



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

Via U.S. Mail:
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Washington, DC 20044

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January 6, 2015

VIA E-MAIL

Daniel Joseph Pochoda
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ACLU Foundation of Arizona
P.O. Box 17148
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Derek E. Bambauer
Jane Yakowitz Bambauer
479 E. Historic Street
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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

| | | |
|---|---|---------------------------------------|
|  <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 b6,b7C /BORDER PATROL AGENT/b7E b7E /SELLS, PIMA, AZ | | |
| 4. FINAL RESOLUTION | | |
| 5. STATUS Initial Report | 6. TYPE OF REPORT Allegation | 7. RELATED CASES |
| 8. TOPIC BPA acted unprofessionally when he escalated vehicle stop by drawing his weapon on driver | | |
| 9. SYNOPSIS <p>On September 10, 2013, the Joint Intake Center (JIC), Washington, D.C., received an e-mail and attached complaint documents from Customs and Border Protection (CBP) Patrol Agent in Charge (PAIC) b6,b7C, Casa Grande, AZ, in which he reported misconduct on the part of Border Patrol Agent (BPA) b6,b7C, Casa Grande, AZ. According to the information provided, a complaint of unprofessional conduct was lodged by b6,b7C against BPA b6,b7C as a result of a verbal confrontation on July 21, 2013, following a vehicle stop on the Tohono O'odham Indian Reservation, Sells, AZ. It is reported BPA b6,b7C "unnecessarily escalated his use of force by drawing his weapon and pointing it at b6,b7C."</p> | | |
| 10. CASE OFFICER (Print Name & Title) b6,b7C Specialist | 11. COMPLETION DATE 10-SEP-2013 | 14. ORIGIN OFFICE b7E |
| 12. APPROVED BY(Print Name & Title) b6,b7C Supervisor | 13. APPROVED DATE 11-SEP-2013 | 15. TELEPHONE NUMBER b6,b7C |
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| <div data-bbox="110 226 277 394"></div> <div data-bbox="397 163 1036 195" data-label="Section-Header">DEPARTMENT OF HOMELAND SECURITY</div> <div data-bbox="495 401 938 470" data-label="Section-Header">REPORT OF INVESTIGATION CONTINUATION</div> <div data-bbox="516 485 919 510" data-label="Text">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 September 10, 2013, the Joint Intake Center (JIC), Washington, D.C., received an e-mail and attached complaint documents from Customs and Border Protection (CBP) Patrol Agent in Charge (PAIC) b6,b7C, Casa Grande, AZ, in which he reported misconduct on the part of Border Patrol Agent (BPA) b6,b7C, Casa Grande, AZ. According to the information provided, a complaint of unprofessional conduct was lodged by b6,b7C against BPA b6,b7C as a result of a verbal confrontation on July 21, 2013, following a vehicle stop on the Tohono O'odham Indian Reservation, Sells, AZ. It is reported BPA b6,b7C "unnecessarily escalated his use of force by drawing his weapon and pointing it at b6,b7C."

Following is the body of the e-mail which was submitted to the JIC documenting the above allegation as provided by PAIC b6,b7C.

<BEGIN>

Sir or Ma'am,

The Casa Grande Border Patrol Station received a complaint regarding possible unprofessional conduct by one of our agents during a vehicle stop.

The alleged incident occurred on July 21, 2013 at approximately 9:30 AM on the Tohono O'odham Indian Nation, near the village of Nolia. At this time, Border Patrol Agent b6,b7C performed a vehicle stop on a 1998 Toyota sedan. During the vehicle stop, Agent b6,b7C encountered the driver, identified as b6,b7C and a verbal confrontation began. Agent b6,b7C stated that he drew his government issued weapon and demanded b6,b7C to comply with his orders. b6,b7C alleges that Agent b6,b7C unnecessarily escalated his use of force by drawing his weapon and pointing it at b6,b7C.

This confrontation lasted for several minutes until b6,b7C was accompanied by family members who drove to the scene and also confronted the Agent b6,b7C. At this time, Agent b6,b7C instructed b6,b7C and his family members to depart the area.

b6,b7C has since filed a complaint with the Casa Grande Station regarding this event. Station management has performed an initial inquiry as to the situation and gathered some documentation pertaining to the vehicle stop and subsequent actions. Please see attached for this information.

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION
CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER

b7E [REDACTED]

PREPARED BY

b6,b7C [REDACTED]


2. REPORT NUMBER


001


10. NARRATIVE


If you have any questions or require additional information, please feel free to let me know.

<END>


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| <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 |
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| None | |


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| | | PREPARED BY b6,b7C |
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| 3. TITLE b6,b7C /BORDER PATROL AGENT/b7E b7E /BLYTHE, RIVERSIDE, CA | | |
| 4. FINAL RESOLUTION | | |
| 5. STATUS Initial Report | 6. TYPE OF REPORT Allegation | 7. RELATED CASES b7E |
| 8. TOPIC BPA was allegedly unprofessional during a traffic stop, Blythe, CA | | |
| 9. SYNOPSIS <p>On September 17, 2013, the Joint Intake Center (JIC), Washington, DC received an email from Supervisory Border Patrol Agent (SBPA) b6,b7C, Blythe, CA forwarding the complaint of b6,b7C regarding the alleged inappropriate treatment she and her husband received during a traffic stop. b6,b7C claimed that she is being profiled by the Border Patrol as she has been stopped three times during the last year. b6,b7C reported that during the stop on September 10, 2013, the agents were unprofessional as they laughed and snickered while she attempted to get their names and badge numbers.</p> <p>The source documents are attached to this file.</p> | | |
| 10. CASE OFFICER (Print Name & Title) b6,b7C Specialist | 11. COMPLETION DATE 17-SEP-2013 | 14. ORIGIN OFFICE b7E |
| 12. APPROVED BY(Print Name & Title) b6,b7C Supervisor | 13. APPROVED DATE 17-SEP-2013 | 15. TELEPHONE NUMBER b6,b7C |
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| | 2. REPORT NUMBER 001 |
| 10. NARRATIVE None. | |

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| | <p>PREPARED BY</p> <p>b6,b7C [REDACTED]</p> |
| | <p>2. REPORT NUMBER</p> <p>001</p> |
| <p>10. NARRATIVE</p> <p>None.</p> | |

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| | PREPARED BY b6,b7C [REDACTED] |
| | 2. REPORT NUMBER 001 |
| None. | |

b6,b7C

From: b6,b7C
Sent: Tuesday, September 17, 2013 10:23 AM
To: JOINT INTAKE
Subject: FW: Citizen Complaint re:BLY SBPA b6,b7C
Attachments: b7E BLY Citizen Comp Harassment b6,b7C 9162013 b6,b7C.pdf

*JIC,
Please see attached citizen complaint at the Blythe Border Patrol Station, for review.*

*R/
b6,b7C*



Department of Homeland Security
Bureau of Customs and Border Protection

RECEIVED

2013 SEP 16 AM 8:59

UNITED STATES BORDER PATROL

Yuma Sector Complaint Report Form



Report Number: b7E

Station: BLY

EMPLOYEE: (person taking information)

Name: b6,b7C Star Number: b6,b7C Date: 09/13/2013 Time: 13:52 HRS

Method Report Received: ☒ In person ☐ Phone ☐ Other: _____

CITIZEN COMPLAINANT: (ASK, but not required)

Name: b6,b7C
Address: b6,b7C
Phone: b6,b7C

RELEVANT INFORMATION: (criminal activity to report)

OFFICER RELATED COMPLAINT:

Name of Officer(s): b6,b7C

Date/Time of Incident: 09/11/2013 16:00 HRS

Location of Incident: Rd/Hwy Intake Blvd. Milepost 1 Community Blythe, CA

Landmark(s): Interstate 10 and Intake Blvd. Exit

Description of Incident: 1600 hours on 9/11/2013- I received a complaint from b6,b7C, who claimed to have been pulled over with her husband on 9/10/2013 at approximately 9:30 p.m. by Blythe agents. The vehicle stop took place on Intake Blvd. just north of Interstate 10. b6,b7C stated that she has been pulled over three times within the past year after driving through the Agricultural Checkpoint located on Interstate 10. b6,b7C reside in b6,b7C.

b6,b7C claims that the primary officer appeared on the driver's side where her husband was sitting and introduced himself as a Border Patrol Agent conducting an immigration inspection. She asked the agent why she was pulled over and the agent replied that he needed to see her registration because of a possible mistake that was made. (She did not go in to detail about the mistake.) She describes the agents as unprofessional and were laughing and snickering while she was trying to find out their names and badge numbers which the agents would not give her.

b6,b7C asked to speak to the primary agent's sergeant to which he replied that he was a sergeant. She then requested to speak to his supervisor. She said that his supervisor (WC b6,b7C) showed up and acted professionally and talked reasonably with her. She said that the supervisor told her to go to Blythe Station today and file a formal complaint about the conduct of the agents.

STATION RELATED COMPLAINT:

Number of Officer 3 Date/Time of Incident: 2013-09-10 21:30:00.0

Location of Incident: Rd/Hwy Intake Blvd. Milepost: 1 Community: Blythe, CA

Landmark(s): Interstate 10 and Intake Blvd. Exit

Description of Incident:

1600 hours on 9/11/2013- I received a complaint from **b6,b7C**, who claimed to have been pulled over with her husband on 9/10/2013 at approximately 9:30 p.m. by Blythe agents. The vehicle stop took place on Intake Blvd. just north of Interstate 10. **b6,b7C** stated that she has been pulled over three times within the past year after driving through the Agricultural Checkpoint located on Interstate 10. **b6,b7C** reside in **b6,b7C**.

b6,b7C claims that the primary officer appeared on the driver's side where her husband was sitting and introduced himself as a Border Patrol Agent conducting an immigration inspection. She asked the agent why she was pulled over and the agent replied that he needed to see her registration because of a possible mistake that was made. (She did not go in to detail about the mistake.) She describes the agents as unprofessional and were laughing and snickering while she was trying to find out their names and badge numbers which the agents would not give her.

b6,b7C asked to speak to the primary agent's sergeant to which he replied that he was a sergeant. She then

Other Agencies None

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain)

Memorandums are being requested from all agents involved and forwarded up the chain of command.

| | | |
|---------------|---|--|
| AFTER ACTION: | <input checked="checked" type="checkbox"/> NONE | <input type="checkbox"/> YES (explain) |
|---------------|---|--|

Completed by:

| | |
|--------|-----------|
| _____ | _____ |
| (name) | Date/Time |

b7E



16870 W. Hobson Way
Blythe, California 92225

U.S. Customs and
Border Protection

September 10, 2013

MEMORANDUM FOR:

b6,b7C

Chief Patrol Agent
Yuma Sector

FROM:

b6,b7C

Watch Commander
Blythe Station

b6,b7C

SUBJECT:

Possible Citizen's Complaint

On September 10, 2013, at approximately 9:20 P.M., I received a telephone call from Supervisory Border Patrol Agent b6,b7C. SBPA b6,b7C informed me that he had initiated a traffic stop on a vehicle near Interstate 10 on Intake Boulevard in Blythe, California and the occupants of the vehicle were demanding to speak with his supervisor.

The individuals were advised of the manner to make a formal complaint and would need to come to the Border Patrol Station in Blythe and a complaint on the incident would be taken. The individuals refused and wanted the Supervisor to come to the scene. In an attempt to resolve the situation, I responded to the scene.

At approximately 9:31 P.M., I arrived at the location of the stop and met with SBPA b6,b7C, Border Patrol Agents b6,b7C and b6,b7C, who were also at the scene. After speaking briefly with the three agents, I approached two individuals, standing near a dark color sedan with b6,b7C license plate b6,b7C. The individuals began immediately stating that they were being harassed and that the individual, who pulled them over, was very unprofessional and disrespectful and would not tell them the reason they were pulled over.

I requested the names of the individuals, who verbally identified themselves as b6,b7C and b6,b7C. They stated, they lived in b6,b7C and felt they were being harassed by the Border Patrol. The b6,b7C, identifying herself as b6,b7C stated, this was the third time she had been stopped in the last year and she did not feel, she should be harassed in this manner. She continued that upon being pulled over tonight, she had asked the agent, pointing to SBPA b6,b7C, for his badge number and name. She stated, he just told them, "No." and refused to give the information to them. She continued that the other two agents had just laughed at her request.

Possible Citizen's Complaint

Page 2

I instructed **b6,b7C** and **b6,b7C** on the procedure of filing a formal complaint and instructed them that they would need to go to the Blythe Border Patrol Station and we would take the complaint.

At this time a white SUV pulled up in front of our location and a **b6,b7C** individual exited the vehicle and came to my location with **b6,b7C** and **b6,b7C**. As the individual approached, **b6,b7C** told me that it was her father and that she had called him to come down to the location.

The **b6,b7C** individual began all over again that his daughter and her husband were being harassed and that they were being profiled. I questioned the individual as to his identity and he told me that the **b6,b7C**, **b6,b7C** was his daughter. The individual identified himself only as **b6,b7C**.

I explained to the three individuals again the manner in which to file a complaint at the Blythe Station and asked if there was any more I do in order to resolve the situation.

b6,b7C stated, he worked for the State and that he had contacted the Sheriff's Office to come to the scene and had brought his canine in the event it got out of hand. I was unclear as to what he was indicating by this statement.

b6,b7C stated that he had heard the whole conversation between the Officer and his daughter, as he was on the telephone with her. **b6,b7C** stated, the Officer was very unprofessional and told me that being a State employee himself and working with the Border Patrol, he would speak with the Supervisors of the Border Patrol about this event. **b6,b7C** stated, he understood this would be handled at a higher grade level than you or me and pointed in my direction.

I informed all the individuals that I was there to attempt to resolve the situation and ensure they were satisfied that the situation was being addressed and asked, what more I could do to assist them in resolving the situation. They had no further requests and I informed them once more of the procedure to file the complaint at the Blythe Station.

b6,b7C began again, about how she comes through the Agricultural Station each day and she did not feel she should be in fear of being stopped by the Border Patrol. I agreed, she should not be in fear.

b6,b7C continued that due to tax payers in **b6,b7C** and the community that it is the reason that the Border Patrol is in **b6,b7C** stated, "You need to get that other Officer lessons in bedside manner and professional conduct."

I requested of the individuals, if there was any more I could do to assist them to resolve the situation. **b6,b7C** indicated to his daughter that they would go to the Blythe Station tomorrow and file a complaint. Myself and all the agents involved then left the scene.

b7E



16870 W. Hobsonway
Blythe, California 92225
**U.S. Customs and
Border Protection**

September 11, 2013

MEMORANDUM FOR:

b6,b7C
Chief Patrol Agent
Yuma Sector

b6,b7C

FROM:

b6,b7C
Supervisory I
Blythe Station

b6,b7C

SUBJECT:

Citizens Complaint

On September 10, 2013, at approximately 9:00 pm, I was observing traffic along Interstate 10 (I-10) west near the California / Arizona state line when I observed an older model black BMW with dark tinted windows pass my stationary location. I observed at least two individuals in the front of the vehicle b7E

b7E

b7E I decided to follow the vehicle for further investigation. The vehicle displayed b6,b7C license plate b6,b7C, registration checks through b7E could not confirm this to be a genuine California registration. b7E

b7E

b7E The driver exited I-10 at U.S. 95 Intake Blvd. exit. Based on my observations and officer experience, I decided to activate my emergency equipment and perform an immigration vehicle stop. The driver came to a complete stop on Intake Boulevard north in Blythe, California at approximately 9:04 pm.

I approached the vehicle and before I could identify myself as a United States Border Patrol Agent, a b6,b7C passenger (un-identified at the time of this writing) angrily addressed me by demanding in a loud/harsh tone, "What's the constitution of this stop?" I advised the unidentified female that I was performing an Immigration inspection. The unidentified female demanded in the same loud tone "why are you racially profiling, I'm tired of being racially profiled and this is the third time that you guys have pulled me over and I'm sick of it." I assured the female that I was not racially profiling and that I am conducting a lawful Immigration inspection. The female again demanded, "why didn't you stop that Mexican that passed us?" I advised her that I did not see any "Mexican" she claims passed them.

She demanded to speak to a supervisor and I informed her that I am a Supervisory Border Patrol Agent and she then demanded to speak with my supervisor. I advised her that I would contact my supervisor. I contacted Watch Commander (WC) b6,b7C and asked if he would respond. The female again asked me, "what constitution do you have for this stop" and I (once again) advised her that I was conducting an immigration inspection. I asked the driver (unidentified as of this writing) as to what country he was a citizen of and he responded "b6,b7C b6,b7C". I asked the female as to what country she was a citizen and she responded she is a b6,b7C citizen and then continued to say something to the effect of "you can tell that I am a b6,b7C citizen by the information that is on my license plate". I informed her that the vehicle registration contained information regarding her citizenship. I continued to ask her if the vehicle was currently registered. She grabbed what resembled a vehicle registration from the glove compartment and angrily shook it in my face and asked if I wanted to see her proof of insurance. I told her that the registration was a state document and that I was only concerned with their immigration status. At 9:06 pm, I was convinced both were b6,b7C and advised them that they were free to leave.

The female belligerently yelled at me saying that she wasn't going anywhere until I notified a supervisor and I informed her that my supervisor was on his way. At that point I walked back to my vehicle and extinguished my emergency equipment and notified the b7E that I was clear of my stop but not mobile. I also observed that Border Patrol Agent (BPA) b6,b7C b6,b7C and b6,b7C had arrived on scene to provide assistance.

I advised BPA's b6,b7C and b6,b7C that I had released the two subjects, but I was standing by for WC b6,b7C. As we awaited WC b6,b7C's arrival, the female exited the vehicle and continued in an unintelligible manner to lecture the three of us how to perform an immigration inspection and who we should consider when conducting such an inspection. She claimed knowledge of the laws that govern immigration authority in the United States and what Border Patrol Agents were allowed to do without citing any specific statutes relating to such laws or authority.

She made a phone call to an unknown individual and as she was on the phone she asked for my badge and credentials (physically) to which I said that she cannot have them. She said "Oh, let it be known that he is refusing to give me his name and badge number". I told her that my name was clearly printed on my uniform and she is welcome to write it down and if she wanted my badge number (star number) I would gladly provide it to her. She did not ask for it, so I did not provide it to her. I invited them to come to Blythe Station and file a complaint if they desired. They promptly refused and remained unreasonable. I again advised both of them they were free to go, in an effort to prevent any perceived notion that I was possibly holding them for any further reason, they again refused to leave.

A few minutes later WC [b6,b7C] arrived on scene and spoke with the male and the female. A short time later, another [b6,b7C] arrived on scene, it is unknown as to the identity of this individual, but I assumed it was the person she called while waiting. WC [b6,b7C] broke contact and advised BPA's [b6,b7C] and I to generate memoranda concerning the incident. I departed the scene and returned to the Blythe Border Patrol Station.

b7E



16870 W. Hobson Way
Blythe, CA 92225

U.S. Customs and
Border Protection

September 10, 2013

MEMORANDUM FOR: b6,b7C
Chief Patrol Agent
Yuma Sector

FROM: b6,b7C b6,b7C
Border Patrol Agent
Blythe Station

SUBJECT: Citizen Complaint

On September 10, 2013, I was assigned roving patrol duties along with Border Patrol Agent (BPA) b6,b7C in the Blythe, California general area. At approximately 9:06 p.m., I responded to a vehicle stop conducted by Supervisory Border Patrol Agent (SBPA) b6,b7C at Intake Boulevard just north of Interstate 10. When I arrived, SBPA b6,b7C was on the driver side of the vehicle, talking to the two passengers inside. I approached the vehicle on the driver side, to talk to SBPA b6,b7C while BPA b6,b7C approached the passenger side of the vehicle. While I walked up to SBPA b6,b7C, I heard him say "Have a nice day, you are free to go". The female passenger then became irate, exiting the vehicle and screamed "Why were we pulled over? What constitutional rights do you have to pull us over?" SBPA b6,b7C again said that they were free to go and promptly contacted Yuma Sector Radio Communications, advising them of this. The female passenger then said, "I am tired of being harassed and I am going to make an example out of you! I demand to speak to your supervisor!" At this time, SBPA b6,b7C contacted Watch Commander (WC) b6,b7C. WC b6,b7C arrived on scene approximately 15 minutes later. BPA b6,b7C and I cleared the scene at approximately 9:40 p.m.

b6,b7C

Date and Time: 09/10/2013

Border Patrol Agent: b6,b7C

Under Article 31, Subsection b (3) of the Collective Bargaining Agreement between the National Border Patrol Council and the Immigration and Naturalization Service, you are provided with the following information.

The Civil Service Reform Act gives employees in units represented by an exclusive labor organization the right to have a union representative present at a meeting, which involves an examination by a representative of the agency in connection with an investigation if the employee believes the examination may result in disciplinary action.

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.’

Employee's Signature: b6,b7C

Union Representative : _____

Supervisor Supplying Notice: b6,b7C

b7E



16870 W. Hobson Way
Blythe, CA 92225

U.S. Customs and
Border Protection

September 10, 2013

MEMORANDUM FOR: b6,b7C
Chief Patrol Agent
Yuma Sector

FROM: b6,b7C b6,b7C
Supervisory Border Patrol Agent
Blythe Station

SUBJECT: Citizens Complaint

On September 10, 2013 I was assigned roving patrol duties along with Border Patrol Agent (BPA) b6,b7C in the Blythe, California General Area. At approximately 9:04 p.m., Supervisory Border Patrol Agent (SBPA) b6,b7C conducted a vehicle stop at Intake Boulevard just north of Interstate 10. BPA b6,b7C and I arrived as back up to SBPA b6,b7C approximately two minutes later. SBPA b6,b7C was on the driver's side of the vehicle, talking to the two passengers inside. I approached the passenger side of the vehicle to offer any assistance if needed. As I walked up I heard SBPA b6,b7C tell the driver and passenger that they were free to leave, at that time the female passenger exited her vehicle and demanded to talk to a supervisor and that she wanted to know what constitutional rights do we have to pull them over. SBPA b6,b7C contacted Watch commander (WC) b6,b7C. WC b6,b7C arrived on scene approximately fifteen minutes later. Shortly after WC b6,b7C arrived on scene BPA b6,b7C and I cleared the scene at approximately 9:40 p.m.

b6,b7C

Date and Time: 09/10/2013

Border Patrol Agent: b6,b7C

Under Article 31, Subsection b (3) of the Collective Bargaining Agreement between the National Border Patrol Council and the Immigration and Naturalization Service, you are provided with the following information.

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Employee's Signature: b6,b7C

Union Representative : _____

Supervisor Supplying Notice: b6,b7C

| | | |
|--|---|---------------------------------------|
|  <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 b6,b7C /SUPERVISORY BORDER PATROL AGENT/b7E b7E /BLYTHE, RIVERSIDE, CA | | |
| 4. FINAL RESOLUTION | | |
| 5. STATUS Initial Report | 6. TYPE OF REPORT Allegation | 7. RELATED CASES b7E |
| 8. TOPIC BPA was allegedly unprofessional during a traffic stop, Blythe, CA | | |
| 9. SYNOPSIS <p>On September 17, 2013, the Joint Intake Center (JIC), Washington, DC received an email from Supervisory Border Patrol Agent (SBPA) b6,b7C, Blythe, CA forwarding the complaint of b6,b7C regarding the alleged inappropriate treatment she and her husband received during a traffic stop. b6,b7C claimed that she is being profiled by the Border Patrol as she has been stopped three times during the last year. b6,b7C reported that during the stop on September 10, 2013, the agents were unprofessional as they laughed and snickered while she attempted to get their names and badge numbers.</p> <p>The source documents are attached to this file.</p> | | |
| 10. CASE OFFICER (Print Name & Title) b6,b7C Specialist | 11. COMPLETION DATE 17-SEP-2013 | 14. ORIGIN OFFICE b7E |
| 12. APPROVED BY(Print Name & Title) b6,b7C Supervisor | 13. APPROVED DATE 17-SEP-2013 | 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. | | |

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| <div data-bbox="110 226 279 403"></div> <div data-bbox="399 163 1036 197"><p>DEPARTMENT OF HOMELAND SECURITY</p></div> <div data-bbox="496 403 938 470"><p>REPORT OF INVESTIGATION CONTINUATION</p></div> <div data-bbox="516 483 919 512"><p>HB 4200-01 (37), Special Agent Handbook</p></div> | <p>1. CASE NUMBER</p> <p>b7E [REDACTED]</p> |
| | <p>PREPARED BY</p> <p>b6,b7C [REDACTED]</p> |
| | <p>2. REPORT NUMBER</p> <p>001</p> |
| <p>10. NARRATIVE</p> <p>None.</p> | |

| | |
|---|---|
| <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, September 10, 2013 1:49 PM
To: JOINT INTAKE
Subject: Allegation of Unprofessional Conduct
Attachments: FW: T.O. Complaint RE: Vehicle Stop; b7E .pdf; b6,b7C Memo.pdf

Sir or Ma'am,

The Casa Grande Border Patrol Station received a complaint regarding possible unprofessional conduct by one of our agents during a vehicle stop.

