission. In truth, they are some of our greatest assets and best allies. I assure you that this matter will be addressed. If we may offer further assistance, please contact a member of my staff in the Southwest Border Division at b6

Sincerely,

b6

Chief
U.S. Border Patrol

SUPPORTING DOCUMENTS

The attached documents not only indicate that under Arizona law a bicyclist is obligated to obey the same laws as drivers of vehicles, thereby denoting them as 'motorists' as referenced in 18 U.S.C. Section 758 of the CBP Border Patrol Checkpoint handbook but indicates that any agent waving any motorist around a checkpoint may be aiding and abetting in the commission of a felony, as referenced under 'Primary Inspection' in the handbook.

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U.S. Customs and Border Protection

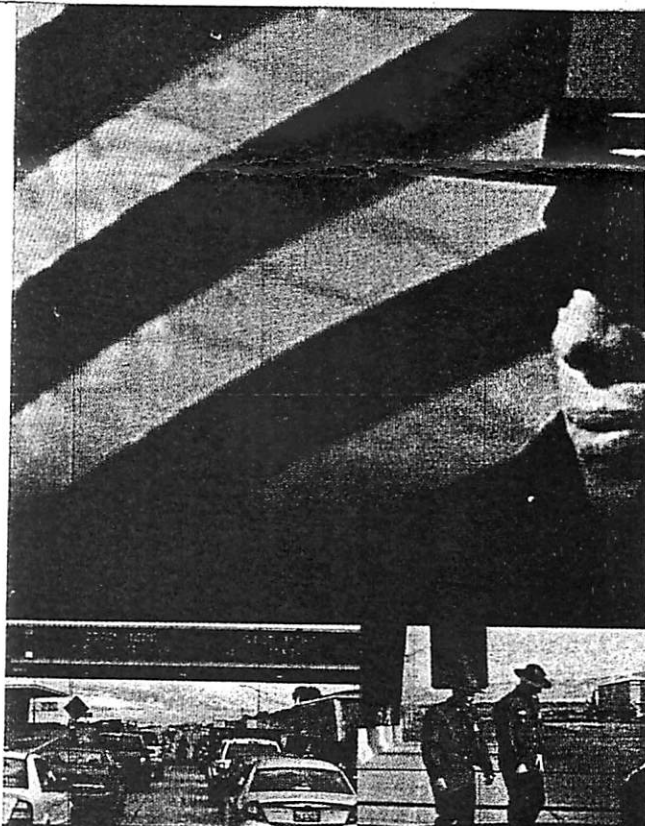
1300 Pennsylvania Avenue, NW
Washington, DC 20229

www.cbp.gov

Report Suspicious Activity

1-800-BE-ALERT

CBP Publication No. 0000-0710



CBP Border Patrol Checkpoints

April 2004



CBP00000251

CHECKPOINTS

The Border Patrol is a division of U. S. Customs and Border Protection (CBP), a border agency within the Department of Homeland Security.

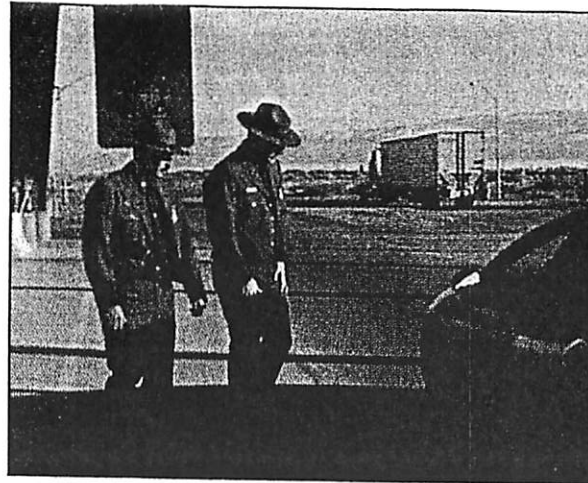
The priority mission of the CBP Border Patrol is to prevent the entry of terrorists and terrorist weapons into the United States. Its traditional mission is to detect, prevent, arrest and seize any alien and/or contraband entering the United States illegally between the ports of entry.

CBP Border Patrol checkpoints are a critical enforcement tool for securing the nation's borders against terrorists, smugglers of weapons of terrorism, other contraband, and illegal aliens.

Checkpoints restrict the routes of egress from the border area thereby creating deterrence to the initial illegal entry.

All CBP Border Patrol checkpoints operate in accordance with the Constitution of the United States and governing judicial rulings.