The alleged incident occurred on July 21, 2013 at approximately 9:30 AM on the Tohono O'odham Indian Nation, near the village of Nolia. At this time, Border Patrol Agent b6,b7C performed a vehicle stop on a 1998 Toyota sedan. During the vehicle stop, Agent b6,b7C encountered the driver, identified as b6,b7C and a verbal confrontation began. Agent b6,b7C stated that he drew his government issued weapon and demanded b6,b7C to comply with his orders. b6,b7C alleges that Agent b6,b7C unnecessarily escalated his use of force by drawing his weapon and pointing it at b6,b7C.

This confrontation lasted for several minutes until b6,b7C was accompanied by family members who drove to the scene and also confronted the Agent b6,b7C. At this time, Agent b6,b7C instructed b6,b7C and his family members to depart the area.

b6,b7C has since filed a complaint with the Casa Grande Station regarding this event. Station management has performed an initial inquiry as to the situation and gathered some documentation pertaining to the vehicle stop and subsequent actions. Please see attached for this information.

If you have any questions or require additional information, please feel free to let me know.

Thank you,

b6,b7C
Patrol Agent in Charge
United States Border Patrol
Casa Grande, Arizona
Office: b6,b7C
Cell: b6,b7C

From: b6,b7C
Sent: Tuesday, September 10, 2013 1:38 PM
To: b6,b7C
Subject: FW: T.O. Complaint RE: Vehicle Stop

From: b6,b7C
Sent: Sunday, July 21, 2013 11:42 AM
To: b6,b7C
Subject: T.O. Complaint RE: Vehicle Stop

FYI

b6,b7C, called at approximately 10:50 AM this morning to complain about being pulled over this morning. He stated he was returning from the ceremony in Mexico and was pulled over at around 9:40 AM. b6,b7C claims that he was followed by this Agent beginning near the village of San Miguel and all the way until he was pulled over after turning onto the Nolia turn off from Highway 86. He did admit that he stopped at the gas station in Sells to get a newspaper, and that it is possible there was more than one similar looking vehicle Border Patrol vehicle between San Miguel and Sells at any given time, although he was convinced it was the same Agent. b6,b7C claimed that when he was pulled over, he got out of the vehicle "because he didn't have anything to hide". He stated that the Agent pulled a gun on him. He stated his brother, b6,b7C, pulled up in another vehicle, told the Agent to leave them alone, at which point he claims the Agent backed away and let them go. b6,b7C stated that his brother, nor anyone else, got out of their vehicles.

While speaking with b6,b7C, he stated that he had nothing in his hands, "at first", but then later reached into his glove box to get his cell phone. Since I had already talked to the Agent prior, I asked regarding him having nothing in his hands, if he had a stick or "traditional rattle" in his hands when he got out initially, to which he replied "I'm tribal, that's my right". We had a short discussion on the importance of Office Safety, and to need to follow given commands at the time, and not have other people get involved, as that can create a dangerous situation for all.

b6,b7C wanted a follow up phone call, but failed to provide his number before ending the phone call. TOPD Sgt. b6,b7C had called approximately 30 minutes prior to inform me that b6,b7C had called her to complain as well, so she might have his contact info.

The Agent's (b6,b7C) version of events differs from b6,b7C, and he will be documenting the encounter via Memorandum. Due to the late hour in his Shift, the Agent will be completing his memorandum upon returning from his days off. He will need to be served a 31B.

Border Patrol Harassment Statement

On July 20, 2013 I [b6,b7C] was invited to a Church Feast Celebration which took place outside The United States. This event was conducted in the Country of Mexico, and located 3 miles south of the International Border.

Knowing the risks I would be dealing with should I accept this invitation, I proceeded and attended the event. Arrived at the Border Crossing known as the gate to people of this region and the Tohono O'Odham. I was asked to hand over my Tribal Identification Card so a Security Check would be conducted and I'd be allowed to cross over into Mexico. I was cleared and allowed to proceed in which I went and attended the Celebration.

Returned to the United States the following morning of July 21, 2013, arriving at the International Border Crossing about 8:30 a.m. Sunday morning. My vehicle was inspected, and was asked for my Tribal Identification Card for clearance allowing my return into the United States. Was checked out, given my Tribal Identification Card back and allowed to continue on my way.

While Traveling on Federal Route 19 heading North toward Sells, passing through the Community of San Miguel. I noticed a Border Patrol Vehicle parked on the side of the road in the vicinity of mile marker 5 on the right side (east side of the road), I passed the vehicle, continuing on my way. Got to mile marker 12 of Federal Route 19 when I noticed a double cab truck caught up to me. Recognized the vehicle belonging to members of [b6,b7C] band who were returning home also from the same Celebration I had attended. Was followed all the way into Sells, Arizona, and approached Main Street I made a left turn while the truck made a right turn.

Continued on and approached Arizona State Highway 86, Made a left turn onto Hwy. 86 heading west bound to go home. Stopped at the Shell Convenience Store to purchase a Sunday newspaper along with a bag of M&M candy before continuing west on Hwy. 86. It was 9:30 and ready to get back on the highway, I noticed oncoming traffic. Knowing that I would'nt have time to get in front of the vehicle heading west, I waited for the vehicle to pass which happened to be a Border Patrol unit. Another vehicle following behind the B.P. unit I waited for it to also pass by only to notice its left turn signal flashing so I entered on to Hwy. 86 to head West. Noticing in front of me the Border Patrol vehicle that had just passed by pulled off the highway onto a pullout clearing area. Thinking nothing of it plus wanting to get home, I continued on my way.

Approached mile marker 110 of AZ. Hwy. 86, I looked in my rearview mirror only to notice a Border Patrol Vehicle tailgating me and/or wanting to rear end me I continued on. The Border Patrol Vehicle then was driving over the yellow solid line as if wanting to pass me. Approaching a hill and curve, the B.P. vehicle continued to drive in that same manner putting both its vehicle and mine in danger. Passed mile marker 109, and over the hill to where it's more manageable to pass, the B.P. vehicle speeded up and passed me. Got in front of me, and slowed down to the point of either daring me to rear end the unit or pass it. I stayed behind the vehicle and followed it to my turnoff destination located at mile marker 104.4.

Meanwhile there was a white vehicle in front of us that we both caught up to and knowing that the driver of that vehicle at the time happened to be a relative of mine. The white vehicle turned right heading east to the Village of Nolic. The B.P. vehicle turned its right signal on to also turn right. Instead of staying right to cross over the cattle guard, the B.P. vehicle angled more toward the left end of the cattle guard as if to block off the entry way and not allow me to turn. Seeing that I made a right turn, the B.P. vehicle made a U-turn back toward Hwy. 86. Seeing in my rear view mirror, the B.P. vehicle hesitated only to make a U-turn and started speeding up at me with the white vehicle in front of me. Caught up to me trying to rear end me, the B.P. vehicle followed me a mile before turning on its lights followed by its siren.

Deciding how to go about the issue at hand and no real safe place to pull off the road, I continued on for another ½ mile before deciding to pull over with my left side of the vehicle off the pavement of the curve in the road. The time was 9:40 a.m. and the B.P. vehicle stopped behind me about 15 feet back, I opened my driver's side door, got out and made my way to the middle of the road. Before opening my driver's door and looking in my rearview mirror, I noticed the agent pointing his pistol at my vehicle. I asked the agent in my own native tongue b6,b7C (What do you want)? Keep asking him 5 times and getting no response. Having nothing in my hands, I raised my hands out and yelled to him to shoot me, shoot me, go ahead and shoot me. Looked to the sky, speaking out loud to where he would hear me, I stated " Lord, if it's your will, let your will be done, Into your hands I commit my spirit. Waiting for the trigger to be pulled and bullet shells going through my innocent body.

Still there with the pistol pointing toward me, I went to my vehicle, got my cell phone which was in the glove compartment, still in its carrying case, I took it out. Was told to drop it, only to refuse, dropped the carrying case and dialed for the Tribal Police. Dialed the wrong number, yet was pretending my call went through I walked by and behind the B.P. Vehicle to read off the license plate and unit number. While reading off the license plate number I noticed this was the same unit parked at mile marker 5 of federal route 19 since it had a read damaged bumper. Dialed 911 and not able to get through due to a dead zone area, I called to my mom's residence. My niece, who is staying there at the moment, answered the phone. I asked her to call the Police that I'm been harassed by Border Patrol down the road (street) from my nephew's house before entering the village of Nolic from Highway 86.

Remembering I had my traditional instrument with me, I went to my vehicle, opened the rear door on the driver's side. Grabbed my rattle, unwrapped it since I had a white hankchief, I took the cover off and headed to the middle of the oncoming lane and started singing a traditional song. Hoping the agent would be convinced and leave me alone only to have his pistol pointing at me. Telling me to drop it, put it down, I refused and continued singing.

While singing and dancing in front of the agent, Two (2) of my brother's (siblings) arrived on scene. With the agent starting to shake, the agent pointed his pistol toward the vehicle in which my brothers were in. The agent finally told me to leave, overhearing the agent, one of my brother's to me leave and go home. While still in the vehicle, one of my brothers yelled to the agent to leave me alone and get out of here. I left and made my way home with my brothers following me to my house. I

opened the trunk so they could see for themselves what all I had was a short handed shovel, my folding chair, a plastic waste basket, and a small silk bag with a change of clothes.

b6, b7C



U.S. Customs and
Border Protection

b7E

July 25, 2013

MEMORANDUM FOR:

b6,b7C

Chief Patrol Agent
Tucson Sector

FROM:

b6,b7C

b6,b7C

Border Patrol Agent
Casa Grande Station

SUBJECT:

Citizen Complaint

On July 21, 2013 I Border Patrol Agent b6,b7C from the Casa Grande Border Patrol Station was working my assigned duties near Sells, Arizona. The area I was patrolling is State Route 86, located on the Tohono O'odham Indian Reservation. b7E

b7E At approximately 9:20AM I was driving westbound on State Route 86, where I noticed a Toyota Corolla on the side of the highway. The vehicle started to pull onto the highway and abruptly stopped when I was in view. As I passed the vehicle the driver did not enter the highway even though the highway was free of traffic. I continued to watch in my mirrors behind me as the vehicle had a delay in pulling onto the highway.

I then pulled off to the side of the highway to get a better look at the vehicle. As the vehicle passed me, it appeared to be heavy in the rear end of the vehicle. b7E

b7E

I then pulled onto the highway and started to follow the vehicle. As I closed the gap between our vehicles, I noticed the subject reaching over to the passenger's side area. I also observed the subject adjusting his rear view mirror towards my vehicle. The subject then turned his head towards the rear end of the vehicle. At this point the vehicle started to veer off to the right side of the highway.

I then pulled my service vehicle alongside his vehicle to get a better look at the driver and the rear passenger's area. The driver had a firm grip on the steering wheel and never looked at me while I drove alongside him. b7E I glanced into the rear area of the vehicle and could not see into the vehicle b7E

b7E

I then passed the vehicle and continued driving westbound, with the Toyota Corolla behind me. At that time, I noticed the vehicle starting to slow down and drive below the posted

Subject
Page 2

speed limit. As I began to get further away from the vehicle behind me, I decided to pull over to the side of the road and wait for him to catch up.

I reentered the highway and used my service radio to contact [b7E] to run a vehicle registration check and to see if the vehicle has been reported stolen. The vehicle's registration came back different than the vehicle that was in front of me.

I then called for assistance on my service radio and continued to follow the vehicle. The vehicle turned onto Federal Route 30. I activated my emergency equipment to conduct a vehicle immigration inspection of the driver.

I noticed the driver moving around the immediate area of the front compartment reaching for something in his vehicle. The driver then turned on his emergency flashers, rolled down his window and waived for me to pass him. I continued to follow the Toyota with my lights and siren activated.

The driver abruptly stopped and immediately exited his vehicle and approached me in an aggressive manner while yelling threats and cursing at me. At this time I believed the driver was going to assault me.

I identified myself as a Border Patrol Agent and instructed the driver to show me his hands and he failed to comply. I pulled my service pistol and continued to give commands to the driver to show me his hands. The driver then screamed "Shoot me! I want you to shoot and kill me!" He screamed this at me several times. The subject began beating his chest with his fist and yelling that he wanted to die and he wanted me to kill him. I continued to give the driver verbal commands and he refused to comply.

At this time I attempted to contact [b7E] to inform them of the situation and request back up [b7E]. I had to use my vehicle's service radio, because I had no response from my hand held service radio and was unsure if my transmissions were being heard. The driver then went back to his vehicle and reached into his vehicle. At this time I believed the subject was reaching for a weapon, so I took cover alongside my vehicle.

At this point the driver exited the vehicle with a cell phone and wallet in his hand. The driver then went to the driver's side rear door and opened the door and pulled out a wooden object and came towards me.

At this time there was a vehicle in the background behind the subject heading towards me. At that time, the only option I had was to retreat backwards away from the driver to avoid being assaulted by the subject's weapon. I closed my door and retreated back towards the rear of my service vehicle. At this time any discharge of my service weapon would put the public's safety in jeopardy and could possibly hit innocent civilians.

As the vehicle passed us on the highway, the driver was directly near the driver side door of my service vehicle. The driver grabbed and opened my service vehicle's door. I commanded him to stop or I would shoot him. He immediately stopped and backed away from my vehicle, where inside I had my M4 service rifle. The driver then backed away from my service vehicle.

At this time, another vehicle approached my position traveling westbound on Federal Route 30. The vehicle was a white SUV and contained two male individuals. The SUV pulled off the highway and was parallel to my service vehicle on the opposite side of the highway. The driver of the Toyota Corolla then started talking to the individuals in the white SUV. The individuals in the white SUV then started yelling at me and cursing telling me that I had no business here and was harassing them.

I ordered the driver of the SUV to leave and he began cursing and yelling at me in an aggressive manner. I then noticed the passenger in the front seat of the white SUV jump out of the vehicle and started to rush over to my position in an aggressive manner while screaming and cursing at me. The passenger then ran back to the SUV and went to the passenger's side of the SUV and was reaching underneath the seat. At this time, I instructed both vehicles to leave because I was out numbered and feared for my safety. I had two threats that I believed were about to attack me. One threat was in front of me holding a wooden weapon and the others were off to my left at approximately a 90 degree angle possible getting a weapon from inside the vehicle.

My backup arrived shortly after both vehicles left and I informed my supervisor of the situation.

I authorize the release of this statement to my attorney or my designated union representative. I may amend or correct any portion of this statement upon reflection to correct any unintended mistake without subjecting myself to a charge of untruthfulness.

1. I have lived in Arizona for about 2-1/2 years now, and transit the checkpoint north of Huachuca City/Whetstone frequently. I don't have a problem with the checks themselves and I realize the purpose they serve. However, on every checkpoint I've seen, the agents require you to roll down the window, for whatever reason. THERE ARE NO SIGNS TO INDICATE THIS TO ANY DRIVERS. If you want citizens to comply, buy signs that indicate the behavior required. You already have them to turn down/off your cell phones, control animals, etc. Why not actually request the behavior you want via signage. Otherwise, rolling down the window should be an option for citizens.

2. I use the highway 80 located in tombstone, AZ which is in the Tucson Sector, Wilcox Station. I live about one and a half hours away from work and travel everyday to work and back. I have never had any issues before with the personnel running the checkpoint. But recently we have had two CBP officers have been to a point, unprofessional. Example, on 03/03/2011 I approached the point and one of the officers asks for an I.D. right away, never been asked that before, just to state my citizenship and I complied. Second, after I replied he asks where I am coming from and where I am heading, I answered the question work and home and I answered the question. On 03/04/2011 before I approach the same officers are at primary and they let don't even ask the car in front of me any questions, the lady in the car does not even roll down her window, they recognize me and one named b6 asks me why am I wearing a blue shirt I told him it was my cover shirt. The other officer in blue as well CBP Officer unknown name starts saying to the other officer b6, "Oh yeah this guy is all covered up" and starts tapping on my car insinuating that I had a compartment, why didn't he secondary me if he suspects foul play? I am just saying if they have comments, they should just keep it to themselves, this has never happened to me before?

3. I-19 checkpoint, Santa Cruz County, Arizona
Saturday, April 2, 2011 approx 8:00 AM
Subject Agent: b6, dog handler (?)
Check point center lane

b6 exhibited rude, irrational, and unprofessional behavior.

As I approached the checkpoint, b6 was not paying attention to task and appeared distracted as he was kicking at the speed bump. He suddenly looked up and ran over to my window, banged on the window with his fist and demanded that I open the window. He accused me of trying to run him over and stated that such an event happens to him every day. After a heated rant by b6, I asked him if I tried to run over him every day. He sheepishly said "no", allowed me to proceed, finally acted embarrassed over his actions, and walked away.

I can only speculate, but it appeared that b6's sunglasses were so dark (very dark) that they impaired his vision (he was already in the shade of the awning, the agents actually working the lanes were not wearing sunglasses), making it appear that I came out of nowhere when I actually rolled up quite slowly. I did wonder why he was standing in the middle of the lane, oblivious to traffic. It appeared like he was disoriented and/or unaware of his surroundings. b6 appeared very agitated (aggressively kicking the speed bump) and I couldn't help but think that b6 was waiting to explode about something, badly misjudged the situation, and his behavior was indicative of a man unsuited to his task.

I expect this complaint to be taken seriously. U.S. Citizens deserve better than this. If I do not receive a satisfactory response (including an apology, an understanding of the root cause, and a corrective action to prevent this type of event from occurring in the future) from the Tucson Sector Chief within fourteen days, then I will escalate this complaint to my Congressman and both Senators where I will ask the question: Why are you appropriating funds for a permanent checkpoint when you cannot find adequate, professional staffing for the existing situation?

b6
b6
b6

4. Aug 27, 2011
12:50 PM

I-19 BP Checkpoint, Center lane

Upon stopping at the checkpoint, I observed agent b6 running his index finger along the door of my car in a manner consistent with intentional cross-contamination of contraband residue. When asked to explain his actions, b6 made a nonsensical statement about applying his fingerprint to my vehicle in case a chase might be necessary. At this point I informed agent b6 that his actions and comments would require me to file a complaint about him. Agent b6 then demanded that I move my vehicle to the secondary area for additional inspection and to ostensibly file a complaint under his terms.

While attempting to converse with a clearly agitated b6, the dog handler, agent b6 began yelling and pounding on the side of my vehicle. The situation was not resolved until agent b6 intervened.

Having lived in the border area for almost twenty years, this was not the first time I have witnessed actions similar to those taken by agent b6. Agent b6's actions were consistent those of a corrupt agent. If agent b6 were a professional, then he would be well aware of the implications of his actions. His reaction was that of someone caught in a guilty act.

Further, once agent b6 was made aware of my intention to file a complaint concerning his actions and words, he should have immediately recused himself from the situation. His demand that I submit to a secondary inspection, without probable cause, is nothing less than witness tampering.

I am well aware that the BP has significantly lowered its hiring standards. Agent b6 is a clear example of those standards being lowered too far.

5. To Whom It May Concern:

My name is b6 and I wanted to express my disappointment and concerns at one of your customs agents on July 15th, 2011. Before I begin, I wanted to let you and your agency know that I feel and believe that you and your agency do a wonderful job and I for one, support what you do. I don't fully understand the stress, the mental commitment or the physical commitment that your agents go through; however, I am very concerned with the professionalism and attitude that I was presented with on the above date mentioned.

On July 15th, 2011 around 0955, I was traveling one route 80 through Tombstone approaching the check station as I have for the last 10 years. When I approached the kiosk station, I noticed that there weren't any agents at the kiosk. As I approached, I noticed a border patrol agent and a customs officer sitting in the kiosk with the door closed. I then felt a pounding within my vehicle and I looked at the agents inside the kiosk with a gesture of help. One of the agents open the door, pointed at my hood of my vehicle. At this time, I see a female agent, walking in front of my vehicle with a look of disgust, shaking her head; she then asked if I was an American citizen and of course I said, "Yes." In total disbelief, I then understood that this agent was pounding on the hood of my car so hard that I felt it through my steering wheel. Being deaf in my right ear, I wasn't able to hear the pounding; however, I felt the pounding. She inspected the back of my vehicle then advised me to have a nice day. I drove off in disgust and embarrassment for you and your agency and at that time, as I'm about 30 feet away from your station, this agent yells, "I shouldn't have to smack your car!" having complete hearing in my left ear and with my window being down, I'm able to hear every word she said. My reply to her, at her volume was, "you should never have touched my car in the first place!"

Here are my concerns with this incident:

1. What's the reasoning for your agent to hit my car hood so hard that I can actually feel the pounding within my car and through my steering wheel?
2. Is it really necessary to yell a comment as I'm driving away from the station? If she really had a concern with me and my performance at the station, why didn't she address it when I was at the station? I would have told her that I had issues with hearing in my right ear as she was pounding on the right side of my car.
3. The two agents saw me at the kiosk as I gestured for help, why didn't they help me?

Unfortunately, I was unable to get her name and or badge number. This customs agent was b6, b6, b6 and b6. She was working the highway 80 station, north of Tombstone, around 0955.

I understand that you and your agency sees over one million people cross stations and borders everyday. I don't understand the stress or the mental and physical aptitude that comes with your job because I'm not an agent. I do understand that your profession may dull the senses when it comes to providing common courtesy to American citizens. My only request is please; don't hit my car to the point where I have to check for damage.

I do believe in facing ones accuser. If this agent would like to talk, converse or whatever to help you resolve this issue please feel free to contact me any time.

b6
b6
b6
b6

Thank you for your time,

6. Sir/Ma'am,

My family and I have lived in b6, Arizona for over six years. I worked for the US Government for over 20 years. My wife and I used to travel to Tucson a couple of times a month. Everything has been great until the Border Patrol Checkpoint was established on AZ-90 between I-10 and AZ-82 a few years ago. Now, we dread leaving our small town and going anywhere because of the horrible treatment we received going through the Checkpoint.

Every time we go through the Checkpoint, the officer would get very close to my face and ask me if I'm a US Citizen, and yell at my wife, sitting on the passenger side, the same question. The last incident happened yesterday (July 9.2011). The officer gave us the usual questions, and I thought we could leave the Checkpoint and started slowly moving forward. The officer yelled at me and asked if I was in a hurry to go somewhere. Then the officer asked me to open the trunk of my car for inspection. It was only after opening the trunk of my car for the inspection that my wife and I were allowed to leave the Checkpoint.

I have seen many cars in front of ours being waved by without any questioning. The only reasons that I could think of for our difference in treatment from the Border Patrol is that I am b6.

I would like to say that I support the Border Patrol and what they do. But how far am I supposed to subject my family and I to this 2nd class citizen treatment? While going through the Checkpoints, I felt like I'm being treated like a criminal. Now that the Checkpoint officer has escalated from questing to search of our car trunk, what would be next? Would we be subjected to body searches? What is my right as a US Citizen while going through the Checkpoints?

Thank you for your help in this matter.

b6
b6

7. On 3 April, 2011 I was passing through the Border Patrol checkpoint east of Yuma, Arizona on I-8. As my vehicle was approaching the checkpoint, I was passing the dog handler. To get the dog's attention to inspect my vehicle, the agent took his hand and knocked his knuckles along side my car. I see absolutely no reason why your agents should be touching my personal property without cause. They absolutely should not be banging my brand new car with their knuckles. Of course, as soon as I complained, I was "selected" for a secondary inspection. I expressed my concerns to the Captain in charge of the checkpoint who told me, "Surely you can appreciate what we are trying to do here." Sure, I can appreciate that. However, I also appreciate that I am a hard-working and law-abiding US Citizen that served my country for over 17 years in the US Army and I see no reason why that agent should have smacked my car. I do not know the full name of the agent. His last name started with b6 and he was the dog handler at about 2:00 pm. I understand that some feel the checkpoints are a necessity. I submit to their indignation frequently. However, please keep your hands off of my car without just cause.

8. I-19 checkpoint, Santa Cruz County, Arizona
Saturday, April 16, 2011 approx 7:50 AM
Subject Agent: b6
Check point right lane

b6 exhibited rude behavior by placing his hands on the interior of the vehicle door. While b6 was wearing gloves to protect himself, b6's actions had the potential to transfer contamination, disease, and contraband residue from vehicle to

vehicle. Given the reduced hiring standards in the current Border Patrol, perhaps b6 needs to be coached on how to better present himself as the face of the Border Patrol at the Checkpoint.

9. For the third time, this time for 40 min, the Border Patrol detained me because I would not answer their question, "Are you a US Citizen".

On 03 May, at approximately 1730 and on 05 May, at approximately 0600; I stopped at the Border Patrol checkpoint at Mile 18, AZ Hwy 85. Both times the agent (different people) asked me "Are you a US Citizen?" I stated that I would not answer the question. After several repetitions of the question and response, the agent directed me to "Pull over to the secondary". I asked "Are you detaining me without probable cause?" Both times I was told, "Yes I'm detaining you until I determine your citizenship status." In both cases, I pulled over; they made phone calls & took my vehicle plate number. The vehicle is registered to my employer. On 03 May, after 4 minutes, I was told "You're free to go." On 05 May, after 5 minutes, I was asked, "Are you an employee of b6?" I said "Yes", and was told "You're free to go."

On 6 May, at 0822, I again stopped at the checkpoint. As the dog was sniffing the front of the car, it's handler said to the agent at my window, "Oh, no, this is that guy that won't answer." They then had a short discussion to the effect that I worked for b6 and I had twice refused to answer the "Citizenship" question. The agent at the window asked "Are you a US citizen?" and I told him that I was not going to answer. He directed me to the "Secondary", then he called another agent, this one wearing captain's bars.

The captain then asked again, and I again refused to answer. This conversation ensued:

Cpt: "It's a simple question. You just answer, if it's 'Yes', then you're free to go."

Me: "And if it's 'No'?"

Cpt: "If it's 'No', I'll want to see your passport."

Me: "If I'm not a US citizen, I'm not required to carry my passport."

Cpt: "Yes you are, or a [unintelligible], or something. Anyway, if you don't answer I'm going to have to hold you until the State authorities come."

Me: "I'm not going to answer."

Cpt: "I'm ordering you to stay here. If you leave, then I'll arrest you for fleeing a checkpoint. Do you understand?"

Me: "I understand, but I'm not convinced that's right."

The captain then left and I stayed there until ~0900, at which point he came back out with a small box, (I was outside of the car at this time), and the following exchange ensued:

Cpt: "You seem like you're well-spoken, you know English well. I'm going to take a sample with this, and it will tell me your citizenship."

Me: [with a straight face] "I'm not going to give you any samples."

Cpt: "It's an air sample."

Me: "I guess you can sample the air..."

Cpt: [fiddles with the box] This says you're a US Citizen, you're free to go."

Me: [still straight-faced] "Thank you."

I left.

I am not a lawyer, but concerned with enforcing the civil liberties granted us by the US Constitution; I broke no law in refusing to answer the question, and believe that the government's detention of me, without probable cause for belief that I had committed an offence, is a violation of my 4th Amendment rights

10. Hello,

I travel frequently between b6 to visit family and have often wondered what the very bright lights and camera arrays are for at the checkpoint along I-70.

Thank You,

b6



Department of Homeland Security
Bureau of Customs and Border Protection

UNITED STATES BORDER PATROL

Complaint Report Form



Report **b6,b7C**
Station: Tucson Station

EMPLOYEE: (person taking information)

Name: SBPA **b6,b7C** Star #: **b6,b7C** 03/15/2011 10:30 a.m.
(date) (time)

Method Report Received: In person ☒ Phone ☐ Other _____

CITIZEN COMPLAINANT: (ASK, but not required):

Name: **b6,b7C**

Address: **b6,b7C**

Phone: **b6,b7C** ☐ NO CONTACT

RELEVANT INFORMATION: (criminal activity to report)

☐ **OFFICER RELATED COMPLAINT:**

Name of Officer(s): N/A

Date/Time of incident: N/A

Location of Incident: N/A

Landmark(s): N/A

Description of Incident: N/A

☒ **STATION RELATED COMPLAINT:**

Number of Officers Involved: Complaint against all Border Patrol Agents at the SR 286 Checkpoint

Date/Time of incident: 03/08/2011 12:42 p.m.

Location of Incident: Checkpoint on SR 286 Milepost 26

Description of Incident:

On March 15, 2011 at approximately 10:30 a.m. a citizen met with SBPA **b6,b7C** in Sasabe, AZ, to file a complaint.. The citizen was identified as **b6,b7C** was complaining that on March 8, 2011 she was held at the checkpoint on SR 286 for approximately two hours. She stated that she was inspected for a radiation alert as well as her vehicle being searched

after she granted permission. She felt that the agents were rude in questioning her about the open fabric softener dryer sheets and the dogs under the passenger seat in her truck.

Other AGENCIES involved: N/A

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain)

SBPA b6,b7C advised b6,b7C that he would forward the information and that someone may contact her at the phone number provided.

AFTER ACTION: ☐ NONE ☒ YES (explain) I spoke with BPA b6,b7C about the incident.

BPA b6,b7C was the agent at the secondary inspection after the PRD activated at primary. BPA

b6,b7C,b7E requested record checks on the subject.

b6,b7C,b7E

b7E

The Agents on scene then searched the vehicle and a K9 Officer en-route to the Sasabe Port of Entry stopped and performed a K9 sniff of the vehicle with no alerts. b7E

b7E

b7E

the subject was released after approximately 40 minutes. b7E was written for the PRD activation.

Completed by: _____

(name)

(date)

(time)

U.S. Customs and
Border Protection

March 8, 2011

MEMORANDUM FOR:

b6,b7C
Chief Patrol Agent
Tucson Sector

FROM:

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

SUBJECT:

PRD Activation at Highway 286 Checkpoint
b7E

On March 08, 2011, at approximately 12:42 pm, Border Patrol Agent b6,b7C received a radiation alert on his assigned Personal Radiation Detector (PRD) while at the primary lane at the Highway 286 Checkpoint. b7E The alert was received from a Black Ford F-150 Pick-up (b6,b7C Plate b6,b7C). Agent b6,b7C directed the driver to the secondary inspection lane where she was separated from her vehicle for further investigation.

Once in the secondary inspection area of the checkpoint, BPA b6,b7C,b7E determined that the driver, identified as b6,b7C (DOB: b6,b7C), was the source of the radiation. b6,b7C stated that she had undergone medical radiation treatment and provided discharge documents to BPA b6,b7C showing she had undergone medical tests in b6,b7C just three days prior. BPA b6,b7C conducted a scan of b6,b7C to determine the type of radiation that was emitted. b7E b6,b7C b7E b7E b7E BPA b6,b7C contacted b6,b7C,b7E The Sasabe Port of Entry was contacted and revealed b6,b7C had crossed an hour earlier and had been cleared for entrance into the United States.

BPA b6,b7C was satisfied b7E the statement made by b6,b7C b6,b7C She was released from the 286 Checkpoint at approximately 1:20 P.M. The radioactive material questionnaire was completed by BPA b6,b7C and will be attached to this IIR.

This IIR has been reviewed and approved by (A)FOS b6,b7C

Address: b6, b7C
POB: b6, b7C
Citz: b6, b7C
Status: b6, b7C
A#: b6, b7C

Passport or Driver's License #: b6, b7C DL # b6, b7C

Passport # b6, b7C

Conveyance Information:

Airline: N/A Deprt Ctry: N/A

Vehicle Type: Ford Make/Model: F150

License: b6, b7C ST: b6, b7C ry: b6, b7C

of Passengers: 1

Manifested Commodity: N/A

Manifest or Placarding Information: N/A

Shipper Name and Address: N/A

Consignee Name and Address: N/A

b6, b7C CBP, OBP; Tucson Station
Lead Radiation Detection Agent b6, b7C
2430 S. Swan Rd
Tucson, Arizona 85711
b6, b7C
b6, b7C @dhs.gov

1

TX/RX NO
RECIPIENT ADDRESS
DESTINATION ID
ST. TIME
TIME USE
PAGES SENT
RESULT
OK
0101
E7q'9C, b7E
03/08 16:25
02.08
7
OK

TRANSMISSION OK

*** TX REPORT ***

10000

FAX b6, b7C 08/08

CBP00001027

**RADIOACTIVE MATERIAL TECHNICAL ADVICE
QUESTIONNAIRE**

CBP DIRECTIVE NO. 5290-015 APPENDIX 1

Incident Location: 286 Check Point, Sasaca, AZ Date: 03/08/11 Time: 1242

Reporting Officer: b6,b7C Phone: b6,b7C

Passenger or Pedestrian Information:

Name: b6,b7C DOB: b6,b7C
Gender: b6,b7C HT: b6,b7C WT: b6,b7C Hair: b6,b7C Eyes: b6,b7C

Address: b6,b7C

POB: b6,b7C Citiz: b6,b7C

Status: b6,b7C A#: b6,b7C

Passport or Driver's License #: b6,b7C DL #: b6,b7C

Passport #: b6,b7C

Conveyance Information:

Airline: N/A Deprt Ctry: N/A

Vehicle Type: Ford Make/Model: F150

License: b6,b7C ST: b6,b7C try: b6,b7C

of Passengers: 1

Manifested Commodity: N/A

Manifest or Placarding Information: N/A

Shipper Name and Address: N/A

Consignee Name and Address: N/A

b6,b7C CBP, OBP, Tucson Station
b6,b7C Lead Radiation Detection Agent
2430 S. Swan Rd
Tucson, Arizona 85711
b6,b7C
b6,b7C @dhs.gov

**RADIOACTIVE MATERIAL TECHNICAL ADVICE
QUESTIONNAIRE**

CBP DIRECTIVE NO. 5290-015 APPENDIX 1

b7E

b6,b7C CBP, OBP, Tucson Station **b6,b7C**
Lead Radiation Detection Agent
2430 S. Swan Rd
Tucson, Arizona 85711
b6,b7C
b6,b7C @dhs.gov

2

**RADIOACTIVE MATERIAL TECHNICAL ADVICE
QUESTIONNAIRE**

CBP DIRECTIVE NO. 5290-015 APPENDIX 1

b7E

b6,b7C CBP, OBP, Tucson Station **b6,b7C**
Lead Radiation Detection Agent
2430 S. Swan Rd
Tucson, Arizona 85711
b6,b7C
b6,b7C @dhs.gov

3

On 03/08/2011 at approximately 1242 hours [b6,b7C]
[b6,b7C] (DOB: [b6,b7C], presented for inspection at the Highway
286 Border Patrol Checkpoint driving a Black Ford F-150 [b6,b7C] Plate
[b6,b7C]. The PRD worn by the Primary Inspection Agent immediately
alerted [b6,b7C,b7E] was referred to secondary
inspection where BPA [b6,b7C] and CBP Officer [b6,b7C]
[b6,b7C,b7E] took the lead in the inspection. [b6,b7C]
[b6,b7C] was separated from her vehicle while BPA [b6,b7C] conducted her
field interview. CBP Officer [b6,b7C,b7E]
[b6,b7C,b7E]

[b6,b7C,b7E]

[b6,b7C,b7E]

BPA [b6,b7C] had also asked [b7E] to contact the Sasabe Port of Entry
to ascertain any secondary inspection information they may have
obtained [b7E]
[b7E] It was at about this time that the
Port of Entry [b7E]
[b7E] had cleared her for entry into the United States.

[b6,b7C,b7E]

[b6,b7C,b7E] BPA [b6,b7C] continued
to field interview [b6,b7C] and obtained consent to perform a search
of her vehicle. Upon entering the vehicle BPA [b6,b7C,b7E]

[b6,b7C,b7E]

Given these indicators BPA [b6,b7C] requested the use of a Department
Detection Canine. One was enroute to the check point, but the Canine
Unit for the Sasabe POE who was travelling south on 286 arrived earlier

and performed the inspection. The canine did not alert to any odors in the vehicle.

b7E

b6,b7C,b7E

was allowed to depart the Checkpoint at approximately 1320 hours with no further inspection. **b6,b7C** was totally cooperative at all times during the secondary inspection. . BPA **b6,b7C** Faxed the Radioactive material Technical Advice Questionnaire to the LSS upon his return to the Tucson Station.

15:00 TECS II - PERSON SUBJECT DISPLAY (1 OF 4) 030811 **b7E**
b6,b7C **b7E**
TECS RECORD ID **b7E** ENTRY 121809 UPDATE 122110
NAME- LAST **b6,b7C** PHYSICAL IDENTIFIERS
FIRST **b6,b7C** MID HISPANIC **b6,b7C** RACE **b6,b7C** SEX **b6,b7C** HAIR EYES
IMAGE ALIAS M NICKNAME STC HT 000 000 WT 000 000 ENGLISH
PERSONAL S/M/T MORE
DOB **b6,b7C** POB **b6,b7C** ST CITY CTZN MORE
SSN **b6,b7C** MORE AFN **b6,b7C** MORE RES EXC/SITE MORE
PPN TYPE CNTRY ISSDT EXPDT MORE
ADDRESS- DATE **b6,b7C** STREET **b6,b7C** **b6,b7C**
CITY **b6,b7C** STATE **b6,b7C** CNTRY **b6,b7C** ZIP **b6,b7C** TYPE MORE
CONTACT **b7E** PHONE **b6,b7C**
OWNER **b6,b7C** CASE NBR **b7E** MORE
PRIMARY **b7E** START STOP QRY NTFY **b7E**
b7E **b3,b7E** CAT
REMARKS **b7E** MORE

b7E

b6,b7C,b7E

b6,b7C,b7E

b6,b7C

From: b6,b7C

Sent: Tuesday, March 08, 2011 1:07 PM

To: b6,b7C

Subject: RE: b6 b7C

b6,b7C,b7E

3/8/2011

CBP00001034



Department of Homeland Security
Bureau of Customs and Border Protection

UNITED STATES BORDER PATROL

Complaint Report Form



Report #: **b6,b7C**
b6,b7C Station: Tucson

EMPLOYEE: *(person taking information)*

Name: **b6,b7C** Star #: **b6,b7C** Date: 03/29/2011 Time: 12:20 p.m.

Method Report Received: ☐ In person ☒ Phone ☐ Other _____

CITIZEN COMPLAINTANT: *(ASK, but not required):*

Name: **b6,b7C**

Address: No address given

Phone: **b6,b7C** ☐ NO CONTACT

RELEVANT INFORMATION: *(criminal activity to report)*

OFFICER RELATED COMPLAINT:

Name of Officer(s): **b6,b7C**

Date/Time of incident: Date 03/29/2011 / Time 11:30 a.m.

Location of Incident: **b7E**

Landmark(s) N/A

Description of Incident: _____

☐ **STATION RELATED COMPLAINT:**

Number of Officers Involved: _____ Date/Time of incident: Date / Time

Location of Incident: Rd/Hwy Milepost: _____ Community: _____
Landmark(s) _____

Description of Incident:

On March 29, 2011 at approximately 12:20 p.m. I received a call from b6,b7C while I was the Early Days Duty Supervisor. b6,b7C stated that she was b6,b7C on Ajo Way and she was calling to file a complaint on behalf of b6,b7C, a parent whose two children attended her school. b6,b7C stated that b6,b7C had just arrived at her school with her two young boys. b6,b7C stated that b6,b7C was very upset about being pulled over by the Border Patrol and that b6,b7C was a total wreck. She further stated that her two boys were very distraught as well. I asked to speak with b6,b7C and she put her on the phone. b6,b7C stated that she wanted to file a complain about being pulled over west on Ajo Way by Agents b6,b7C and b6,b7C. b6,b7C complained that she did not know why she was pulled over and that she had been harrassed by the agents. b6,b7C went on to state that she asked why she was being pulled over and that the agents told her that her vehicle, a Ford Expedition was riding low and then told her "we'll think of something". She asked the agents if she could then leave and was told "not now" and was then asked for her identification. b6,b7C provided her identification and after a "very long time" the agents came back with her identification and told her she could leave. b6,b7C stated that she had not committed any traffic violations and she should not have been stopped. I explained to b6,b7C that we did not make vehicle stops based solely on traffic violations and explained to her that we made vehicle stops to investigate possible immigration violations. I also explained to her that we would be investigating the complaint and asked her if she wanted us to call her back. b6,b7C seemed to be content with our conversation but requested a call back.

I then made contact with Agents b6,b7C and b6,b7C and asked about their encounter with b6,b7C. Agent b6,b7C stated the the vehicle b6,b7C was driving was a burgundy Ford Expedition traveling east bound on Ajo wasy near Kinney street b6,b7C,b7E. b6,b7C who was driving, attempted to close the gap with the Expedition which was in front of them. At this point he stated that the driver of the expedition sped up and began changing lanes b7E. b6,b7C,b7E. Agent b6,b7C was eventually able to close the gap and run a registration check on the vehicle and a license check on the registered owner. b7E returned the information on the checks and stated that the license check came back b7E. Agent b6,b7C could see a child in the back seat but could not see the driver. Agent b6,b7C then attempted to pull up next to the vehicle so Agent b6,b7C could get a closer look inside. Upon pulling up next to the vehicle, Agent b6,b7C stated that b6,b7C pulled the expedition off the road to the shoulder with out b6,b7C activating any emergency equipment.

Agents b6,b7C and Agent b6,b7C approached the vehicle in order to conduct their investigation. b6,b7C asked Agent b6,b7C why she had been stopped and Agent b6,b7C stated that she had pulled over on her own and proceeded to conduct an immigration check on the occupants of the vehicle b7E. Agent b6,b7C and Agent b6,b7C discovered tools in the back of the vehicle b7E. Agent b6,b7C also discovered that the vehicle was registered to b6,b7C's brother. The Agents then ran a wants and warrants check on b6,b7C and after all checks came back clear they released her and cleared the scene. b6,b7C,b7E

Other AGENCIES involved: No

IMMEDIATE ACTION TAKEN: ☒ YES (explain) _____

AFTER ACTION: ☐ NONE ☒ YES (explain) _____

SBPA b6,b7C attempted numerous contact with b6,b7C. I left numerous messages on her home and cell phone as well. SBPA b6,b7C called and spoke with b6,b7C who related her concern regarding the incident. She related that her only information regarding the incident came from b6,b7C. Due to the inability to contact the original complainant, this complaint is closed.

Completed by:

b6,b7C

04/06/2011



Department of Homeland Security
Bureau of Customs and Border Protection

UNITED STATES BORDER PATROL

Complaint Report Form



Report **b6,b7C**
Station: Tucson Station

EMPLOYEE: *(person taking information)*

Name: SBPA **b6,b7C** Star #: **b6,b7C** 05/01/2011 3:45 PM
(date) (time)

Method Report Received: In person ☒ Phone ☐ Other ☐

CITIZEN COMPLAINANT: *(ASK, but not required):*

Name: **b6,b7C**

Address: **b6,b7C**

Phone: **b6,b7C** ☐ NO CONTACT

RELEVANT INFORMATION: *(criminal activity to report)*

☐ **OFFICER RELATED COMPLAINT:**

Name of Officer(s):

Date/Time of incident:

Location of Incident:

Landmark(s)

Description of Incident:

☒ **STATION RELATED COMPLAINT:**

Number of Officers Involved: 1 Date/Time of incident: 05/01/2011 3:00 PM

Location of Incident: **b7E**

Description of Incident: On May 1, 2011 at approximately 3:45 PM, I received a call from a man identified as **b6,b7C** was angry that Border Patrol Agents constantly pull his wife over while she's driving their 1998 Ford Expedition. He explained that he is never pulled over while driving this particular vehicle and wanted to know why Agents continually harass his wife. He further stated he wanted a return call from a Supervisor regarding these ongoing incidences.

I notified Acting Field Operations Supervisor b6,b7C regarding the call. I also contacted b7E and requested any information regarding any recent vehicle stops. Agent b6,b7C who is assigned to Avra Valley, performed a vehicle stop at approximately 3:00 PM on today's date. I spoke to Agent b6,b7C and he confirmed performing a vehicle stop on the vehicle in question. I instructed Agent b6,b7C to complete a memorandum regarding the incident and a memo will be forthcoming.

A copy of this report will be forwarded to SBPA b6,b7C for a follow up call.

Other AGENCIES involved: N/A

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain)

(A)FOS b6,b7C notified.
Memo requested from Agent b6,b7C

AFTER ACTION: ☐ NONE ☐ YES (explain) _____

Completed by: _____ hours _____
(name) (date) (time)



Department of Homeland Security
Bureau of Customs and Border Protection

UNITED STATES BORDER PATROL

Complaint Report Form



Report: **b6,b7C**

Station: Tucson Station

EMPLOYEE: (person taking information)

Name: **b6,b7C**

Star # **b6,b7C**

05/18/11

07:45 AM

(date)

(time)

Method Report Received: ☐ In person ☒ Phone ☐ Other _

Reported to me by complainant via phone conversation

CITIZEN COMPLAINTANT: (ASK, but not required):

Name: **b6,b7C**

Address:

Phone: **b6,b7C**

Work: **b6,b7C**

☐ NO CONTACT

RELEVANT INFORMATION: (criminal activity to report)

☒ **OFFICER RELATED COMPLAINT:**

Name of Officer(s): Unknown

Date/Time of incident: 05/18/11 1:30 AM

Location of Incident: Rd/Hwy I-19 and I-10 Milepost UNK Community Tucson, AZ

Landmark(s) _

Description of Incident: **Agent allegedly harassing citizen**

☒ **STATION RELATED COMPLAINT:**

Number of Officers Involved: 1 Date/Time of incident: 05/18/11 0130 am

Location of Incident: Rd/Hwy I-19 and I-10 Milepost _ Community Tucson, AZ

Landmark(s) I-19 and I-10 near the Arizona Department of Transportation Office.

Description of Incident:

On May 18, 2011 at approximately 07:45AM, I received a Citizen Complaint from b6,b7C
b6,b7C stated that at 01:30AM this morning, he was harassed by a Border Patrol Agent.

b6,b7C stated that he was parked on the side of the road at I-10 and I-19 near the Department of Transportation building. Furthermore he stated that a Border Patrol Agent in a marked sedan made stopped behind him while he was parked on the side of the road, having mechanical issues.

b6,b7C stated he was harassed because he felt the Agent automatically assumed he was illegal. Additionally, the Agent asked b6,b7C for his identification and conducted checks. He went on to say that after the Border Patrol Agent finished his checks, Department of Public Safety showed up because they thought there was an accident. b6,b7C stated that the Agent handed the DPS officer his identification and left before he was able to get the Agent's badge number.

b6,b7C stated that his brother worked for the Department of Homeland Security and he was going to send a letter to his Representative. He stated that he was really upset at the time he was reporting the complaint. b6,b7C left his home phone number b6,b7C and his work phone number b6,b7C. I attempted to contact b6,b7C at both of the above stated phone numbers to obtain more information, but was sent directly to voicemail. Although b6,b7C provided his contact information, he did not specifically request to be contacted regarding the incident.