CBP Border Patrol is committed to operating checkpoints in a safe, efficient, and cost-effective manner and will continue to ensure that new technologies, as they become available, are deployed at checkpoints to improve inspections and facilitate legitimate traffic and commerce.



PRIMARY INSPECTION

All motorists are required by law to stop for a CBP Border Patrol checkpoint. (18 U.S.C Section 758 makes it a felony to flee from a CBP checkpoint.)

CBP Border Patrol agents will routinely conduct a visual inspection and ask brief questions for the purpose of establishing citizenship and immigration status. Often a trained detection canine is also present. Generally, the inspection process is complete within just a few minutes.

CBP Border Patrol agents may lawfully detain or refer any vehicle to secondary inspection for further investigation of legal immigration status or upon reasonable suspicion of illegal activity.

CBP Border Patrol agents are required by law to take appropriate action when there is reason to believe an individual is illegally in the United States or has committed any offense against the United States.

SECONDARY INSPECTION

During the secondary inspection process you may be asked to turn off and exit your vehicle for safety considerations.

CBP Border Patrol agents routinely request identification and ask questions designed to establish identity, immigration status and/or to dispel or confirm reasonable suspicion of other illegal activity. To expedite this process, agents routinely run a variety of automated record checks that utilize terrorist watchlist databases, detection canines, radiation detection equipment, and various other inspection technologies.

CBP Border Patrol agents will only physically enter your vehicle upon your consent or probable cause of illegal activity.

Most vehicles are released from secondary inspection within a few minutes while others may require a more thorough inspection.

CBP Border Patrol agents may arrest any individuals found to be in violation of U.S. laws.

CBP Border Patrol agents may seize any items prohibited by or in violation of U.S. Federal laws.

CBP Border Patrol agents may seize any vehicle involved in alien smuggling.



Section 4: Sharing the Road with Other Vehicles

Sharing the Road with a Bike

Bicyclists must obey the same traffic laws as drivers of vehicles, and they have the right-of-way under the same conditions as motorists.



Bike Crossing

Motorists should be alert for bicyclists along the roadway because cyclists are often difficult to see. Extra caution is necessary. Motorists are required to allow a minimum safe distance of 3 feet when passing a bicycle traveling in the same direction.

At night, you should dim your headlights for bicyclists.

Drivers should be prepared for a bicyclist swerving. Although bicyclists must ride with the flow of traffic and stay near the right side of the road, they can legally move left for several reasons, such as:

- Turning left.
- Avoiding hazards.
- Passing pedestrians or vehicles.
- If the lane in which the person is operating a bicycle is too narrow for a bicycle and motor vehicle to travel safely side-by-side.

Important rules for bicyclists:

- Do not carry more persons than the design of the bicycle permits.
- Do not ride more than two side-by-side.
- Ride as near to the right side of the road as possible.
- Use proper hand signals.
- Do not bicycle under the influence of drugs or alcohol — it is illegal.
- When riding at night, have a white head lamp visible from 500 feet, and a rear reflector.

Sharing the Road With a Motorcycle

Motorcyclists are more vulnerable to injury than a car driver if involved in an accident. Most car/motorcycle accidents are the result of a car turning in front of a motorcycle, usually because the driver did not see the motorcycle. Watch for the unexpected and give the motorcycle its share of the road.

Size

The small size of a motorcycle may make it hard to spot in traffic, and it may appear to be farther away and traveling slower than it actually is. Because it is difficult to judge the distance and speed, drivers need to pay close attention and take extra care.

Lane Position

Because of the motorcycle's size, its position within a lane will change as traffic conditions change. Often, this means riding in the left side of the lane to allow a better view of traffic and road conditions. However, as conditions change, the rider may move to the center or to the right side of the lane.

January 2, 2014

FYI
OBP
OPA

Thomas S. Winkowski, Acting Commissioner of Customs & Border Protection
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20229

To Commissioner Winkowski:

On December 8th, 2013, residents of Arivaca, Arizona and their supporters delivered the enclosed petition to Border Patrol Tucson Sector personnel calling for the immediate removal of the immigration enforcement vehicle checkpoint on Arivaca Road.

The signatures of over 240 residents of the Arivaca community as well as ten local businesses have been gathered to date, and signature collections are ongoing.

Given that the adult population of Arivaca is just over 600 people, this petition represents the position of a significant portion of the Arivaca community.