Other agencies involved: DPS arrived on scene and had limited involvement while the Agent was on scene.

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain) I respectfully told b6,b7C b6,b7C that I would forward this formal complaint to the proper parties in the U.S. Border Patrol. I made no promises and advised that this process may take some time, but it would not be ignored.

AFTER ACTION: ☐ NONE ☐ YES (explain) _____

Completed by: _____ (name) _____ (date) _____ (time)



Department of Homeland Security
Bureau of Customs and Border Protection

UNITED STATES BORDER PATROL

Complaint Report Form



Report **b6,b7C**
Station: Tucson Station

EMPLOYEE: *(person taking information)*

Name: **b6,b7C** Star #: **b6,b7C** **05/18/2011** **2:30 PM**
(date) (time)

Method Report Received: ☐ In person ☒ Phone ☐ Other _

CITIZEN COMPLAINTANT: *(ASK, but not required):*

Name: _____

Address: **b6,b7C**

Phone: _____ ☒ NO CONTACT

RELEVANT INFORMATION: *(criminal activity to report)*

☒ **OFFICER RELATED COMPLAINT:**

Name of Officer(s): **Border Patrol Agent** **b6,b7C**

Date/Time of incident: **05/18/2011 0830 A.M.**

Location of Incident: Rd/Hwy **b6,b7C** Community **b6,b7C**
Landmark(s) _

Description of Incident: **Agent was unprofessional**

☐ **STATION RELATED COMPLAINT:**

Number of Officers Involved: _____ Date/Time of incident: ____ / ____ / ____ am/pm

Location of Incident: Rd/Hwy _____ Milepost _____ Community _____
Landmark(s) _____

Description of Incident: Agent **b6,b7C** drove passed his residence twice as he and his family were leaving their house at **b6,b7C** in **b6,b7C**. After they left their residence, Agent **b6,b7C** pulled them over. He said Agent **b6,b7C** was very rude and treated him and his wife like second class citizens or illegals. He said he was very unprofessional in the way he treated them and that he had no probable cause to pull them over. He said Agent **b6,b7C** pulled him over just because he saw a **b6,b7C** family getting into a car. He also said he asked Agent **b6,b7C** why he pulled him over and Agent **b6,b7C** said, "I don't have to tell you that" which made him more angry.

I was able to find out from the reporting party that it was someone else that drove the car to his house, the car was not his (not registered to him or his address), and the driver, **b6,b7C** was taking them to Rio Rico to pick up their car. Although he continued to say the reason he pulled them over was because he was **b6,b7C** he was not very willing to give up the information that the driver was not a **b6,b7C**.

Other agencies involved: None.

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain) Early Days Supervisors were advised and had already been told of the event by **b6,b7C**. A memo has been requested

AFTER ACTION: ☐ NONE ☐ YES (explain) _____

Completed by: _____ (name) _____ (date) _____ (time)



Department of Homeland Security
Bureau of Customs and Border Protection

UNITED STATES BORDER PATROL

Complaint Report Form



Report: **b6,b7C**

Station: Tucson Station

EMPLOYEE: *(person taking information)*

Name: SBPA **b6,b7C**

Star # **b6,b7C**

07/17/2011
(date)

0920 hours
(time)

Method Report Received: ☐ In person ☒ Phone ☐ Other _

CITIZEN COMPLAINTANT: *(ASK, but not required):*

Name: **b6,b7C**

b6,b7C

Address: **b6,b7C**

b6,b7C

Phone: **b6,b7C** cell

b6,b7C

RELEVANT INFORMATION:

☒ **OFFICER RELATED COMPLAINT:**

Name of Officer(s): **b6,b7C** Laredo Sector, Cotulla Station

Date/Time of incident: 07/17/2011 (between 1200 – 1400 hours)

Location of Incident: Rd/Hwy Arivaca Road Milepost 22 Community Amado, AZ Landmark(s) Arivaca East Checkpoint

Description of Incident: Allegations of Agents impropriety.

☐ **STATION RELATED COMPLAINT:**

Number of Officers Involved:

Date/Time of incident:

Location of Incident:

Rd/Hwy Milepost

Community

Landmark(s)

COMPLETED
7/25/11

Description of Incident:

On July 17, 2011 at approximately 0930 hours, Tucson Station Duty Supervisor [b6,b7C] was contacted by a man that identified himself as [b6,b7C], DOB: [b6,b7C]. [b6,b7C] stated that between 1200 – 1400 hours on yesterday's date (07/16/2011) he was traveling east bound on Arivaca East, after picking up "hoses" on the Sopori Ranch. When he approached the Arivaca Checkpoint he was referred to secondary inspection. In the secondary inspection area he stated Agents were rude and intimidating. Specifically; when he was searched by a hispanic female she discovered he was not wearing underwear and asked him why he was not wearing underwear. Furthermore, he stated he was told not to come around "here" anymore or he would be arrested. Shortly thereafter he was cleared to leave the checkpoint. [b6,b7C] requested that someone from the station follow up with his complaint.

Immediately after fielding the phone call from [b6,b7C] with [b6,b7C] [b6,b7C] called. [b6,b7C] was polite and simply stated he wanted to reiterate [b6,b7C]'s account of the incident. [b6,b7C] confirmed that [b6,b7C] is also an active member of the [b6,b7C] that routinely operates in the Tucson Station ACR. He stated he wanted to have his name included with the complaint and requested a follow up call.

Other agencies involved: None.

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain)

It was determined that this incident occurred on the late day shift on 07/16/2011. The female Agent was identified as Border Patrol Agent [b6,b7C], a detailed Agent from Laredo Sector, Conulla Station. SBPA [b6,b7C] contacted BPA [b6,b7C]. BPA [b6,b7C] remembered the encounter as follows: Shortly after they began their shift and arrived at the Arivaca Checkpoint, a Tucson Agent followed the vehicle (2000 Green Pontiac Grand Am, [b6,b7C] Plate [b6,b7C]) to the checkpoint and asked the Agents to secondary the vehicle. Once the vehicle was in secondary, Agents asked and were granted consent to search the vehicle. Agents performed a search of [b6,b7C] for his and their safety. BPA [b6,b7C] confirmed that she searched [b6,b7C] and that she was simply surprised at the fact he was not wearing any underwear, she confirmed that she did ask him why he was not wearing any. BPA [b6,b7C] stated they never threatened or intimidated [b6,b7C] and they remained professional during the encounter. When Agents were satisfied that [b6,b7C] was not involved in anything nefarious he was allowed to leave without incident. BPA [b6,b7C] was reminded to choose her words carefully and always remain professional when interacting with the public.

AFTER ACTION: ☐ NONE ☒ YES (explain) [b6,b7C] called Agent [b6,b7C] this Sunday 07/24/11 to follow up on this complaint. It was determined that [b6,b7C] felt he was being spoken to in an unprofessional manner and was intimidated by the questions of two other male agents. [b6,b7C] related that he works for [b6,b7C] and had some clothes and shoes in his vehicle. [b6,b7C] was informed that questions of citizenship and destinations are normal and not out of the ordinary. [b7E] [b6,b7C,b7E] also stated that he was a [b6,b7C]. [b6,b7C] was informed on the actions taken by the service on this complaint and was satisfied on the followup.

Completed by

SBPA **b6,b7C**

07/25/2011

0800 hours

(name)

(date)

(time)



Department of Homeland Security
Bureau of Customs and Border Protection

UNITED STATES BORDER PATROL

Complaint Report Form



Report **b6,b7C**
Station: Tucson Station

EMPLOYEE: (person taking information)

Name: **b6,b7C** Star #: **b6,b7C** 11/16/11 1645
(date) (time)

Method Report Received: ☐ In person ☒ Phone ☐ Other

CITIZEN COMPLAINANT: (ASK, but not required):

Name: **b6,b7C**

Address: **b6,b7C**

Phone: **b6,b7C** ☐ NO CONTACT

RELEVANT INFORMATION: (criminal activity to report)

☒ **OFFICER RELATED COMPLAINT:**

Name of Officer(s): Unknown

Date/Time of incident: 11/15/11 0600 hours

Location of Incident: Rd/Hwy Hwy 286 Checkpoint. Milepost MP 26 Community
Landmark(s) _____

b6,b7C called this morning and wanted to file a complaint on behalf of his girlfriend, **b6,b7C**. **b6,b7C** indicated that his girlfriend is an **b6,b7C** and always carries her passport and all her required paperwork. However, **b6,b7C** stated that **b6,b7C** was detained for approximately thirty minutes yesterday (11/15) at the Hwy 286 Checkpoint by an Officer in a blue uniform. She did not get his name.

b6,b7C complained that the officer was too aggressive in dealing with his girlfriend and wanted to also complain about the officer's tone, manner, and the length of time she was detained. He was concerned about some of the questions that the officer asked and that there might be some sort of retribution for the complaint. I assured **b6,b7C** his complaint would be forwarded to management, there would be no retribution, and that he could ask for a follow-up call.

COMPLETED
11/16/11 1450 hrs

b6,b7C stated that he works at b6,b7C and was a supporter of the U.S. Border Patrol. His tone throughout the call was reasonable. He did indicate he wanted a follow-up phone call.

☐ **STATION RELATED COMPLAINT:**

Number of Officers Involved: _____ Date/Time of incident: ____/____/____ am/pm

Location of Incident: Rd/Hwy _____ Milepost _____ Community _____

Landmark(s) _____

Other agencies involved: None.

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain)

I notified FOS b6,b7C completed complaint form, and sent out the form via email to the TUS Complaint Address List.

AFTER ACTION: ☐ NONE ☒ YES (explain) b6,b7C called back today, 10/18/11. I explained that the OFO officer would be spoken to in regards to professional conduct and proper procedures when dealing with U.S. Citizens and documented aliens. b6,b7C was satisfied. b6,b7C

Completed by b6,b7C 10/18/11 1450
(name) (date) (time)

COMPLETED
10/18/11 1450 hrs

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



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

November 17, 2011

MEMORANDUM FOR:

b6,b7C
Acting Patrol Agent in Charge
Tucson Station

FROM:

b6,b7C
Field Operations Supervisor
Tucson Station

b6,b7C

SUBJECT:

Citizen Complaint Regarding CBPO **b6,b7C**

SBPA **b6,b7C** received a telephonic citizen's complaint from **b6,b7C** on November 16, 2011 stating that his girlfriend **b6,b7C**, a **b6,b7C** citizen, was detained for an unreasonable length of time when she passed through the State Route 286 checkpoint on the morning of November 15, 2011 at approximately 0500 hours. She was the sole occupant of the vehicle. Specifically, **b6,b7C** stated that an officer in a blue uniform was too aggressive when dealing with **b6,b7C** and complained about the officer's tone and manner. SBPA **b6,b7C** documented the complaint on Complaint Report Form **b6,b7C**.

The personnel assigned to the State Route 286 checkpoint on the **b7E** shift on November 15, 2011 were BPA **b6,b7C**, BPA **b6,b7C**, and CBPO **b6,b7C**. On November 16, 2011, I served BPA **b6,b7C** and BPA **b6,b7C** Notices of Right to Union Representation, and they prepared memoranda regarding their observations of CBPA **b6,b7C**'s interaction with **b6,b7C**. CBPO **b6,b7C** is no longer detailed to the Tucson Sector. His travel day is today.

BPA **b6,b7C** stated that **b6,b7C** was detained for 25 to 30 minutes and that CBPO **b6,b7C** was acting professionally at all times.

BPA **b6,b7C** stated that CBPO **b6,b7C** sent **b6,b7C** to secondary inspection. In secondary, CBPO **b6,b7C** told BPA **b6,b7C** that he was concerned about **b6,b7C**'s passport and the possible lack of a particular stamp. CBPO **b6,b7C,b7E** **b6,b7C,b7E** CBPO **b6,b7C** asked for and was granted consent to search **b6,b7C**'s vehicle. BPA **b6,b7C** said that **b6,b7C** was in secondary inspection for 25 to 30 minutes, and CBPO **b6,b7C** acted professionally at all times.

Both agents stated that CBPO **b6,b7C** was acting in a professional manner. I asked Community Relations SBPA **b6,b7C** to contact **b6,b7C** to discuss the complaint.

b6,b7C

CBP00001049

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



U.S. Customs and
Border Protection

November 30, 2011

MEMORANDUM FOR:

b6,b7C

Acting Patrol Agent in Charge
Tucson Station

FROM:

b6,b7C

Customs and Border Protection Officer

SUBJECT:

Event at State Route 286 Checkpoint

b6,b7C

b7E

COC: b6,b7C

DOB: b6,b7C

PP#: b6,b7C

VISA#: b6,b7C

SEVIS#: b6,b7C

FIN#: b6,b7C

Summary of events taken place at highway 286 checkpoint on 11/15/2011:

On November 15th, 2011 at 0600 hours a green 1996 Honda accord (license plate unknown) approached the highway 286 checkpoint at mile marker 26 near Three Points, Arizona. There was only one person in the vehicle a female. CBPO b6,b7C the primary officer at the checkpoint asked the driver her country of citizenship. The subject b6,b7C a b6,b7C year old citizen of b6,b7C presented her b6,b7C passport when asked. At this time CBPO b6,b7C began to ask her questions regarding where she was living and what her status was in the United States.

b6,b7C stated that she was in the United States to attend school b6,b7C which is in the city of Tucson, Arizona and b6,b7C lives in b6,b7C with her boyfriend.

b6,b7C, b7E

b7E CBPO b6,b7C advised b6,b7C to enter the secondary area for further inspection, to determine subject's immigration status.

During the secondary inspection CBPO b6,b7C began to ask b6,b7C how long she had been living with her b6,b7C boyfriend b6,b7C who is a b6,b7C in the b6,b7C

b6,b7C area and has an address of b6,b7C stated that she

has been living with b6,b7C for the past 5 years. After initiating further questions about her relationship with b6,b7C she stated they met when b6,b7C

b6,b7C When CBPO b6,b7C began to review her SEVIS paper work the address listed as her residence was b6,b7C

When asked why she wasn't staying at her address that was reported to SEVIS [b6,b7C] stated that her boyfriend only has a P.O. Box and SEVIS did not allow her to use that as an official address so she used the address of [b6,b7C] who is the mother of her boyfriend.

Further questioning regarding her relationship with her [b6,b7C] boyfriend, CBPO [b6,b7C] asked [b6,b7C] if she has ever talked about marriage with [b6,b7C]. She stated that they have talked about getting married sometime in the future. [b6,b7C] stated that she plans to stay in the United States until she has received her degree from [b6,b7C], but that won't happen until she completes her undergraduate studies from [b6,b7C] which is about 4-5 years from now (at that time [b6,b7C] will be [b6,b7C] years old).

b6,b7C

CBPO b6,b7C

Date: 11-30-2011

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



U.S. Customs and
Border Protection

November 16, 2011

MEMORANDUM FOR:

b6,b7C
Acting Patrol Agent In Charge
Tucson Station

FROM:

b6,b7C
Border Patrol Agent
Tucson Station

b6,b7C

SUBJECT:

Citizen's Complaint

On Tuesday, November 15, 2011, I was assigned to the 286 checkpoint. Also present were BPA b6,b7C and CBP Officer b6,b7C. At approximately 5:00 am, a sedan approached the checkpoint. CBP Officer b6,b7C was in the point position, with me and BPA b6,b7C as secondary agents. CBPO b6,b7C initiated an immigration interview with the sole occupant of the vehicle, identified as b6,b7C a b6,b7C citizen. After a cursory interview of a passport and visa, b6,b7C instructed the driver to pull into the secondary area of the checkpoint. No other vehicles were approaching the point so both b6,b7C and I followed b6,b7C and the vehicle to the secondary position. I asked b6,b7C what he had, and he showed me the driver's passport, which contained an airport stamp of ATL (Atlanta), and said that the driver indicated that she had flown to Tucson. Also, b6,b7C indicated that there was a stamp that appeared to be missing on the visa portion of the ATL stamp.

At secondary, b6,b7C and I maintained a secondary position, while b6,b7C continued to question the driver. b6,b7C questioned b6,b7C and asked for permission to search the vehicle to which she agreed. b6,b7C searched the vehicle. He did not indicate that he found anything of interest. b7E

b7E

b7E The vehicle was in secondary for approximately 25 to 30 minutes. CBP b6,b7C was professional at all times with the driver.

b6,b7C

CBP00001052

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



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

November 16, 2011

MEMORANDUM FOR:

b6,b7C

Border Patrol Agent
Tucson Station

FROM:

b6,b7C

Field Operations Supervisor
Tucson Station

b6,b7C

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

Employee's Signature

Date

11/16/11

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



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

November 16, 2011

MEMORANDUM FOR:

b6,b7C
Acting Patrol Agent In Charge
Tucson Station

FROM:

b6,b7C b6,b7C
Border Patrol Agent
Tucson Station

SUBJECT:

Citizen's Complaint

On Tuesday, November 15, 2011, BPA b6,b7C CBPO b6,b7C and myself were assigned to the HWY 286 Checkpoint. At approximately 0500 hours, a four door sedan driven by a female later identified as b6,b7C pulled up to the checkpoint for inspection. CBPO b6,b7C was the primary inspector and BPA b6,b7C and myself were secondary. CBPO b6,b7C decided to send b6,b7C to secondary for further inspection. CBPO b6,b7C detained b6,b7C for approximately 25 to 30 minutes. During the inspection I did not approach b6,b7C or ask her any questions. CBPO b6,b7C was acting professional at all times.

b6,b7C

CBP00001054

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



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

November 16, 2011

MEMORANDUM FOR:

b6,b7C

Border Patrol Agent
Tucson Station

FROM:

b6,b7C

b6,b7C

Field Operations Supervisor
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:

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- (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

Employee's Signature

11/16/11

Date



Department of Homeland Security
Bureau of Customs and Border Protection

UNITED STATES BORDER PATROL

Complaint Report Form



Report **b6,b7C**
Station: Tucson Station

EMPLOYEE: (person taking information)

Name: **b6,b7C** Star #: **b6,b7C** 11/19/11 1230
(date) (time)

Method Report Received: ☐ In person ☒ Phone ☐ Other

CITIZEN COMPLAINANT: (ASK, but not required):

Name: **b6,b7C**

Address: _____

Phone: **b6,b7C** ☐ NO CONTACT

RELEVANT INFORMATION: (criminal activity to report)

☒ **OFFICER RELATED COMPLAINT:**

Name of Officer(s): **b6,b7C**

Date/Time of incident: 11/19/11 0830 hours

Location of Incident: Rd/Hwy **Hwy 86 Checkpoint.** Milepost **b7E** Community _____
Landmark(s) _____

b6,b7C called to file a complaint on the behavior of BPA **b6,b7C** at the 86C checkpoint. At 0830, **b6,b7C** was driving a Tohono O'odham recreational van w/ 3 others and entered primary. She stated the dog (K9) alerted and BPA **b6,b7C** asked her to park in secondary. Her chief complaint was that BPA **b6,b7C** was "rude" and "aggressive" while asking for her ID/license. She stated she had trouble finding the license, which made BPA **b6,b7C** "threaten to call a Sheriff's Deputy". She also claimed that when she gave a **b6,b7C** ID to him, **b6,b7C** "threw" it at her. After 10-15 minutes, she said the van was allowed to leave. When asked, she said **b6,b7C** did not curse. She further stated that she had requested, and spoke to, the 86C supervisor, SBPA **b6,b7C** to express her complaint. She also says she intends to notify **b6,b7C** works and lives **b6,b7C**

I told her I would speak to SBPA **b6,b7C** to see if an investigation was warranted. Her tone throughout the call was reasonable, but she was emotional. She indicated that she wanted a follow-up phone call.

- pulled off @ secondary

☐ **STATION RELATED COMPLAINT:**

Number of Officers Involved: _____ Date/Time of incident: ____/____/____ am/pm

Location of Incident: Rd/Hwy _____ Milepost _____ Community _____

Landmark(s) _____

Other agencies involved: None.

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain)

I notified FOS **b6,b7C** and completed the complaint form. When SBPA **b6,b7C** returned, he stated that he had observed the incident firsthand. SBPA **b6,b7C** stated that BPA **b6,b7C** was not rude or unprofessional and that BPA **b6,b7C** had placed the ID card on the dash, and it had fallen from that spot. The card had not been thrown by BPA **b6,b7C**. SBPA **b6,b7C** saw BPA **b6,b7C** tell **b6,b7C** that he thought she was disrespectful. SBPA **b6,b7C** stated that he had listened to her complaint and explained what he had observed, and that **b6,b7C** had thanked him before leaving. His impression was that she had been satisfied by speaking to him.

AFTER ACTION: ☐ NONE ☐ YES (explain)

Completed by _____

(name)

(date)

(time)

U.S. Customs and
Border Protection

December 6, 2011

MEMORANDUM FOR:

b6,b7C
Chief Patrol Agent
Tucson Sector

b6,b7C

FROM:

b6,b7C
Acting Patrol Agent in C
Tucson Station

SUBJECT:

Citizen Complaint b6,b7C Re: b6,b7C

On November 19, 2011, the Tucson Station was contacted by b6,b7C who expressed her wish to file a complaint. b6,b7C claimed a Border Patrol Agent manning the Highway 86 Checkpoint was rude to her during questioning. She named the agent as b6,b7C who she claimed were unprofessional. The agent was later identified as Border Patrol Agent b6,b7C b6,b7C

According to b6,b7C she and her two friends arrived at the primary inspection lane at the Highway 86 Checkpoint on November 19, 2011 at approximately 8:30am. She stated that Agent b6,b7C immediately yelled at her, and stated "excuse me, do you have a problem?" b6,b7C claims that she was surprised by his raised voice and proceeded to secondary area because the canine alerted to the vehicle. Once in secondary, b6,b7C claims that Agent b6,b7C continued yelling at her and asked for her driver's license. At the time b6,b7C stated that she couldn't find her license and she handed him an ID card. She claims that Agent b6,b7C threw the ID back at her and threatened to call the Sheriff's Department because she was driving without a license. b6,b7C claims that she had been disrespected by Agent b6,b7C

Memoranda from Agent b6,b7C and Supervisory Border Patrol Agent b6,b7C dispute b6,b7C's claims and they explain that at no time was Agent b6,b7C rude nor did he yell at b6,b7C. Border Patrol Agent b6,b7C also submitted a memorandum since he was the canine handler that notified Agent b6,b7C to send the vehicle to secondary, after his canine had alerted b7E b7E In speaking with Agent b6,b7C, he explained that b6,b7C seemed to be in a hurry and very uncooperative from the beginning, especially after he asked her to proceed to the secondary area. At this point she stated that she "was late for basketball practice" and that "this is b6,b7C vehicle." Agent b6,b7C stated that at all times he was professional and he stated that when he attempted to place the ID card on the dash, he accidentally hit the top of the dash and the card fell to the floor.

At this point b6,b7C asked to speak to a supervisor. SBPA b6,b7C was observing the entire secondary inspection within feet of Agent b6,b7C. SBPA b6,b7C was in the driver's blindspot and heard the entire secondary inspection, with b6,b7C being aware that he was there. SBPA b6,b7C approached b6,b7C and motioned Agent b6,b7C away from the vehicle so he could speak with b6,b7C. She claimed that Agent b6,b7C was yelling and that he threw the ID card at her.

SBPA [b6,b7C] informed her that he was standing a few feet away and observed the entire inspection. SBPA [b6,b7C] stated that at this point her facial expressions changed and she expressed surprise. In speaking with SBPA [b6,b7C] he stated that [b6,b7C]'s entire demeanor also changed when he informed her that BPA [b6,b7C] didn't yell or throw the ID card at her.

I met with SBPA [b6,b7C] and Agent [b6,b7C] and reminded him that he must always remain professional when dealing with the public and I would not tolerate rude behavior by agents.