Arivaca residents have requested that Border Patrol Tucson Sector Chief [b6] respond to their petition by or before January 8th, 2014. Nothing has been heard from Chief [b6]'s office to date.

We are therefore writing as a community to request your formal support of this effort, and ask that you make this a priority issue in your work.

We request that you contact Chief [b6]'s office to express your support for this important community effort.

We ask that you issue a press release in support of the campaign to remove the Border Patrol checkpoint on Arivaca Road, and we invite you to visit the Arivaca community to dialogue with residents directly about this issue.

Copies of the individual signatures of residents can be made available to you by request.

Sincerely,

Residents of Arivaca, Arizona

PO Box 826
Arivaca, AZ 85601

[To Be Delivered To **b6** Border Patrol Tucson Sector Chief]

We the undersigned residents of Arivaca, Arizona hereby petition for the immediate removal of the U.S. Border Patrol checkpoint on Arivaca Road in Amado, Arizona.

Though it was originally created as a tactical and temporary checkpoint, the Arivaca Road checkpoint has been in continual use at the same location for over six years while having no demonstrable effect on its stated purpose—to deter undocumented immigration. Instead, the checkpoint has had the following negative impacts:

-The checkpoint severely interferes with the constitutional rights of local residents.

Residents are intimidated by armed federal agents and subjected to improper questioning and warrantless searches in violation of their 4th, 5th and 14th Amendment rights. It is not possible for Arivaca residents to leave northbound without passing through one of three area checkpoints. Thus, locals must pass through the checkpoint with regularity, sometimes daily, such that these constitutional rights violations are not merely occasional or minor inconveniences but rather frequent and substantial infringements. People of color experience greater scrutiny and longer detentions at the checkpoint; such racial profiling violates the law as well as the federal government's own guidelines prohibiting any consideration of race or ethnicity in such encounters.

-The checkpoint has a severe economic impact on the local residents.

The checkpoint implies that the area is dangerous to the public, deterring visitors, reducing tourism and dampening economic activity for Arivaca businesses and residents, despite the fact that the surrounding area is among the safest in the state (neighborhoodscout.com/az/crime/). The checkpoint also diminishes local property values. A 2012 study concluded that the nearby I-19 checkpoint is "associated with fairly large negative impacts on the difference in housing prices... and those negative impacts are increasing over time" (*Arizona Republic*, December 28, 2012).

-The checkpoint is part of the increasing militarization of border communities.

The Arivaca Road checkpoint is part of a misguided border enforcement strategy that increases the tragic and unnecessary deaths of migrants, leading to a humanitarian crisis, which extends into the Arivaca community and beyond. Consequently, a generation of Arivaca children and young people are growing up in this militarized zone, where they are taught by experience that the erosion of civil and human rights, freedoms and quality of life is acceptable.

At great cost to local residents and U.S. taxpayers, the checkpoint on Arivaca Road has resulted in nothing but fear, anger and mistrust, perpetuating the fiction that increased militarization and the creation of "constitution free zones" are the best and only ways to respond to the complex economic and social issues of the borderlands.

For all of these reasons, this checkpoint must go.

January 2, 2014

FYI
OBP
OPH

Kevin K. McAleenan, Acting Deputy Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20229

To Deputy Commissioner McAleenan:

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P.O. Box 826
Arivaca, AZ 85601



PHOENIX AZ 852

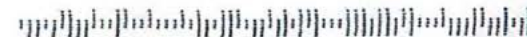
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Kevin K. McAleenan, Acting Deputy
Commissioner, U.S. Customs and
Border
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20229



20229



P.O. Box 826
Arivaca, AZ 85601



PHOENIX AZ 852

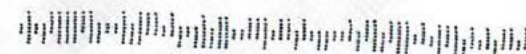
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Thomas S. Winkowski
Acting Commissioner of Customs &
Border Protection
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20229

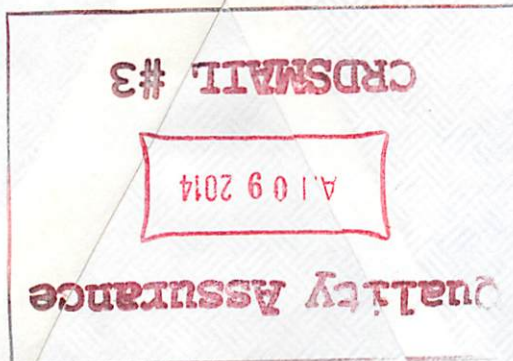


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