I personally spoke with [b6,b7C] on today's date and explained that her complaint was addressed at the Station level. I also advised that I would not tolerate rude behavior by agents and that the agents involved were reminded of that. [b6,b7C] asked for specifics on how the complaint was addressed with Agent [b6,b7C] and asked if he had any other complaints filed against him. I informed her that how it was addressed with the agent could not be disclosed, as it was a privacy issue. [b6,b7C] stated that the only way she felt the complaint could be resolved is if the agent was never assigned to the 86 Checkpoint again.

I also personally spoke with [b6,b7C] and informed him that the complaint was resolved at the Station level and addressed with Agent [b6,b7C]. This is the first complaint received against Agent [b6,b7C] and I recommend no further action in this case.

Attachments

cc: CPA, Tucson Sector

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



U.S. Customs and
Border Protection

November 22, 2011

MEMORANDUM FOR: b6,b7C
Acting Patrol Agent In Charge
Tucson Station

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

SUBJECT: Citizen Complaint b6,b7C

This memorandum serves to document my observations and actions regarding a complaint arising from b6,b7C while at the Highway 86 Checkpoint on November 19, 2011.

At around 08:30 AM, a white Ford passenger van with b6,b7C approached the primary point. I was standing about 40 feet away south of the primary point as it approached. I slightly heard BPA b6,b7C mention something to BPA b6,b7C who was at primary point, and the van was referred to secondary. BPA b6,b7C then followed the Ford van to the secondary point. I then moved toward the primary point to cover for BPA b6,b7C but BPA b6,b7C then took primary so I decided to walk over to secondary.

As I approached the secondary area where the van was parked, I heard something from the driver, later identified as b6,b7C, to the effect of "why are you disrespecting me?". BPA b6,b7C responded by saying "I'm not disrespecting you, you are disrespecting me." At this point, BPA b6,b7C did not yell at b6,b7C. In casual conversation with BPA b6,b7C I have observed that his voice naturally projects and this may have given the impression that he was yelling. I stood in the driver's side blind spot to further observe the conversation. BPA b6,b7C asked for identification and b6,b7C stated she couldn't find her driver's license and handed BPA b6,b7C some form of b6,b7C Identification. After BPA b6,b7C glanced at the identification he placed it on the dash board just above the left side of the steering wheel. I believe that b6,b7C was still searching for her driver's license since I could see that her head was pointed downward when he placed the card on the dash board. As soon as he put the card on the dash board, the card lost slid off, I assume landing on the floor board.

At the this time, BPA b6,b7C advised her that he would "call PCSO to cite her for driving without a license." She eventually produced a paper copy of her driver's license. I heard b6,b7C ask for a supervisor so I moved next to BPA b6,b7C and motioned him away from the vehicle so I could engage in a conversation with b6,b7C without his presence. b6,b7C immediately told me that he threw her card at her. I responded by advising her that I was standing a few feet away,

b6,b7C

CBP00001060

and heard the majority of the conversation while pointing where BPA [b6,b7C] attempted to place her card. Her facial expression changed and she facially expressed surprise at my response. She then stated that she felt disrespected by BPA [b6,b7C]. I stated that I understood how she felt and that people in general should be treated with dignity and respect. I explained to her that she was referred to secondary because the K-9 alerted to the van. I told her that I did not hear BPA [b6,b7C] use profane language or raise his voice. She stated again that he disrespected her. I then advised her that I would remind BPA [b6,b7C] about the importance of professionalism in the course of his duties. She seemed satisfied by nodding her head and saying "OK". I offered to assist her in finding the card that fell and she said "no, its OK, I'll find it". I then asked her if she wanted to file a complaint and she did not respond. I told her she was free to leave and she politely said "thank you" and drove away.

After she left the secondary area, I walked over to BPA [b6,b7C] and advised him that we must remain professional even when we feel that we are disrespected. He agreed and said that he did remain professional.

b6,b7C

2430 South Swan Road
Tucson Arizona 85711



U.S. Customs and
Border Protection

November 21, 2011

MEMORANDUM FOR:

b6,b7C
Acting Patrol Agent in Charge
Tucson Station

FROM:

b6,b7C b6,b7C
Border Patrol Agent
Willcox Station

SUBJECT:

Citizen Complaint b6,b7C

On November 19, 2011, I was working my assigned duties at the Highway 86 Checkpoint. I was the primary agent in the inspection lane of the Highway 86 Checkpoint when a white Ford Econoline 15 passenger van entered the primary inspection area of the checkpoint. I greeted the vehicle with the greeting of the day, "Good Morning." I began my inspection of the vehicle by moving to the rear of the vehicle while visually inspecting the inside of the vehicle through the windows. As I reached the rear of the vehicle, the K-9 handler, Agent b6,b7C, advised me to secondary the vehicle due to an alert by his service K-9. I then returned to the drivers' area of the vehicle and advised the driver, b6,b7C, to proceed to the secondary inspection area. The driver aggressively yelled, "This is a b6,b7C vehicle," and I responded by asking the driver if there was an issue and she provided no response as she moved the vehicle to secondary.

I then proceeded to secondary and advised b6,b7C that the K-9 had alerted to the vehicle and that is the reason the vehicle was sent to the secondary inspection area. SBPA b6,b7C followed me to secondary and was present during the entire encounter. b6,b7C stated to me that she was not the last person to drive this vehicle so whatever the issue is, it was not her problem. I then asked b6,b7C to provide me with her driver's license. She handed me her b6,b7C identification card. I again asked b6,b7C to provide me with her driver's license as she was the driver of the vehicle and is required to have her driver's license on her. I stated to b6,b7C that if she did not have her license that I may have to contact the Pima County Sheriffs Department due to her driving without a license. As b6,b7C was searching for her driver's license, I tried to place her identification on the dash board but accidentally hit the top of the dash board with the identification card causing it to fall to the floor of the vehicle. b6,b7C became agitated and stated to me how unprofessional it was that I just tossed her card to the floor. I advised b6,b7C that I did not purposely allow her card to fall to the floor of the vehicle. b6,b7C eventually found a photocopied picture of her b6,b7C driver's license and handed it to me. I looked at the copy, said thank you and handed it back to her. The driver then asked for my name because she wanted to file a report. I provided b6,b7C with my name and asked if she would like to speak with my supervisor and she said yes.

b6,b7C

CBP00001062

I advised her that my supervisor was standing right next to me and that she could speak with him. I turned to SBPA [b6,b7C] and advised him that [b6,b7C] would like to speak with him. I then returned back to the primary inspection area of the checkpoint.

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



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

November 21, 2011

MEMORANDUM FOR:

b6,b7C

Border Patrol Agent
Willcox 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

Employee's Signature

11/21/11
Date

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



U.S. Customs and
Border Protection

November 22, 2011

MEMORANDUM FOR:

b6,b7C

Acting Patrol Agent In Charge
Tucson Station

b6,b7C

FROM:

b6,b7C

Border Patrol Agent
Tucson Station

SUBJECT:

Citizen Complaint at 86 Checkpoint

On November 19, 2011, I was assigned to checkpoint duties at the State Route 86 Checkpoint near Three Points, AZ along with my service canine b6,b7C. At approximately 0830 hours, while working in pre-primary I advised Border Patrol Agent (BPA) b6,b7C that my canine had alerted b7E to secondary a vehicle for a search. The vehicle that was referred to secondary was a b6,b7C van, with a recreation sticker on the driver and passenger side doors. I witnessed one driver and one passenger.

At secondary, I conducted a systematic search on b6,b7C van. My canine did not alert at secondary. However, it was brought to my attention that a third passenger was in the vehicle. I believe this person was lying down and sat up between pre-primary and primary Agent after my canine had performed his canine sniff. b7E

b7E

After my search was conducted, I witnessed BPA b6,b7C having a conversation with the driver of the vehicle. That driver was later identified as b6,b7C. I heard b6,b7C state that he was, "being professional" and b6,b7C continued arguing with b6,b7C after being referred to secondary. Having worked with BPA b6,b7C he is very outgoing and has always maintained a professional attitude and happy demeanor. I was advised to write this memo regarding this incident per Field Operations Supervisor b6,b7C.

b6,b7C

CBP00001065

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



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

November 22, 2011

MEMORANDUM FOR:

b6,b7C

Border Patrol Agent
Tucson Station

FROM:

b6,b7C

Field Operations Supervisor
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 **b6,b7C** of this memorandum.

Employee's Signature

11/22/11

Date

b6,b7C

Tohono O'odham Nation
Executive Office
PO Box 837
Sells, Arizona 85634

To Whom It May Concern:

Saturday, November 19th, 8:30a.m.

I was on my way to practice **b6,b7C** for basketball practice. We were flagged aside because the dog was alerted. We pulled aside, Border Patrol Agent, **b6,b7C** immediately started yelling at me. We were running late and I said "we are running late for practice", BP Agent **b6,b7C** yelled "excuse me, do you have a problem!" I was pulling off to the side and didn't get the chance to respond, in my two and half years living here, no one has ever yelled at me at any checkpoints. I was stunned.

He immediately asked why I was questioning him. He asked for I.D., I was frantically looking for I.D. while he threatening me with the Sheriff if I couldn't find my driver's license. He kept yelling "answer me, what are you giving me the silent treatment now" I was totally taken back and wish I could have said what I really wanted to, but it would make the situation worst. I handed him the first I.D. I could find, my **b6,b7C** **b6,b7C** I.D., he looked at it and threw it back at me. He said "I need to see your driver's license" I said "really, you just threw my I.D. back at me?" he said, "see, how do you like it". It escalated from there and he continued to make comments and yell at me. Nothing I said would have improved my situation, so I was quiet.

I had a copy of my **b6,b7C** Vehicle usage card and copy of my driver's license in the Recreation Van paperwork and handed that to him. He reviewed it and I requested to speak with his supervisor. I explained what happened with BP Agent **b6,b7C** and said this is no way to treat a lady and the other women in the van, my I.D. thrown back at me, (which I couldn't find until we stopped at the gym and it was under the driver's seat.) The supervisor explained that he would speak with BP Agent **b6,b7C** but not in front of me, and make the comment he is from the **b6,b7C** area, but regardless no one deserves to be treated like that. Unprofessional, discourteous, and extremely rude.

Emotionally I was out of it, I was so mad tears were running down my face, I couldn't comprehend what was happening, I just couldn't believe it. Never have I been yelled at and disrespected in such a manner. I called my husband to explain what happened, I called **b6,b7C** **b6,b7C** and now I am writing this letter to make sure no one is treated like this again, going through the checkpoint on Highway 86. I drove back through Sunday morning and expected the worst, nothing will ever make me feel at ease going through checkpoints again, the men there think they have every right to strip one person of their dignity and question their whereabouts.

I had no problem with Border Patrol, I've heard people make comments and heard similar horror stories, but never would I have thought it would happen to me. One person can make an organization come out as the bad guy. I hope some good will come out of this and BP Agent **b6,b7C** will learn to treat people with respect exiting the Tohono O'odham Nation.

I filed a formal complaint against BP Agent **b6,b7C** with Border Patrol main office on Saturday, November 19, 2011 at 12:30 p.m., they said they would return with the outcome of the investigation.

b6,b7C



UNITED STATES BORDER PATROL

Complaint Report Form



Department of Homeland Security
Bureau of Customs and Border Protection

Report **b6,b7C**
Station: Tucson Station

EMPLOYEE: *(person taking information)*

Name: **b6,b7C** Star #: **b6,b7C** 12/30/11 0900
(date) (time)

Method Report Received: ☐ In person ☒ Phone ☐ Other

CITIZEN COMPLAINANT: *(ASK, but not required):*

Name: **b6,b7C**
Address: **b6,b7C**
Phone: **b6,b7C** ☐ NO CONTACT

RELEVANT INFORMATION: *(criminal activity to report)*

☐ **OFFICER RELATED COMPLAINT:**

Name of Officer(s): _____
Date/Time of incident: _____

Location of Incident: Rd/Hwy _____ Milepost _____ Community _____
Landmark(s) _____

☒ **STATION RELATED COMPLAINT:**

Number of Officers Involved: N/A Date/Time of incident: 12/ 30/ 11
Location of Incident: Rd/Hwy Hwy 86 Milepost _ Community Three Points, AZ

Completed

Landmark(s) **b7E**

On December 30, 2011 at approximately 9:00 am, SBPA **b6,b7C** received a citizen complaint from **b6,b7C** who resides at **b6,b7C**. **b6,b7C** stated that he was pulled over by Border Patrol Agents this morning while on his way to work. He further stated that he has been pulled over approximately 7 times in the past year. He said that he gets pulled over on Highway 86 in the early morning hours while driving to work. He stated that the agents that pulled him over have been polite and respectful however they make him late for work. **b6,b7C** stated that he drives a blue and white colored 1995 Chevy Tahoe **b6,b7C** and a white colored 1991 Honda Civic hatchback (no plate given).

It was explained to **b6,b7C** that the area is a well used smuggling route and that the time he is driving to work is also a peak time for smuggling. **b6,b7C,b7E**

b7E
b7E He stated that he understood and that he respects the fact that we are doing our job, however he cannot afford to be late to work anymore and he feels as is he is being harassed.

b6,b7C was reasonable and respectful throughout the conversation.

Other agencies involved: None.

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain)

Notification made to Tucson Station Management.

AFTER ACTION: ☐ NONE ☒ YES (explain)

SBPA **b6,b7C** contacted Complainant 01/03/12. He was satisfied with our stance. He was given the direct phone number to SBPA **b6,b7C**'s office and will contact if he has any further concerns.

Completed by **b6,b7C**

(name)

01/03/12

(date)

1600

(time)



UNITED STATES BORDER PATROL

Complaint Report Form



Department of Homeland Security
Bureau of Customs and Border Protection

Report **b6,b7C**
Station: Tucson Station

EMPLOYEE: (person taking information)

Name: SBPA **b6,b7C** Star #: **b6,b7C** 03/06/2011 11:30 p.m.
(date) (time)

Method Report Received: In person ☒ Phone ☐ Other _____

CITIZEN COMPLAINANT: (ASK, but not required):

Name: **b6,b7C**

Address: not provided

Phone: **b6,b7C** ☐ NO CONTACT

RELEVANT INFORMATION: (criminal activity to report)

☒ **OFFICER RELATED COMPLAINT:**

Name of Officer(s): Agent **b6,b7C** Date/Time of incident: 03/06/2011 9:20 p.m.
Location of Incident: Arivaca Road East Checkpoint
Landmark(s): **b7E**

Description of Incident:

On March 6, 2011, at approximately 9:30 p.m., I received a call from detailed SBPA **b6,b7C** who was assigned to the Arivaca Checkpoint on the **b7E** shift. SBPA **b6,b7C** told me that he anticipated a possible complaint from a man (later identified as **b6,b7C**) who had just driven through the checkpoint. SBPA **b6,b7C** stated that **b6,b7C** was driving a silver Chrysler PT Cruiser (no plate number obtained). When the car pulled up to primary, **b6,b7C,b7E** **b7E**. The agent at primary was Agent **b6,b7C**. Agent **b6,b7C** questioned the **b6,b7C** as to his citizenship and **b7E** questioned him further. SBPA **b6,b7C** relayed that **b6,b7C** was behaving erratically (bursting into laughter at times). After questioning, Agent **b6,b7C** was convinced that **b6,b7C** was a **b6,b7C** and that he was not smuggling any people or contraband. At that point, **b6,b7C** was allowed to continue through the checkpoint. After turning around in Amado, **b6,b7C** came back, parked at the cattle guard just north of the checkpoint, and approached on foot, cursing loudly. **b6,b7C** lunged forward and demanded the name of the agent at primary. **b6,b7C,b7E** was frisked for weapons. Agent **b6,b7C** gave **b6,b7C** his name, and **b6,b7C** eventually returned to his car and drove away.

Later that night, at approximately 11:30 p.m., I received a telephone call from b6,b7C claimed that he had been treated rudely at the Arivaca Checkpoint approximately two hours earlier. He stated that he was driving through the checkpoint by himself in his Chrysler PT Cruiser. b6,b7C claimed that he is clearly a b6,b7C and drives through that checkpoint often. He stated that the agent at primary stuck his face close to b6,b7C's and acted belligerently toward him. He claimed that the agent asked him "Are you running methamphetamines or cocaine or marijuana?" When b6,b7C asked the agent why he asked that question, the agent stated b7E b6,b7C,b7E also stated that he turned around and came back after being released from the checkpoint to get the agent's name. b6,b7C claimed that the agent was named b6,b7C I asked b6,b7C if he had read that name off the nametag or been told that name by the agent. b6,b7C stated that he had done both: read it and been told. I explained to b6,b7C that we didn't have anyone by that name assigned to the checkpoint. b6,b7C then postulated that perhaps someone at the checkpoint had a name similar to b6,b7C but I found no names b7E that are even remotely similar to that. b6,b7C stated that he "felt violated" by the experience. I told b6,b7C that I would forward his complaint to our Community Relations Unit.

☐ **STATION RELATED COMPLAINT:**

Number of Officers Involved: N/A
Location of Incident: N/A

Date/Time of incident: N/A
Description of Incident: N/A

Other AGENCIES involved: N/A

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain)

I advised b6,b7C that I would forward his complaint through proper channels. b6,b7C stated that he would be available at the phone number provided and requested follow-up from the CRU. I requested a memorandum from Agent b6,b7C regarding the incident.

AFTER ACTION: ☐ NONE ☒ YES (explain) SBPA b6,b7C called the complainant and resolved the issue. He was upset with what he thought was rude demeanor by the agent at the checkpoint.

Completed b6,b7C

3-7-11
(date)

1300
(time)



Department of Homeland Security
Bureau of Customs and Border Protection

UNITED STATES BORDER PATROL

Complaint Report Form



Report **b6,b7C,b7E**
Station: Tucson Station

EMPLOYEE: *(person taking information)*

Name: SBPA **b6,b7C** Star #: **b6,b7C** 03/05/2012 1505 hrs.
(Date) (Time)

Method Report Received: In person ☒ Phone ☐ Other: _____

CITIZEN COMPLAINANT: *(ASK, but not required):*

Name: **b6,b7C**

Address: Not given

Phone: Cell: **b6,b7C** ☐ NO CONTACT
Phone: Res: **b6,b7C** ☐ NO CONTACT

RELEVANT INFORMATION: Speeding complaint

☒ **OFFICER RELATED COMPLAINT:**

Name of Officer(s): **b6,b7C**

Date/Time of incident: 03/05/2012, 1400 hrs.

Location of Incident: USBP Checkpoint on State Route 86. Milepost 146.6 Community: Three Points, AZ.

Landmark(s) N/A

Description of Incident:

On March 5, 2012, at approximately 1415 hrs. I received a call from a citizen (later identified **b6,b7C** **b6,b7C**) who wished to make a complaint. **b6,b7C** stated that on today's date she was driving through our checkpoint on HWY-86 and that she was placed in secondary. When she got out of the truck she stated BPA **b6,b7C** told her to, "put the f-ing keys in the truck." **b6,b7C** replied, "You can't talk to me like that" and that the agent then said, "I can talk to you any f-ing way I want".

b6,b7C then said, "I will call the cops" and that Agent **b6,b7C** replied that she could do that if she wanted. She states that she tried to go to her vehicle, but that Agent **b6,b7C** stopped her before she could get to the truck and told her she could get her phone later. **b6,b7C** stated that when this

was transpiring and Agent **b6,b7C** went to get the keys from her, she then threw them into the truck (and on the seat).

I asked **b6,b7C** if a supervisor was present at the scene. She said that she was not sure if he was there or also involved.

b6,b7C stated that she wished to make a formal complaint and would like to be contacted in regards to the outcome of her complaint.

☒ **STATION RELATED COMPLAINT:**

Number of Officers Involved: One (1)

Date/Time of incident: 03/03/2012 1415hrs

Location of Incident: USBP Checkpoint on State Route 86. Milepost 146.6 Community: Three Points, AZ.

Landmark(s) N/A

Description of Incident: Claim of unprofessional conduct at 86 Checkpoint.

Other AGENCIES involved: N/A

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain)

FOS **b6,b7C** was advised of the citizen complaint. SBPA **b6,b7C** who is the Hwy 86 SBPA on duty, was contacted. SBPA **b6,b7C** advised that he has spoken with BPA **b6,b7C** and was present at the 86 Checkpoint when the incident occurred. SBPA **b6,b7C** advised that BPA **b6,b7C** had repeatedly asked the driver of the truck to leave the vehicle keys in the truck and that she refused to listen and follow instructions. SBPA **b6,b7C** said that he (BPA **b6,b7C**) did have to yell at them to have the driver of the truck comply with the instructions.

Agent **b6,b7C** has been given his Union Rights/Weingarten and asked to submit a memo of the occurrence.

Log number **b6,b7C,b7E** was issued for this complaint. The complaint will be forwarded up for investigation and resolution.

AFTER ACTION: ☐ NONE ☒ YES (explain) SBPA **b6,b7C** made contact with the complainant and explained what is expected of the agents at the checkpoint. He related that the agents must ensure the safety of all concerned and to do this it is at times necessary to be forceful. The complainant was upset with what she perceived as maltreatment. **b6,b7C** related that we take concerns from citizens very seriously and likewise we take threats and attempts of intimidation from the public equally seriously. He related the manner in which to conduct yourself at the checkpoint and gave her his office number to call if she has any more concerns. She seemed pleased with our response and does not require any further contact.

Completed by: **b6,b7C**
(Name)

03/12/2012
(Date)

1425 hours
(Time)

b6,b7C

Completed

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



U.S. Customs and
Border Protection

March 5, 2012

MEMORANDUM FOR:

b6,b7C

Acting Patrol Agent In Charge
Tucson Station

FROM:

b6,b7C b6,b7C

Senior Patrol Agent
Tucson Station

SUBJECT:

Citizen Complaint

On March 5, 2012, I was performing assigned duties at the Highway 86 Border Patrol Checkpoint with my K9 partner b6,b7C. At approximately 2:00 PM, we were manning pre-primary inspection when a Black Pick-Up Truck slowed to a stop. As the vehicle slowed to a stop, b6,b7C began to demonstrate alert behavior for the odors he is trained to detect. I then had the suspect vehicle referred to secondary inspection for an additional K9 sniff.

Once I finished inspecting the remaining vehicles in primary inspection, I deployed b6,b7C in secondary inspection. I had no interaction with the female driver of the suspect vehicle in secondary inspection.

b6,b7C

CBP00001075

U.S. Customs and
Border Protection

March 6, 2012

MEMORANDUM FOR:

b6,b7C

(A) Patrol Agent in Charge
Tucson Station

FROM:

b6,b7C

Border Patrol Agent
Willcox Station

b6,b7C

SUBJECT:

Citizen Complaint at SR 86 Checkpoint

On Monday, March 5, 2012, I was assigned to SR 86 Checkpoint. While conducting checkpoint operations, a sport utility vehicle was sent to secondary from a K-9 alert at approximately 2:00 P.M. When I made contact with the driver of the vehicle, she appeared to be very upset. I asked her to turn the vehicle off, leave all personal belongings in the car, including her cell phone because cell phone use was not allowed in secondary due to safety reasons. I then asked all occupants to exit the vehicle and step away to the passenger side so that the K-9 and handler could conduct the search. As the driver was exiting the vehicle she said, "This is bullshit" while taking her vehicle keys with her. I asked her kindly, three or four times to place the vehicle keys on the dashboard. She kept muttering vulgarities and refused to listen to my commands, while continuing to hold the keys in her hand.

Given that she refused to obey any of my multiple, courteous and politely addressed commands, I decided to take a much stronger approach. Therefore, I rephrased my command and I firmly told her, "Put the fucking keys in the vehicle!" She proceeded to tell me, "You don't fucking talk to me like that." I then told her, "I'll fucking talk to you however I feel is right." She then told me she was going to call the cops on me and I told her to "Go ahead." She quickly tried jumping back in the vehicle to grab an object. I blocked her entrance and told her for safety reasons she was not allowed to go back into her vehicle until the inspection was over. Although the exact wordage could have been different, I felt that a more forceful approach was necessary in order to convey her need to follow my direction. This was apparently enough to ultimately cause her to comply, thus, potentially avert a more volatile situation. As the inspection ended, I told the occupants to drive safe and she went to her car again muttering vulgarities and called me an "asshole."

b6,b7C



2430 South Swan Road
Tucson, Arizona 85711

U.S. Customs and
Border Protection

March 5, 2012

MEMORANDUM FOR:

b6,b7C

(A) Patrol Agent
Tucson Station

b6,b7C

FROM:

b6,b7C

Supervisory Border Patrol Agent
Tucson Station

SUBJECT:

Citizen Complaint at 86 Checkpoint, RE: BPA b6,b7C

On today's date, Border Patrol Agent b6,b7C was assigned to the SR 86 Checkpoint. At approximately 2:00 P.M., he was involved in performing a secondary vehicle inspection of a Sport Utility Vehicle (SUV) that had been referred due to a K-9 alert. Upon completion of the secondary inspection, Agent b6,b7C informed me that he had used harsh language with the female driver of the SUV due to her failure to follow his directions. Agent b6,b7C told me that he had instructed the female to exit the SUV and leave the keys on the dashboard and that he had to tell her to do this numerous times. She only complied when Agent b6,b7C told her to "put the fucking keys in the vehicle!"

I verbally admonished Agent b6,b7C regarding his use of profanity with the public, and told him that he needs to remain professional at all times.

b6,b7C

CBP00001077



U.S. Customs and
Border Protection

March 5, 2012

MEMORANDUM FOR:

b6,b7C

Border Patrol Agent
Tucson, Arizona

b6,b7C

FROM:

b6,b7C

Supervisory Border Patrol Agent
Tucson, Arizona

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

3-5-2012
Date

b6,b7C



2430 South Swan Road
Tucson, Arizona 85711

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

March 6, 2012

MEMORANDUM FOR:

b6,b7C

Border Patrol Agent
Tucson, Arizona

b6,b7C

FROM:

b6,b7C

Supervisory Border Patrol Agent
Tucson, Arizona

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:

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- (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

Employee's Signature

3/6/12

Date



UNITED STATES BORDER PATROL

Complaint Report Form



Department of Homeland Security
Bureau of Customs and Border Protection

Report **b6,b7C,b7E**
Station: Tucson Station

EMPLOYEE: (person taking information)

Name: **b6,b7C** Star #: **b6,b7C** 03/08/2012 1830 hrs.
(Date) (Time)

Method Report Received: In person ☒ Phone ☐ Other: _____

CITIZEN COMPLAINANT: (ASK, but not required):

Name: **b6,b7C**

Address: Not given

Phone: Cell: b6,b7C ☐ NO CONTACT
Phone: _____ ☐ NO CONTACT

RELEVANT INFORMATION: Claim of Unprofessional Conduct at Checkpoint

☒ **OFFICER RELATED COMPLAINT:**

Name of Officer(s): **b6,b7C**

Date/Time of incident: 03/05/2012, 1530 hrs.

Location of Incident: USBP Checkpoint on State Route 86. Milepost 146.6 Community: Three Points, AZ.

Landmark(s) N/A

Description of Incident:

On March 8, 2012, at approximately 1830hrs, FOS **b6,b7C** contacted **b6,b7C** for the purpose of taking a formal complaint. **b6,b7C** had previously contacted the Tucson Sector Community Relations Office (CRO) but was referred to the Tucson Station for action. Due to **b6,b7C**'s work and school schedule, she had been unable to arrive at the Tucson Station during business hours in order to file her complaint as directed by BPA **b6,b7C**. Subsequently, her name and phone number were forwarded to the station by CRO.

b6,b7C stated that on Monday, March 5, 2012 she was driving through the SR 86 checkpoint with her brother, **b6,b7C** and the vehicle in front of her were sent to the secondary inspection area. **b6,b7C** stated that she waited in the secondary inspection area for some time and

*Complaint
3/15*

was talking to her brother when K9 handler (BPA **b6,b7C**) approached and asked "Are you talking to me?" **b6,b7C** stated that she had been talking to her brother and after Agent **b6,b7C** repeated the question two more times, told BPA **b6,b7C** "No, I'm not talking to you". She then stated that Agent **b6,b7C** replied, "I didn't think so."

SBPA **b6,b7C** then approached **b6,b7C** and asked her to discontinue using her cell phone. **b6,b7C** stated that SBPA **b6,b7C** then said "Get off the phone" an additional two times after which he abruptly took the phone from her hand and placed it on top of a K9 Service vehicle. At this point, **b6,b7C** says her brother then stepped toward SBPA **b6,b7C** and said "Hey, you don't have to do that". SBPA **b6,b7C** pointed his Taser at her brother who immediately backed away. She then stated that BPA **b6,b7C** walked over and seemed to be laughing at them.

b6,b7C stated that she became angry and admitted that she started cursing at the agents. She then asked who the Supervisor was and SBPA **b6,b7C** stated "I am". **b6,b7C** then asked the agents for their names at which point SBPA **b6,b7C** stated "You can read" while pointing at his nametag. Shortly thereafter, the agents informed her that she and her brother were free to go.

b6,b7C stated that after she left the checkpoint she called Tucson Sector Community Liaison Officer **b6,b7C** and told him what had occurred and that she wanted to file a formal complaint. BPA **b6,b7C** told her that she needed to contact the Tucson Station directly and tell them what had occurred.

☒ **STATION RELATED COMPLAINT:**

Number of Officers Involved: Three (3)

Date/Time of incident: 03/05/2012 1530hrs

Location of Incident: USBP Checkpoint on State Route 86. Milepost 146.6 Community: Three Points, AZ.

Landmark(s) N/A

Description of Incident: Claim of unprofessional conduct at 86 Checkpoint.

Other AGENCIES involved: N/A

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain)

SBPA **b6,b7C**, BPA **b6,b7C** and BPA **b6,b7C** were all notified of this complaint. BPA **b6,b7C** and BPA **b6,b7C** were advised of their Union Rights/Weingarten via Form 31B and asked to submit memoranda with regard to this incident. SBPA **b6,b7C** was also instructed to write a memorandum with his recollection of this incident.

Log number **b6,b7C,b7E** was issued for this complaint. The complaint will be forwarded up for investigation and resolution.

AFTER ACTION: ☐ NONE ☒ YES (explain) SBPA **b6,b7C** made contact with the complainant and related to her our position regarding agents and the public's safety at the checkpoint. It was related that we take every complaint seriously and that we appreciate the citizens taking the time to

relay their concerns. I related that if she has any issues in the future, she can call directly to my office. She seemed pleased with our response and the fact that we looked into the matter. She does not require further contact

Completed by: **b6, b7C**
(Name)

03/15/12
(Date)

1333 hours
(Time)

b6,b7C



2430 South Swan Road
Tucson, Arizona 85711

U.S. Customs and
Border Protection

March 5, 2012

MEMORANDUM FOR:

b6,b7C

Chief Patrol Agent
Tucson Sector

b6,b7C

FROM:

b6,b7C

Supervisory Border Patrol Agent
Tucson Station

SUBJECT:

Citizen Complaint at 86 Checkpoint

On today's date, I was assigned supervisory duties at the SR 86 Checkpoint. At approximately 3:30 p.m., Border Patrol Agent K-9 handler b6,b7C referred a gold pick-up truck to secondary inspection following a K-9 alert. The male driver and female passenger of the truck were both b6,b7C. As she was exiting the truck, the female made a comment, and Agent b6,b7C asked her if she was speaking to him. I was unable to hear what she had said because I was standing on the driver side of the truck. She replied to Agent b6,b7C that "No one was fucking talking to you" and "shut the fuck up". As she walked away from the truck she continued to mutter vulgarities under her breath.

As Agent b6,b7C performed his search of the truck, I positioned myself in front of the subjects to question them. The female took her cellular phone from her pocket, and proceeded to place a call. Since it is an officer safety concern, I instructed her to not use the phone. The female ignored me, and put the phone to her left ear. I again told her not to use the phone. She again ignored me. I told her at least four times not to use the phone, and then explained that it is a safety issue. I had to mention the safety issue twice before she told me she was not going to put the phone down. At that time, I physically removed the phone from her hand and placed it on the back of Agent b6,b7C's truck. Her male companion aggressively moved toward me, stating something to the effect of "you can't do that". Due to his aggressive actions, I unholstered my issued Taser and told him to "back up or I will tase you." The male immediately complied, backed up, and was silent during the rest of the encounter.

When I removed the phone from the female's hand, she said to me "you don't know who you are fucking with - I'm a b6,b7C". I told her that I didn't care. She demanded my name, while looking directly at my name tag, so I told her that she already has my name. She then demanded Agent b6,b7C's name, which he freely provided. The female then demanded a supervisor, to which I replied "you're talking to one". She did not request a supervisor again. The female used profanity and was verbally abusive in virtually everything she said.

b6,b7C

CBP00001083

Since Agent **b6,b7C** had completed his search of the truck with no contraband located, the male and female were advised they could leave the checkpoint. They refused to leave the checkpoint secondary inspection area, instead shouting at us and using the cellular phone. They were instructed numerous times to vacate the area since they were blocking the secondary inspection area. They eventually drove away, in the process displaying their middle fingers and shouting "FUCK YOU!"

I remained professional and courteous during the entire encounter, not once using profanity or raising my voice.

b7E

b6,b7C



2430 South Swan Road
Tucson, Arizona 85711

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

March 5, 2012

MEMORANDUM FOR:

b6,b7C
Chief Patrol Agent
Tucson Sector

FROM:

b6,b7C
Senior Patrol Agent
Tucson Station

SUBJECT:

Citizen Complaint

On March 5, 2012, I was performing assigned duties at the Highway 86 Border Patrol Checkpoint with my K9 partner **b6,b7C**. At approximately 3:30 PM, we were manning pre-primary inspection when a Gold Pick-Up Truck slowed to a stop. As the vehicle slowed to a stop, **b6,b7C** began to demonstrate alert behavior for the odors he is trained to detect. I then had the suspect vehicle referred to secondary inspection for an additional K9 sniff.

Once I finished inspecting the remaining vehicles in primary inspection, I deployed **b6,b7C** in secondary inspection. As I approached secondary inspection, I heard the female passenger say something directed at me and I asked if she was talking to me. The female subject stated that she was not talking to me and started to use profanities as she continued to walk away. Prior to deploying **b6,b7C** in secondary inspection I had to ask the female passenger and the male driver to step away from the suspect vehicle several times, so the K9 could be safely deployed. After the second request, the female stated "Fuck You" and took several steps back.

b6,b7C was deployed in secondary inspection and once the K9 sniff was complete, I informed the female passenger that she could leave and she made an obscene gesture with her middle finger and once again stated "Fuck You". The occupants had to be instructed to leave secondary inspection by me several times, in order to clear the area for additional vehicles being referred to secondary inspection.

b6,b7C

b6,b7C



2430 South Swan Road
Tucson, Arizona 85711

U.S. Customs and
Border Protection

March 5, 2012

MEMORANDUM FOR:

b6,b7C

Chief Patrol Agent
Tucson Sector

FROM:

b6,b7C

Border Patrol Agent
Willcox Station

b6,b7C

SUBJECT:

Citizen Complaint at SR 86 Checkpoint

On Monday, March 5, 2012, I was assigned to SR 86 Checkpoint. At approximately 3:30 P.M., while conducting a secondary inspection, I heard some commotion from another vehicle that had just been sent to secondary by a K-9 alert. As I was finishing on my inspection, I heard a female subject tell Border Patrol Agent b6,b7C, "Shut the fuck up" and that "No one was fucking talking to you." I then witnessed Supervisory Border Patrol Agent (SBPA) b6,b7C asking the female subject, four or five times, to get off the phone and not use it while conducting the secondary inspection due to safety concerns. SBPA b6,b7C took the phone from her hand swiftly and placed it away from her in plain view. The male occupant, who accompanied the female, started to move closer to SBPA b6,b7C in an aggressive way. I made my way over to SBPA b6,b7C to assist. SBPA b6,b7C pulled out his taser and told the subjects to back away from him as they started to become more aggressive. She told SBPA b6,b7C "You don't know who the fuck you're dealing with. I'm a b6,b7C." After completing the inspection, the subjects refused to leave and blocked our secondary area. We then told them numerous times, "If you want to make a phone call, please drive down the road and leave the secondary area." Eventually, the subjects entered their vehicle, displayed their middle fingers, and yelled, "Fuck you!"

b6,b7C

CBP00001086

b6,b7C



2430 South Swan Road
Tucson, Arizona 85711

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

March 5, 2012

MEMORANDUM FOR:

b6,b7C

Border Patrol Agent
Tucson, Arizona

b6,b7C

FROM:

b6,b7C

Supervisory Border Patrol Agent
Tucson, Arizona

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

3-5-2012
Date

b6,b7C



2430 South Swan Road
Tucson, Arizona 85711

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

March 6, 2012

MEMORANDUM FOR:

b6,b7C

Border Patrol Agent
Tucson, Arizona

b6,b7C

FROM:

b6,b7C

Supervisory Border Patrol Agent
Tucson, Arizona

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:

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- (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.

b6,b7C

3/6/12
Date



Department of Homeland Security
Bureau of Customs and Border Protection

UNITED STATES BORDER PATROL

Complaint Report Form



Report: **b6,b7C,b7E**
Station: Tucson Station

EMPLOYEE: (person taking information)

Name: **b6,b7C**

Star #: **b6,b7C**

03/6/2012

(date)

5:30 PM

(time)

Method Report Received: ☐ In person ☒ Phone ☐ Other

CITIZEN COMPLAINTANT: (ASK, but not required):

Name: **b6,b7C**

Address: **UNK**

Phone: **b6,b7C**

☐ NO CONTACT

RELEVANT INFORMATION:

☒ **OFFICER RELATED COMPLAINT:**

Name of Officer(s): **b6,b7C**

Date/Time of incident: **03/06/2012 5:00 PM**

Location of Incident: Rd/Hwy **SR 86 Checkpoint** Milepost **146** Community **Three Points, AZ**

Landmark(s) **SR 86 Checkpoint**

Description of Incident: **Unprofessional behavior**

☐ **STATION RELATED COMPLAINT:**

Number of Officers Involved: _____ Date/Time of incident: ____/____/____ am/pm

Location of Incident: Rd/Hwy _____ Milepost _____ Community _____

Landmark(s) _____

Complete

Description of Incident:

b6,b7C called to complain about the unprofessional behavior of BPA b6,b7C and SBPA b6,b7C in the secondary inspection area of the SR 86 Checkpoint. b6,b7C stated that both agents were unprofessional when they tried to take away her cellular phone and they spit on her. b6,b7C told me the agents tried to take the phone away when she tried to use it to tell someone she was at the checkpoint. I explained to b6,b7C that agents won't let anyone use a phone while they are in the secondary inspection area. b6,b7C then told me she wasn't trying to use the phone to call anyone, that the agents were just trying to take the phone away from her and they were spitting on her. b6,b7C then stated she was told by the agents that there was an "Article of Border Patrol law" that states no one can record video at the checkpoint. I told b6,b7C that I was unaware of what she was referring to and, based on what she was saying, I didn't know what the agents had said to her. b6,b7C told me she wanted a copy of the "Article of Border Patrol law" that stated she could not record video. I told her that I was unsure as to what she was referring to and I asked her if she wanted to be contacted regarding this complaint. b6,b7C stated that she did want to be contacted.

Other agencies involved: None.

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain)

BPA b6,b7C and SBPA b6,b7C will complete memorandums detailing the incident

AFTER ACTION: ☐ NONE ☒ YES (explain) SBPA b6,b7C made contact with the complainant and discussed the needs of the agents and the expectations of the complainant. He related that the agents at the checkpoint have certain responsibilities and duties to each other and the general public. The complainant seemed pleased with our response to their concerns and does not require further contact.

Completed by: b6,b7C SBPA (name) 03/12/2012 (date) 1410 (time)

*Completed
& Filed*

RE: Citizen Complaint **b6,b7C,b7E**

It is believed that this complaint is the same complaint as **b6,b7C,b7E** after speaking with FOS **b6,b7C** and SBPA **b6,b7C**. This complaint was called in by the driver of the vehicle that was referred to secondary.

Complaint is as follows:

On March 6, 2012, at approximately 1800 hours, I received a citizen complaint from an individual who identified himself as **b6,b7C** stated that on today's date at approximately 1700 hours, while passing through the Highway 86 Checkpoint, he was sent into the vehicle inspection area. **b6,b7C** wanted to complaint about how he is consistently sent into the vehicle inspection area by the same canine handler. He did not know the name of the canine handler, only that the name began with the letter **b6,b7C** also wanted to complaint about (of what he though was) unprofessional conduct by another agent that was present in the vehicle inspection area. He identified the other agent as **b6,b7C** stated that BPA **b6,b7C** was unprofessional when he tried to take away his cellular phone. He stated that BPA **b6,b7C** became irate when he refused to give up his cellular phone. I asked **b6,b7C** if he had spoken to the supervisor at the checkpoint. He stated that he spoke with Supervisory Border Patrol Agent **b6,b7C** but that he was not satisfied with the response that was given to him.

b6,b7C stated that he wished to make a formal complaint and would like to be contacted in regards to the outcome of his complaint. Telephone# **b6,b7C**

b6,b7C called to complain about the unprofessional behavior of BPA **b6,b7C** and SBPA **b6,b7C** in the secondary inspection area of the SR 86 Checkpoint. **b6,b7C** stated that both agents were unprofessional when they tried to take away her cellular phone and they spit on her. **b6,b7C** told me the agents tried to take the phone away when she tried to use it to tell someone she was at the checkpoint. I explained to **b6,b7C** that agents won't let anyone use a phone while they are in the secondary inspection area. **b6,b7C** then told me she wasn't trying to use the phone to call anyone, that the agents were just trying to take the phone away from her and they were spitting on her. **b6,b7C** then stated she was told by the agents that there was an "Article of Border Patrol law" that states no one can record video at the checkpoint. I told **b6,b7C** that I was unaware of what she was referring to and, based on what she was saying, I didn't know what the agents had said to her. **b6,b7C** told me she wanted a copy of the "Article of Border Patrol law" that stated she could not record video. I told her that I was unsure as to what she was referring to and I asked her if she wanted to be contacted regarding this complaint. **b6,b7C** stated that she did want to be contacted.

b6,b7C

Supervisory Border Patrol Agent

Tucson, AZ

Office: **b6,b7C**

Cell: **b6,b7C**

Tucson Station Response:

SBPA [b6,b7C] made contact with [b6,b7C] regarding his complaint. [b6,b7C] listened to [b6,b7C] regale about how he feels he is targeted and mistreated by the same canine agent every time he comes through the checkpoint. He related that since he is [b6,b7C] he is singled out for secondary inspection. He related that he works in [b6,b7C] and must commute between [b6,b7C] on a daily basis.

SBPA [b6,b7C] explained the procedures to follow at the checkpoint and related that we take every concern from the public seriously and that the matter will be investigated and if corrective action is needed or warranted, we will take the appropriate actions. [b6,b7C] seemed pleased with our response but related that he will continue to complain if he feels mistreated in the future. He does not require any further contact at this time.

*Completed
& Filed*

b6,b7C



2430 South Swan Road
Tucson, Arizona 85711

U.S. Customs and
Border Protection

March 6, 2012

MEMORANDUM FOR:

b6,b7C

Acting Patrol Agent In Charge
Tucson Station

FROM:

b6,b7C

b6,b7C

Senior Patrol Agent
Tucson Station

SUBJECT:

Citizen Complaint

On March 6, 2012, I was performing assigned duties at the Highway 86 Border Patrol Checkpoint with my K9 partner **b6,b7C**. At approximately 5:00 PM, we were manning pre-primary inspection when a White Four Door Sedan slowed to a stop. As the vehicle slowed to a stop, **b6,b7C** began to demonstrate alert behavior for the odors he is trained to detect. I then had the suspect vehicle referred to secondary inspection for an additional K9 sniff.

Once I finished inspecting the remaining vehicles in primary inspection, I deployed **b6,b7C** in secondary inspection. I had no contact with the male driver or female passenger. I did recognize the male driver as a subject I have encountered before. Both times he was arrested by Arizona Department of Public Safety for **b6,b7C** warrants for his arrest. Each encounter is also marked by his combative nature and his desire to engage in an argument with agents at the checkpoint.

b6,b7C

CBP00001093

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



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

March 06, 2012

MEMORANDUM FOR:

b6,b7C
Acting Patrol Agent in Charge
Tucson Station

FROM:

b6,b7C
Supervisory Border Patrol Agent
Tucson Station

b6,b7C

SUBJECT: Citizen Complaint at 86C

On March 06, 2012 I was assigned as the supervisor at the Highway 86 checkpoint b7E b7E At approximately 1700 hours a vehicle with two occupants was sent to secondary based upon a canine alert observed by canine handler b6,b7C Once referred to secondary, the vehicle and occupants were met at the secondary area by BPA b6,b7C who had both occupants exit the vehicle and stand off to the side.

During this time, Agent b6,b7C and I approached the secondary area. Agent b6,b7C began a non-intrusive search with his canine followed by a search of the interior of the vehicle. I was positioned between primary and secondary in order to maintain observation of both areas. While at this location I was overhearing a disagreement between BPA b6,b7C and the occupants of the vehicle. The conversation was in regards to the use of a cell phone, which was coupled with Agent b6,b7C's demands for the female subject to cease her use of a cell phone.

At this time I began to approach the agent and subjects in an attempt to alleviate the concerns of all parties. Before reaching the area I was beckoned by Agent b6,b7C who was still conducting a search of the vehicle's interior on the driver's side. Agent b6,b7C informed me that he was familiar with the male subject and his propensity to engage agents into confrontations. Agent b6,b7C stated he would try to expedite his search and release both subjects as soon as possible.

While being informed of this, I noticed the argument between BPA b6,b7C and the subjects was escalating. At no point however, did I observe any unprofessional conduct coming from Agent b6,b7C I then approached the individuals and prepared to de-escalate the situation. While approaching the group, the female subject was demanding from Agent b6,b7C to see his supervisor. Agent b6,b7C identified me as his supervisor and I simultaneously identified myself as his supervisor.

b6,b7C

The female, who was never identified, demanded to know what legal right we had to prohibit cell phone usage. She had been told by BPA **b6,b7C** that it was "case law". I could not think of any such law off-hand and told the female that I could not identify one but was going to try to find the statute if there was one and let her know. Within approximately 30 seconds of my arrival and interaction with the subjects, Agent **b6,b7C** stated the subjects were free to go.

Despite being told that they were now free to leave, both subjects refused to leave the secondary area and return to their vehicle. The female insisted that I cite the legal source for the prohibition of phone usage. I repeatedly told both subjects that they needed to leave and drive away from the checkpoint. I informed her I did know and could cite the legal source of interfering with my job and its consequences. As I began leaving the secondary area, Agent **b6,b7C** and both subjects continued to argue about the legalities of phone usage and now, the use of videotape was introduced to the argument as the female stated she had begun using her phone's video capabilities.

I observed this interaction for approximately 20 seconds then both subjects returned to their vehicle and departed. I would estimate the entire time of detention to be approximately 3 minutes. I never observed unprofessional conduct from any agent. I never observed or heard of any use of spit, whether intentional or accidental. I do not recall any foul language being used by anyone.

b5,b7E

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



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

March 06, 2012

MEMORANDUM FOR:

b6,b7C
Acting Patrol Agent in Charge
Tucson Station

FROM:

b6,b7C
Senior Patrol Agent
Tucson Station

SUBJECT:

Citizen Complaint at SR 86 Checkpoint

On March 6, 2012, I was assigned to the SR86 Checkpoint. At approximately 5:00 P.M. a small white sedan was sent to the secondary area from a K-9 alert. I made contact with the subjects in the secondary area, and asked the occupants to step out of the vehicle. After the subjects were out of their vehicle, I noticed that the female subject, later identified as b6,b7C, trying to use her cell phone. I asked b6,b7C to leave her cell phone in the car, but she refused. She then told me that she was going to video tape the Agents in the secondary area. I informed her that she could use her cell phone at the primary area, but could not video tape our operations while in the secondary area, as it is a restricted area. At that time, b6,b7C insisted on knowing the statute of law forbidding cell phone use in a secondary restricted area. b6,b7C then requested to speak with a Supervisor. SBPA b6,b7C was in the secondary inspection area, and spoke with her.

While I was speaking with b6,b7C a male subject travelling with her started to become loud and disruptive. Several times the subject would purposely put his hands behind his back. I told the subject to keep his hands where I could see them. The subject would comply for a few seconds, and then put his hands behind his back again. The subject was trying to provoke a physical response. About that time, the K-9 handler, b6,b7C informed me that their car was clear and they were free to go. When I told the subjects they could leave, they refused to do so. Again they were told to leave. They replied that they would leave when they felt like it, to which I replied that they would leave now.

After the subjects were clear of the secondary area, Agent b6,b7C informed me that he recognized the male subject. Agent b6,b7C also relayed to me that the male subject is always trying to start fights with Border Patrol agents, at the secondary and primary areas.

Later in the shift, I was informed that b6,b7C had made a complaint against me. I was told: she complained that SBPA b6,b7C and I had spit on her. At no time did I spit on b6,b7C or the other subject. At no time did I see SBPA b6,b7C spit on either subject.

b6,b7C

CBP00001096

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



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

March 6, 2012

MEMORANDUM FOR:

b6,b7C

Border Patrol Agent
Tucson, Arizona

FROM:

b6,b7C

Supervisory Border Patrol
Tucson, Arizona

b6,b7C

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

Employee's Signature

3/7/12 10:55 AM
Date

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



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

March 06, 2012

MEMORANDUM FOR:

b6,b7C

Senior Patrol Agent
Tucson Station

FROM:

b6,b7C

Field Operations Supervisor
Tucson Station

b6,b7C

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

3/6/12
Date



Department of Homeland Security
Bureau of Customs and Border Protection

UNITED STATES BORDER PATROL

Complaint Report Form



Report **b6,b7C,b7E**
Station: Tucson Station

EMPLOYEE: (person taking information)

Name: **b6,b7C** Star #: **b6,b7C** 04/27/2012 0200 hours
(date) (time)

Method Report Received: ☐ In person ☒ Phone ☐ Other

CITIZEN COMPLAINANT: (ASK, but not required):

Name: **b6,b7C**

Address: **b6,b7C**

Phone: _____ ☐ NO CONTACT

RELEVANT INFORMATION: (criminal activity to report)

☒ **OFFICER RELATED COMPLAINT:**

Name of Officer(s): _

Date/Time of incident: **04/27/12 0130 hours**

Location of Incident: Rd/Hwy **Highway 86** Milepost _ Community **Guvo Rd/SR-86 -- Manager's Dam** Landmark(s) _

Description of Incident: **See below**

☐ **STATION RELATED COMPLAINT:**

Number of Officers Involved: _____ Date/Time of incident: ____/____/____ am/pm

Location of Incident: Rd/Hwy _____ Milepost _____ Community _____

Description of Incident: **On 4/27/12,**

Complete
No CONTACT INFO
b6,b7C
b6,b7C

I received call from b6,b7C, driving a Dodge Durango, accompanied by her husband and kids who were stopped by Agents at a stop sign located at Guvo and SR-86 in the Managers Dam community of Sells, AZ. The two agents, b6,b7C and b6,b7C had activated their emergency lights and approached b6,b7C who informed them that she did not have her driver's license. The agents, according to b6,b7C, had told her that they would contact TOPD about her driving without a license. b6,b7C said that she later called TOPD dispatch and that the agents had not reported her. She further stated that her husband had his license and was a passenger in the Durango. It seems b6,b7C was more concerned about not being reported to TOPD after being told she would be than from being stopped.

When asked if the agents had explained why she had been stopped, she said they had, as she had turned around after leaving her house because she forgot something, which appeared suspicious. She also stated that she will call again if stopped again, because she has "a big b6,b7C sticker on the back of her Durango" and she and her husband transport each other from his place of employment and b6,b7C at this hour (0130 hours) regularly. I informed her that I would complete a report and forward to my superiors.

Other agencies involved: None.

IMMEDIATE ACTION TAKEN: ☒ NONE ☐ YES (explain)

AFTER ACTION: ☐ NONE ☐ YES (explain) _____

| | | | | |
|--------------|--------|------|------------|------------|
| Completed by | b6,b7C | SBPA | 04/27/2012 | 0215 hours |
| | (name) | | (date) | (time) |



UNITED STATES BORDER PATROL

Complaint Report Form



Department of Homeland Security
Bureau of Customs and Border Protection

EMPLOYEE: (person taking information)

Name: **SBPA b6,b7C** Star #: **b6,b7C**

05/16/2012
(date)

1200 hrs.
(time)

Method Report Received: ☒ In person ☐ Phone ☐ Other:

CITIZEN COMPLAINTANT: (ASK, but not required):

Name: **b6,b7C**

Address: **b6,b7C**

Phone: **b6,b7C** ☐ NO CONTACT

RELEVANT INFORMATION: Speeding complaint

☒ **OFFICER RELATED COMPLAINT:**

Name of Officer(s): **b6,b7C**

Date/Time of incident: **05/16/2012, 1100 hrs.**

Location of Incident: Rd/Hwy **Arivaca Road East Checkpoint.** Milepost **21** Community: **Amado AZ.**

Landmark(s) **N/A**

Description of Incident:

On May 16, 2012 at approximately 1100 hours the SBPA **b6,b7C,b7E** **b6,b7C,b7E** received a phone call from **b6,b7C** **b6,b7C** stated that he wanted a supervisor to meet him in person because he wanted to file a complaint against an agent at the Arivaca Checkpoint. **b6,b7C** refused to file the complaint over the phone. SBPA **b6,b7C** was notified of the complaint and responded to meet with **b6,b7C** at the Arivaca Checkpoint. At the Arivaca Checkpoint **b6,b7C** stated that when he pulled up to primary inspection he stopped short of the primary agent and the agent did not question him about his citizenship and sent him straight to the secondary inspection area. He then stated that the agent, identified as **b6,b7C** came up to the vehicle and demanded to see his vehicle registration and identification, which **b6,b7C** stated that he refused. BPA **b6,b7C** then asked **b6,b7C** to step out of the vehicle which he refused. He then stated that BPA **b6,b7C** said if he did not get out of the vehicle he would remove him from the vehicle. At this point **b6,b7C** complied. He said that BPA **b6,b7C** then questioned the passenger, his wife,

for a minute and then told them they were free to go. b6, b7C then refused to leave and asked if this was the manner in which U.S. Citizens were treated. b6, b7C said that BPA b6, b7C became agitated and pulled out his hand cuffs and threatened to arrest him. b6, b7C said that BPA b6, b7C in a rude manner told him to get out of "his" checkpoint. At that point b6, b7C left and went to the I-19 Checkpoint to find a supervisor and file a complaint. b6, b7C stated that he was a strong supporter of the Border Patrol and often calls to report illegal activity on b6, b7C b6, b7C stated that he is b6, b7C contacted FOS b6, b7C b6, b7C regarding this matter and was advised that he would be getting a phone call from b6, b7C b6, b7C felt he was mistreated and would like a follow up call regarding this matter.

☐ STATION RELATED COMPLAINT:

Number of Officers Involved: _____ Date/Time of incident: ____/____/____ am/pm

Location of Incident: Rd/Hwy _____ Milepost _____ Community _____

Landmark(s) _____

Description of Incident: _____

Other AGENCIES involved: N/A _____

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain)

Field Operations Supervisor b6, b7C and b6, b7C were notified. BPA b6, b7C was served with a Notice of Right to Union Representation and asked to write a memo documenting the incident. Log number b6, b7C, b7E was issued for this complaint. The complaint will be forwarded up for investigation and resolution.

AFTER ACTION: ☐ NONE ☐ YES (explain) CONTACTED b6, b7C AND

SPOKE TO HIM AT LENGTH ABOUT INCIDENT.

b6, b7C

Completed by: b6, b7C
(name)

05/16/12
(date)

1410 hours
(time)

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



U.S. Customs and
Border Protection

May 16, 2012

MEMORANDUM FOR:

b6,b7C

Acting Patrol Agent in Charge
Tucson Station

b6,b7C

FROM:

b6,b7C

Border Patrol Agent
Tucson Station

SUBJECT:

Complaint b6,b7C,b7E

On today's date, Agents b6,b7C and I were assigned to the Arivaca Check Point on Arivaca Road near Amado, Arizona. At approximately 1100 hours I sent b6,b7C to secondary inspection. He later contacted the Tucson Station and wished to file a formal complaint. b6,b7C's total time at the Check Point was approximately five minutes and at no time did anyone ever physically touch b6,b7C. I have been served a 31B Notice of Right to Union Representation and have been instructed to write this memorandum in accordance with that directive by my supervisor, SBPA b6,b7C.

At approximately 1100 hours a dark blue, newer model BMW Coupe arrived at the Check Point where I was conducting primary inspection. The driver, later identified as b6,b7C, stopped almost a full car length short of the posted stop sign and certainly a car length short of where people normally intuitively bring their vehicles to rest in front of the inspecting agent. I could not see b6,b7C due to the window frame of the very low profile vehicle obscuring my view. I waved b6,b7C forward. He let off the brake and then immediately reapplied it causing the car to bound forward just a few inches. I again waved for him to pull forward. He replied out the window, "b6,b7C". He then lurched the car again in the same fashion. b7E

b7E It was also obvious that he wished me to leave what little position of cover I had at the Primary Inspection position to come to his window. I could not see him or his hands so I was not leaving that position. I waved again and then verbally ordered him forward, "Driver please pull forward." He complied and pulled forward to this verbal command.

During the aforementioned brief exchange I could clearly see a female sitting in the passenger seat of the vehicle. She was b6,b7C,b7E

b7E

b7E

b6,b7C,b7E

again stated that he was b6,b7C and I had yet

b6,b7C

to ask him any questions **b6 b7C b7E**

b7E

I then stated, "Sir, may I see your identification?" He refused advising me that this was an "Immigration Check Point" and that he "did not have to show me any identification." It was obvious that he was going to continue his confrontive and uncooperative behavior. The female was still assuming the previous posture which made me wonder if she might be in some kind of duress. During my extensive service in this area I have responded to many horrible and heinous incidents to include kidnappings, murders, and of course the smuggling of people and narcotics.

b7E

This time period was the beginning of normal daily high traffic at this Check Point. **b7E**

b7E

b7E
b7E

Considering the risk factors and that the fact that traffic was backing up behind this vehicle I ordered the man to secondary inspection largely to get him out of the flow of traffic. However, I was also suspicious of what might be going on with the female to make her react in such a manner. The man initially refused to go to secondary, but upon my second order complied. I cleared the other cars in line and then went over to him.

Upon arriving at his door, I identified myself and asked his name. He replied, "**b6,b7C**", in a manner that tended to convey the message that I should have known that already. I asked for **b6,b7C**'s Identification and the registration of his vehicle. He refused again advising me that this was an "Immigration Check Point and why are you pulling me over". I again asked and he again refused. I instructed him to step out of the vehicle. He again refused. I opened his door and told him if he did not step out of the vehicle I would remove him from the vehicle. He then complied. I instructed him to wait behind the vehicle. Instead he stepped into the traffic lane toward my rear area as if to better hear what I was saying to the passenger. I instructed him to stand directly behind the vehicle out of the lane of traffic for his safety. He complied.

I then turned my questioning towards the female. She identified herself as **b6,b7C**. She complied and gave me her identification. She said that the man was her husband and that this was their vehicle. I asked her if she was ok. She replied that she was fine. **b7E**

b7E

b7E

At this point I was satisfied that there was no criminal behavior occurring and that **b6,b7C,b7E**. I instructed him that he could leave and I began to return to the primary inspection Area.

b6,b7C refused to leave and began to follow me into the lane of traffic towards the primary inspection area. I reiterated to him to stop and that he needed to leave. He demanded to further engage me in conversation and refused to leave. Given the risk factors of the Check Point I had no more time to engage **b6,b7C**. I instructed him that, "I am through and I am telling you to leave the Check Point". He refused and took a very rigid posture with his eyes widening again and his arms crossed where I could not see his hands that were under his arm pits. I assumed the field interview stance and drew my handcuffs while telling him to leave or I would take him into custody. This was not an idle threat; I had every intention of restraining him and getting him out of the lane of traffic if he did not comply if for nothing more than for safety reasons as he seemed to enjoy walking in the traffic lane.

b7E

b7E he complied once he realized I was not going to engage with him further unless it meant his being taken into custody.

He left the Check Point and I immediately advised FOS **b6,b7C** via email and SBPA **b6,b7C** via text that there was probably going to be a complaint from **b6,b7C**. It should be noted that **b6,b7C** was the only vehicle secondaried on our shift and probable the only vehicle I have directly sent to secondary inspection in days.

Shortly there after, SBPA **b6,b7C** contacted me by mobile telephone with the complaint and I relayed to him the brief version of what I have previously delineated. He stated that **b6,b7C** was returning to the Check Point to file the complaint. Indeed, **b6,b7C** did return but stayed well away from the inspection area. He met with SBPA **b6,b7C** at the east end of the signage area. SBPA **b6,b7C** called me over to speak with **b6,b7C** and to answer his questions. I agreed to speak with him and I answered his questions.

b6,b7C informed me that he was **b6,b7C** and a Check Point Supporter. In his discourse, he languished into areas of argument to include Reasonable Suspicion and even began to indulge in hypothetical conjecture. **b7E**

b7E
b7E

b6,b7C

was there to debate and have his pride appeased, his wife still shifting side to side in the passenger seat of the vehicle in indignant humiliation. He even mentioned that he had replaced the windows in the Check Point Trailer at his own expense when they were broken out previously. I eventually advised him that I was not there to apologize to him as I had done my job. I also enquired that if he was such a supporter of the Check Point and the Border Patrol then why he gave me such a difficult time. He attempted to minimize, nullify, and over simplify his behavior into fallacious reasoning to suit his own ideals about his baiting conduct. I finally decided that things were going nowhere so I asked SBPA **b6,b7C** to return to my duties and he granted me the opportunity to take my leave of the discussion.

Memorandum for **b6,b7C**
Subject: Complaint **b6,b7C,b7E**

Page 4

I later learned from two other coworkers that these kinds of encounters have occurred with **b6,b7C**
b6,b7C before **b7E** In an effort
to better understand the reasons for **b6,b7C**'s behavior I conducted an open internet search of
b6,b7C to ascertain if he frequently attempts civil litigation. I
found that in **b6,b7C**

b6,b7C

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



U.S. Customs and
Border Protection

May 17, 2012

MEMORANDUM FOR:

b6,b7C
Acting Patrol Agent in Charge
Tucson Station

FROM:

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

SUBJECT:

Complaint b6,b7C,b7E

On May 16, 2012 at approximately 1100 hours the SBPA b6,b7C,b7E b7E received a phone call from b6,b7C stated that he wanted a supervisor to meet him in person because he wanted to file a complaint against an agent at the Arivaca Checkpoint. b6,b7C refused to file the complaint over the phone. SBPA b6,b7C b6,b7C was notified of the complaint and responded to meet with b6,b7C at the Arivaca Checkpoint.

At the Arivaca Checkpoint b6,b7C stated that when he pulled up to primary inspection he stopped short of the primary agent and the agent did not question him about his citizenship and sent him straight to the secondary inspection area. He then stated that the agent, identified as b6,b7C came up to the vehicle and demanded to see his vehicle registration and identification, which b6,b7C stated that he refused. BPA b6,b7C then asked b6,b7C to step out of the vehicle which he refused. He then stated that BPA b6,b7C said if he did not get out of the vehicle he would remove him from the vehicle. At this point b6,b7C complied. He said that BPA b6,b7C then questioned the passenger, his wife, for a minute and then told them they were free to go. b6,b7C then refused to leave and asked if this was the manner in which b6,b7C b6,b7C were treated. b6,b7C said that BPA b6,b7C became agitated and pulled out his hand cuffs and threatened to arrest him. b6,b7C said that BPA b6,b7C in a rude manner told him to get out of "his" checkpoint.

At that point b6,b7C left and went to the I-19 Checkpoint to find a supervisor and file a complaint. b6,b7C stated that he was a strong supporter of the Border Patrol and often calls to report illegal activity on b6,b7C b6,b7C stated that he is b6,b7C b6,b7C contacted FOS b6,b7C regarding this matter and was advised that he would be getting a phone call from b6,b7C b6,b7C felt he was mistreated and would like a follow up call regarding this matter.

Memorandum for [b6,b7C]
Subject: Complaint [b6,b7C,b7E]

Page 2

[b6,b7C] was notified. BPA [b6,b7C] was served with a Notice of Right to Union Representation and asked to write a memorandum documenting the incident. Log number [b6,b7C,b7E] was issued for this complaint. The complaint will be forwarded up for investigation resolution.

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



U.S. Customs and
Border Protection

May 16, 2012

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 am b6,b7C of this memorandum.

Em

05/16/2012

Date



UNITED STATES BORDER PATROL

Complaint Report Form



Department of Homeland Security
Bureau of Customs and Border Protection

b6,b7C

Report # b6,b7C,b7E
Station: TCA/TUS

EMPLOYEE: (person taking information)

Name: (A)SBPA b6,b7C Star #: b6,b7C 06/04/2012 03:30 pm

Method Report Received: ☐ In person ☒ Phone ☐ Other _____

CITIZEN COMPLAINTANT: (ASK, but not required):

Name: b6,b7C

Address: Not provided

Phone: b6,b7C ☐ NO CONTACT

RELEVANT INFORMATION: (criminal activity to report)

☒ **OFFICER RELATED COMPLAINT:**

Name of Officer(s): BPA b6,b7C

Date/Time of incident: 06/01/2012 at 01:14 pm

Location of Incident: Rd/Hwy I-19 Kilometer Post 98

Description of Incident:

At 03:00 pm on Monday, June 04, 2012, a citizen who identified himself as b6,b7C called 838 to report a "road rage" incident that occurred on Friday, June 01, 2012. b6,b7C stated that he was driving his commercial delivery truck northbound on I-19 near the Irvington Rd. Exit in the left lane at 01:14 pm on Friday, June 1st, 2012, when a pickup truck came up behind him at a speed of approximately 100 mph. b6,b7C was driving in a commercial delivery truck with two of his employees at the time of the incident. b6,b7C stated that because of traffic, he could not pull over. The pickup truck began tailgating his rear bumper. As traffic opened up, b6,b7C moved over one lane and the pickup truck followed suit. According to b6,b7C the pickup truck then pulled up along

b7E

the passenger side and "mad dogged" them like a "gangbanger." b6,b7C noticed that the driver of the pickup truck was wearing a Border Patrol uniform.

b6,b7C stated that the pickup truck initiated a traffic stop on his vehicle near the I-19 and I-10 interchange. The agent was "acting like a child" and stormed up to b6,b7C and said something to the effect of "Don't you know to get out of my way when I'm in a hurry?" According to b6,b7C a verbal altercation ensued. He stated that because the agent was acting like a child, b6,b7C drove off. The Border Patrol agent continued to follow him onto I-10 westbound until the Prince Rd. Exit, but did not initiate a second stop.

b6,b7C described the agent as b6,b7C
b6,b7C The agent was driving a Silver Ford SuperCab pickup with license plate b6,b7C

In addition to his employees witnessing the incident, b6,b7C claimed to have the entire event on video. b6,b7C said that he wanted to schedule a face-to-face meeting with the agent of the pickup truck and management to discuss the incident and to ensure that appropriate disciplinary is taken. b6,b7C said that if this incident were not handled to his satisfaction, then he would present the tape to Tucson PD or South Tucson PD, as he has already spoken with the County Attorney's Office. He stated that he would have the agent charged with endangerment, criminal speeding, and harassment.

Using the license plate provided by b6,b7C b7E
reported that the plate belonged to vehicle b6,b7C SBPA b6,b7C of the TCA K9 office identified b6,b7C as currently assigned to TUS K9 BPA b6,b7C
b6,b7C

☐ **STATION RELATED COMPLAINT:**

Number of Officers Involved: _____ Date/Time of incident: ____/____/05 _____ am/pm

Location of Incident: Rd/Hwy _____ Milepost _____ Community _____

Landmark(s) _____

Description of Incident: _____

b7E

Other AGENCIES involved: _____

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain)

Complaint Report Form initiated. Notifications made to TUS Management and TCA K9 Office.

AFTER ACTION: ☐ NONE ☐ YES (explain) THIS COMPLAINT WAS FORWARDED
TO STATION MANAGEMENT FOR RESOLUTION. b6,b7C SCHEDULED
AN APPOINTMENT TO MEET WITH STATION LEADERSHIP TO
VIEW VIDEO & DISCUSSED INCIDENT. b6,b7C FAILED TO
SHOW UP AT THE SCHEDULED MEETING DATE & TIME

Completed by: b6,b7C
(name) (date) (time)

b7E



UNITED STATES BORDER PATROL

Complaint Report Form



Department of Homeland Security
Bureau of Customs and Border Protection

b6,b7C

Report **b6,b7C,b7E**
Station: Tucson Station

EMPLOYEE: (person taking information)

Name: **b6,b7C** Star #: **b6,b7C** 05/31/2012 13:25 PM
(date) (time)

Method Report Received: ☐ In person ☒ Phone ☐ Other _____

CITIZEN COMPLAINANT: (ASK, but not required):

Name: **b6,b7C**

Address: None provided

Phone: **b6,b7C** ☐ NO CONTACT

RELEVANT INFORMATION: (criminal activity to report)

☒ **OFFICER RELATED COMPLAINT:**

Name of Officer(s): **b6,b7C**

Date/Time of incident: 05/31/2012 at approximately 13:15 pm

Location of Incident: Rd/Hwy I-19 @ Irvington

Landmark(s) _____

Description of Incident:

On 05/31/2012, **b6,b7C** called the Tucson Station claiming that he was stopped by a Border Patrol Agent on I-19 at Irvington. **b6,b7C** stated that he had been driving at the posted speed limit in the number one lane when stopped by the agent, who was driving an unmarked Ford Super Duty bearing **b6,b7C** tag **b6,b7C**. **b6,b7C** claimed the agent tailgated his vehicle. He also claimed that the agent then pulled alongside him, and gave him a menacing look. After being pulled over, **b6,b7C** stated that the agent approached him, and the agent yelled at him for driving too slow, and that the agent said he had "places to be." **b6,b7C** was unable to identify the agent, claiming that the agent's nametag was covered by a jacket. **b6,b7C** stated that he had video recorded the incident, and had two passengers who witnessed the incident. **b6,b7C** also stated he may contact TPD to file a road rage complaint.

SBPA **b6,b7C** researched the agency vehicle's license plate, which returned to a TUS K-9 truck assigned to BPA **b6,b7C**. BPA **b6,b7C** was working on this date **b7E**. **b7E** SBPA **b6,b7C** contacted TPD to inquire if a complaint was filed through their department, and they had no such complaint filed as of that time. SBPA **b6,b7C** also attempted to call **b6,b7C** to glean more information, but the phone number provided by **b6,b7C** was invalid.

Other AGENCIES involved: None

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain)

FOS **b6,b7C** was advised of the complaint, and spoke with BPA **b6,b7C**. BPA **b6,b7C** will generate a memorandum detailing the vehicle stop.

AFTER ACTION: ☐ NONE ☐ YES (explain) REF **b6,b7C,b7E**

Completed by: _____
(name) (date) (time)



Department of Homeland Security
Bureau of Customs and Border Protection

UNITED STATES BORDER PATROL

Complaint Report Form



complete 6/11/12
b6,b7C

Report **b6,b7C,b7E**
Station: Tucson Station

EMPLOYEE: (person taking information)

Name: **b6,b7C** Star #: **b6,b7C** 06/09/12 1230
(date) (time)

Method Report Received: ☐ In person ☒ Phone ☐ Other

CITIZEN COMPLAINANT: (ASK, but not required):

Name: **b6,b7C**
Address: **b6,b7C**
Phone: **b6,b7C** ☐ NO CONTACT

RELEVANT INFORMATION: (criminal activity to report)

☒ OFFICER RELATED COMPLAINT:

Name of Officer(s): **BPA b6,b7C**

Date/Time of incident: **06/09/12 ~0800 hours**

Location of Incident: Rd/Hwy **Arivaca Road Checkpoint.** Milepost **MP 20** Community
Landmark(s)

b6,b7C at **b6,b7C** called to file a complaint regarding the experience he had at the Arivaca Road Checkpoint with BPA **b6,b7C** and another agent, whose name he did not get. **b6,b7C** stated that this incident occurred earlier that morning, around 0800. He told me that he had come from **b6,b7C** where he had been had working. He was headed for **b6,b7C**. He stated he comes through the checkpoint 6-7 times a day while performing **b6,b7C** and has not been treated like this before. On this date, he said he was followed by an agent in a vehicle much of the way from **b6,b7C** to the Checkpoint. When he pulled up to primary, BPA **b6,b7C** asked him for his license, registration and insurance and asked him a lot of questions about who he was, where he was coming from and where he was going to. BPA **b6,b7C** requested **b6,b7C** move his vehicle into the secondary inspection area. **b6,b7C** said he moved his vehicle into the secondary inspection area and was told to get out of his vehicle. He got out of the vehicle as he was instructed. During this time, **b6,b7C** stated the agents used service radios to run a check on his license and searched his

vehicle. b6,b7C stated that he asked the agents several times why he was being so thoroughly checked out. The agents were very short with him and told him they were performing "routine duties." b6,b7C said "I come through the checkpoint all the time, this was not routine." Once he was released, b6,b7C said he asked for the agent's name and badge number and departed the checkpoint. His main complaint was the excessively long detention and impolite interactions from the two agents about why he was detained.

STATION RELATED COMPLAINT:

Number of Officers Involved: _____ Date/Time of incident: ____/____/____ am/pm
Location of Incident: Rd/Hwy _____ Milepost _____ Community _____
Landmark(s) _____

Other agencies involved: None.

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain)

6/9/12, 1300: I called the Duty Supervisor SBPA b6,b7C to notify him of the complaint and to obtain contact information for BPA/b6,b7C. I spoke with BPA/b6,b7C and the OIC BPA b6,b7C on the telephone. BPA/b6,b7C told me that the checkpoint had received information from b6,b7C (BPA/b6,b7C) that a vehicle matching the description of b6,b7C's vehicle had been observed in an area near b6,b7C, b7E

b7E it was suggested that the checkpoint attempt to take a closer look at the vehicle and driver if the vehicle came through the checkpoint. When a vehicle matching the description pulled up to the checkpoint, BPA/b6,b7C said he asked for b6,b7C's drivers license and information and had him move to the secondary inspection area. According to BPA/b6,b7C, BPA/b6,b7C assisted him in secondary. They were the only two agents to interact with b6,b7C. The vehicle was searched and records checks were requested from b7E. BPA/b6,b7C indicated there were service radio communications issues causing the request to take an extended amount of time and eventually resulted in phone calls being required to get the results. b6,b7C said that he was cordial during the interaction, but that it did take quite some time to get all the necessary information before b6,b7C was cleared to leave. BPA/b6,b7C did indicate that he told b6,b7C they were just doing routine checks and nothing more.

b5,b6,b7C I verbally counseled BPA/b6,b7C regarding the complaint. We discussed the nature of the complaint and how the situation could have been better handled. BPA/b6,b7C was insightful and aware that the situation was difficult. We discussed the fact that after b6,b7C was cleared he could have provided b6,b7C with a brief generic explanation as to why he was held for such a lengthy time frame in order to help ease the tension. We also discussed how short, business focused questions from agents can sometimes be interpreted as rude or impolite. This was a good professional learning experience for BPA/b6,b7C, he appeared receptive to the information. I then immediately called b6,b7C back to discuss the situation as noted below.

AFTER ACTION: ☐ NONE ☒ YES (explain)

6/9/12, 1330: I called b6,b7C back and provided a brief generic explanation for why he had been detained for such a lengthy time at the Arivaca Rd Checkpoint. I explained some of the factors including that his vehicle matched the description of a suspicious vehicle and the service radio communications problems. He was satisfied with the brief explanation and indicated that

if the agent at the checkpoint had provided him with a simple explanation upon the conclusion of the incident he would have been more understanding and would not have called in a complaint. He understood that we would not have provided an explanation until he was properly cleared and that we cannot divulge detailed or specific information. He verbalized that he was ok with that, understanding we must do our job while maintaining officer safety. He did feel he was detained longer than he should have been, but was satisfied with the follow-up call and requires no further assistance at this time.

| | | | | |
|--------------|--------|--------|---------|--------|
| Completed by | SBPA | b6,b7C | 6/11/12 | 1200 |
| | (name) | b6,b7C | (date) | (time) |



UNITED STATES BORDER PATROL

Complaint Report Form



Department of Homeland Security
Bureau of Customs and Border Protection

Completed 7/25/12

b6,b7C

Report #: b6,b7C,b7E

Station: Tucson

EMPLOYEE (Person taking information)

Name: b6,b7C Star#: b6,b7C 07/06/2012 8:14 am/pm
(date) (time)

Method Report Received: ☐ In person ☒ Phone ☐ Other: _____

CITIZEN COMPLAINANT: (Ask, but not required)

Name: b6,b7C
Address: b6,b7C
Phone: b6,b7C or b6,b7C ☐ No Contact

RELEVANT INFORMATION: (Criminal activity to report)

☐ Officer Related Complaint

Name of Officer(s): _____

Date/Time of Incident: ____/____/____ am/pm

Location of Incident: Road/Highway: _____ Milepost: _____ Community: _____

Landmark(s): _____

Description of Incident: _____

☒ Station Related Complaint

Number of Officers Involved: Three (3) Date/Time of Incident: 07/06/2012 7:30 am/pm

Location of Incident: Road/Highway: State Route 86 Milepost: 146.5 Community: Three Points

Landmark(s): U. S. Border Patrol Checkpoint

Description of Incident: _____

On July 6, 2012, at 8:14 a.m., I received a call from b6,b7C who wanted to file a complaint because he believes the Agents at the Border Patrol Checkpoint at milepost 146.5, on State Route (SR) 86 were trying to intimidate him, were disrespectful, and were harassing him.

b6,b7C stated that this morning, when he arrived at the primary inspection area at the checkpoint, he was talking to his employees on his cell phone, as he does every morning while driving to work. He claims that Border Patrol Agent b6,b7C did not speak to him, and simply stood at primary, staring at him, never speaking. He claims that Agent b6,b7C never greeted him or introduced himself as a Border Patrol Agent, and never asked him "the

only question that needs to be asked at a checkpoint - what my citizenship is". b6,b7C stated that he no longer makes eye contact with Border Patrol Agents while in the primary inspection area at checkpoints because of a past incident in which he "ended up being handcuffed in secondary". b6,b7C claims that Agent b6,b7C ordered him to put down his cell phone, and to "hang up". b6,b7C stated that he stopped talking on his phone, and put the phone face down on his shoulder, but Agent b6,b7C kept demanding that he end the call. He stated that Agent b6,b7C was verbally aggressive and was trying to intimidate him. He claims that Agent b6,b7C kept him at primary for "5 minutes" and the number of cars waiting behind him was increasing. He claims that Agent b6,b7C directed him to the secondary inspection area where Agents b6,b7C and b6,b7C both demanded that he "hang up". b6,b7C stated that after he was verbally harassed in the secondary inspection area, he was finally asked to state his citizenship. He stated he knows there is no law that prevents him from talking on his phone at a checkpoint.

I attempted to interject several times, but b6,b7C talked continuously, bringing up alleged past encounters, and said that most Border Patrol Agents drive recklessly, speed and "abuse their power", and he has to protect himself "because of the things he has seen on TV...that Border Patrol Agents put things [drugs] in people's cars [to incriminate] and shoot people. Who are they going to believe, me or you guys [Border Patrol Agents]? That's why I don't roll my window down all the way". He stated that he used to help the Border Patrol, and even provided a key to his locked fence, but he doesn't help anymore because he was getting stopped all the time, Agents were tailgating him on the highway, and harassing him.

b6,b7C mentioned that he spoke to the State Route 86 Checkpoint Supervisor b6,b7C, but did not provide any details of the conversation.

b6,b7C states he has a relative who is a former Border Patrol Agent, so he knows that Border Patrol Agents are only supposed to ask one question at the checkpoint. He claims his relative told him that the only question that can be asked at checkpoints is "what is your citizenship?" He stated that Agents are always asking him where he is going and where came from, and there is no law that says he has to answer those questions.

b6,b7C stated that his complaint is that he was harassed, the Agents tried to intimidate him, and he wants the Agents to be assigned to the fence line at the border, and learn the only question they can ask at a checkpoint. He said all he wants is for the Agents to be courteous and respectful, and only ask the "one question".

He stated that he is going to contact his attorney and file a complaint with him, as well, because that is what his relative and his attorney told him to do.

Other Agencies involved: None

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain) Allowed the complainant to vent.

See attached page for action

AFTER ACTION: ☐ NONE ☐ YES (explain)

Completed by: _____

(name)

(date)

(time)

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain)

I made the follow-up call to b6,b7C regarding his Highway 86 Checkpoint complaint last week. He lives on b6,b7C and goes through the checkpoint to/from work for b6,b7C I spoke with him for close to an hour.

He indicated that he has contacted an attorney and plans on filing harassment charges. He told me that on his attorney's recommendation he has purchased a video camera and plans to use it to film when going through checkpoints. He also indicated he plans to film agents speeding and driving recklessly on Hwy 86, which he says he witnesses much too often. "Agents think they are above the law."

He verbalized many frustrations with the Border Patrol. Primary complaints were 1) Agents asking non-immigration related questions at the checkpoint- "Where are you coming from/going to", "where do you live", etc. 2) Lack of courtesy by agents at the checkpoints- impolite. 3) Reckless driving of agents- speeding, passing in unsafe locations, tail gating, etc. 4) Agent's lack of respect for citizen's rights and private property.

I am not sure how far he has actually gone with the attorney, but he has purchased a camera. I spoke with him for close to an hour and by the end he was significantly cooled down. He said he was very happy with the follow-up call. He said he has called in issues before and no one cares. He further admitted that he felt that most agents seem ok. By the end of the conversation, he verbalized better understanding of why we do what we do, but he is still says "It is not against the law to be on the phone when passing through the Checkpoint. He indicated he would cooperate as long as we ask immigration related questions, but will continue to not answer questions regarding where he has been and where he is going. He said he was appreciative that "someone took the time to listen and actually seemed to care." I plan to go out and make a face to face visit. I feel he will be much more understanding and cooperative with a little extra outreach.

AFTER ACTION: ☐ NONE ☒ YES (explain) Phone call follow-up. _____

BPA b6,b7C and I met with b6,b7C face to face for positive outreach. We had a long discussion regarding his frustrations with the Border Patrol as outlined above. He was very pleasant to deal with and just wanted us to be aware of agent's behavior at checkpoints as well as unprofessional driving habits. He spoke of the changes he has seen over the 25 years he has lived in b6,b7C He was happy with the outreach effort. He indicated that he would try to be "nicer" to the agents at the checkpoint.

Completed by

SBPA b6,b7C

b6,b7C

07/25/2012



Department of Homeland Security
Bureau of Customs and Border Protection

UNITED STATES BORDER PATROL

Complaint Report Form



Report **b6,b7C,b7E**
Station: Tucson Station

EMPLOYEE: (person taking information)

Name: **SBPA b6,b7C** Star #: **b6,b7C** 10/22/2012 1735 hrs.
(Date) (Time)

Method Report Received: In person ☒ Phone ☐ Other: _____

CITIZEN COMPLAINANT: (ASK, but not required):

Name: **b6,b7C**
Address: **b6,b7C**
Phone: **b6,b7C** ☐ NO CONTACT

RESOLVED
10/30/12
b6,b7C
b6,b7C

RELEVANT INFORMATION: Professionalism complaint

☒ **OFFICER RELATED COMPLAINT:**

Name of Officer(s): **b6,b7C**

Date/Time of incident: 10/21/2012, 1230-1300 hrs.

Location of Incident: Rd/Hwy Tres De Mayo Road and Chavez Citing Exit (Exit 40) on I-19.
Milepost Near Exit 40, I-19 Community: Near Rio Rico, AZ.
Landmark(s) N/A

Description of Incident:

On October 22, 2012, at approximately 1735 hrs, I received a call from a **b6,b7C** advising that she wanted to make a complaint towards an agent whom she believed acted unprofessionally. I let her explain the occurrence, as follows:

On October 21, 2012 between the hours of 1230 hrs to 1300 hrs, her cousin was driving her husbands truck (Nissan truck), and was pulled over by Border Patrol Agent **b6,b7C**. At the stop, BPA **b6,b7C** told the driver, "I thought you were the driver of this truck" and asked for permission to check the truck and then before letting the driver go, stated, "We have enough evidence to raid your home". **b6,b7C** stated that she did not like his comments about her family, her home or her.

b6,b7C said she understands she lives in an area where there might be a higher chance of illegal activity but she did not want to be associated with them and she does not want this (reporting) to target her when she comes through the Border Patrol Checkpoint.

I also explained to her that I would take the report to submit through my chain of command, but advised her that the Border Patrol Agent might be assigned to the Nogales Border Patrol Station. She advised that she had tried to call their station multiple times, but with no response.

b6,b7C stated that she wished to make a formal complaint and also wished to be contacted in regards to the outcome of her complaint **b6,b7C**.

☐ STATION RELATED COMPLAINT:

Number of Officers Involved: _____ Date/Time of incident: ____/____/____ am/pm

Location of Incident: Rd/Hwy _____ Milepost _____ Community _____

Landmark(s) _____

Description of Incident: _____

Other AGENCIES involved: N/A _____

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain)

Field Operations Supervisor **b6,b7C** was notified. **b7E**
BPA **b6,b7C** no record found for an agent at the Tucson Border Patrol Station. Log number **b6,b7C,b7E** was issued for this complaint. The complaint will be forwarded up for investigation and resolution.

AFTER ACTION: ☐ NONE ☐ YES (explain) SPOKE W/ **b6,b7C** SAID THAT SHE HAS

CALLED NOG STATION W/O ANY SUCCESS. CALLED NOG SPOKE TO SBPA **b6,b7C**

AND FORWARDED COMPLAINT. SDP A **b6,b7C** SAID THAT HE WOULD CONTACT

Completed by **b6,b7C**
(Name)

10/22/12
(Date)

1756 hours
(Time)

10/23/12 - CALLED NO ANS / LEFT MSG @ 1500

10/30/12 - CALLED NO ANS / LEFT MSG @ 1455



UNITED STATES BORDER PATROL

Complaint Report Form



Department of Homeland Security
Bureau of Customs and Border Protection

Report: **b6,b7C,b7E**
Station: Tucson Station

EMPLOYEE: *(person taking information)*

Name: **b6,b7C** SBPA Star #: **b6,b7C** 10/26/12 05:20 AM
(date) (time)

Method Report Received: ☐ In person ☒ Phone ☐ Other

CITIZEN COMPLAINTANT: *(ASK, but not required):*

Name: **b6,b7C**

Address: _____

Phone: **b6,b7C** ☐ NO CONTACT

RELEVANT INFORMATION: *(criminal activity to report)*

☒ **OFFICER RELATED COMPLAINT:**

Name of Officer(s): **b6,b7C**

Date/Time of incident: 10/26/2012 at approximately 4:35 AM

Location of Incident: Rd/Hwy **b6,b7C** Community Green Valley, AZ.
Landmark(s) Parking lot of **b6,b7C**

Description of Incident: _____

☐ **STATION RELATED COMPLAINT:**

Number of Officers Involved: _____ Date/Time of incident: ____/____/____ am/pm

Location of Incident: Rd/Hwy _____ Milepost _____ Community _____

Landmark(s) _____

Description of Incident: On 10/26/12, at 5:20 hours, I received a complaint via telephone from b6,b7C stated she was very upset and mad about an agent, (later identified as BPA b6,b7C) who followed an employee into b6,b7C parking lot. She stated that the agent parked behind b6,b7C and stepped out of his Border Patrol Crown Victoria. He then walked towards b6,b7C vehicle with his gun drawn. She went on to say that BPA b6,b7C made b6,b7C get on his knees as he handcuffed him behind his back. b6,b7C said that another employee, b6,b7C b6,b7C, ran over to try to defend b6,b7C as BPA b6,b7C yelled "Stay away or I'll shoot you".

b6,b7C said that BPA b6,b7C did not make any calls on his radio or cell phone while having b6,b7C handcuffed behind his back. She completed her statement by saying that BPA b6,b7C was on scene for approximately 10 minutes, at which time he removed the handcuffs and departed the area in a Border Patrol Crown Victoria.

b6,b7C told me that she wanted to file a formal complaint so that further measures would be taken to ensure that this does not happen again. I told b6,b7C that I would make every attempt to try to identify the agent involved.

Other agencies involved: None.

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain)

b6,b7C, b7E
b6,b7C BPA b6,b7C was contacted telephonically and confirmed the incident. I instructed BPA b6,b7C to complete a memorandum detailing the events of the encounter. I notified Community Relations Officer (SBPA b6,b7C) about the incident. Log # b6,b7C, b7E was issued to the complaint and will be forwarded up for investigation and resolution.

AFTER ACTION: ☐ NONE ☐ YES (explain) _____

Completed by b6,b7C 10/26/12 05:20 AM
(Name) (Date) (Time)

10/30/12- CALL b6,b7C ANS MAC@ 1458
11/6/12- CALL b6,b7C ANS MAC@ 1023
11/9/12- b6,b7C AGAIN NO RESPONSE
CLOSED b6,b7C



UNITED STATES BORDER PATROL

Complaint Report Form



Department of Homeland Security
Bureau of Customs and Border Protection

Report **b6,b7C,b7E**
Station: Tucson Station

EMPLOYEE: (person taking information)

Name: **SBPA b6,b7C** Star #: **b6,b7C** 12/1/2012 1330 hrs.
(Date) (Time)

Method Report Received: In person ☒ Phone ☐ Other: _____

CITIZEN COMPLAINANT: (ASK, but not required):

Name: **b6,b7C**

Address: **b6,b7C**

Phone: **b6,b7C** (home) **b6,b7C** (cell) **b6,b7C** (work) ☐ NO CONTACT

RELEVANT INFORMATION: Property damage complaint

☒ **OFFICER RELATED COMPLAINT:**

Name of Officer(s): **BPA b6,b7C**

Date/Time of incident: 12/1/2012, 0132 hrs.

Location of Incident: Rd/Hwy SR 86 east of Sierrita Mtn. Rd. near Three Points, AZ.

Community: Three Points, AZ.

Landmark(s) N/A

Description of Incident:

On December 1, 2012, at approximately 1330 hrs, I received a call from **b6,b7C**. He stated that he had been stopped by Border Patrol Agents on SR 86 at around 1:30 AM. During the course of the inspection, a canine unit was summoned to the scene and a canine sniff of his vehicle was conducted.

b6,b7C states that he noticed damage to the paint and scratches to the outside of his vehicle's passenger side door while unloading his vehicle around 1000 hrs. He blames the damage described by him as "dog paw marks and nail scratches" on the Border Patrol canine. **b6,b7C** wants the Border Patrol to pay for repair of this damage.

I explained to **b6,b7C** that a report of this incident would be generated and that supervisor from the Tucson Station will contact him regarding the filing of a SF-94.

Vehicle information:

2001 Chevrolet Silverado (red)

b6,b7C license plate: b6,b7C

Registered to: b6,b7C

Driver license number: b6,b7C

b6,b7C,b7E

☐ STATION RELATED COMPLAINT:

Number of Officers Involved: _____ Date/Time of incident: ____/____/____ am/pm

Location of Incident: Rd/Hwy _____ Milepost _____ Community _____

Landmark(s) _____

Description of Incident: _____

Other AGENCIES involved: N/A _____

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain)

FOS b6,b7C was notified. Log number b6,b7C,b7E was issued for this complaint, b7E The complaint will be forwarded up for investigation and resolution.

AFTER ACTION: ☐ NONE ☐ YES (explain) _____

Completed by: b6,b7C
(Name)

12/1/12
(Date)

1500 hours
(Time)

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



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

December 31, 2012

MEMORANDUM FOR:

b6,b7C

Acting Chief Patrol Agent
Tucson Sector

b6,b7C

FROM:

b6,b7C

Acting Patrol Agent in Charge
Tucson Station

SUBJECT:

Citizen Complaint Re: BPA **b6,b7C**

On December 1, 2012, the Tucson Station was contacted by **b6,b7C** who expressed his wish to file a complaint. He stated that he was stopped by Border Patrol agents on December 1, 2012 and a service canine scratched his truck. The canine was identified as **b6,b7C** and his handler was identified as Border Patrol Agent Canine Detection Handler **b6,b7C**.

b6,b7C stated that at 1:30 am that morning, he was stopped by Border Patrol agents on Highway 86 east of Three Points, Arizona. After a few minutes a canine arrived on the scene and inspecting his vehicle. The next day while unloading his truck, **b6,b7C** stated that he noticed dog paw prints and scratches on his passenger side door. **b6,b7C** submitted an SF-95 Claim Form with photos documenting the damage and provided an estimate to repair the scratches. The repair estimate was \$948.06.

Agent **b6,b7C** was advised of the complaint and submitted the attached memorandum. Agent **b6,b7C** states that his dog inadvertently jumped on the truck and may have scratched the door. Due to the stop being conducted at night, he was unaware of the damage at the time.

Attachments

cc: CPA, Tucson Sector

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



U.S. Customs and
Border Protection

December 28, 2012

MEMORANDUM FOR:

b6,b7C

Patrol Agent In Charge
Tucson Station

b6,b7C

FROM:

b6,b7C

Border Patrol Agent
Tucson Station

SUBJECT:

Citizen Complaint Against Canine b6,b7C

On December 1, 2012, I was assigned patrol route duties along with my service canine b6,b7C near Three Points, AZ.

At approximately 0115 hours, a vehicle stop was conducted on a 2001 Red Chevrolet Silverado truck east of Three Points, AZ. The vehicle was registered to b6,b7C with an address out of b6,b7C. A canine sniff was requested by Agents who conducted the vehicle stop. At approximately 0130 hours I deployed b6,b7C for a canine sniff. A first pass was utilized to preserve the canine's energy and to prevent the canine from scratching the vehicle.

As b6,b7C approached the driver's side door, he alerted to an odor b7E by attempting to jump through the driver's side door window. b7E The canine jumped without command. He began tracing odor to source located inside the vehicle interior. He was unsuccessful of entering the vehicle through the window. I opened the car door and b6,b7C entered. He began tracing odor near the center console and back seats. b7E b7E

b7E In the b6,b7C years that I have been a handler for b6,b7C he has never attempted to jump through the car window. It is my opinion that b6,b7C's car door may have been scratched when b6,b7C attempted to enter the vehicle through his driver side door. Also, b6,b7C had his own dog with him during this incident. There was a blanket in the backseat, where it appeared b6,b7C allows the dog to remain inside the vehicle. I did not look for any damage on the vehicle, given the fact that the truck was an older model pickup.

Please note that b6,b7C did not make any complaints to me and the other Border Patrol Agents on scene. If such complaint would have been made, a Supervisory Border Patrol Agent would have been contacted to take pictures and respond to the complaint. I am writing this memo on today's date, because I was just informed on December 28, 2012 the same date of my Article 31 (B) Advisement Form.

b6,b7C

CBP00001128

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



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

December 28, 2012

MEMORANDUM FOR:

b6,b7C

Border Patrol Agent
Tucson Station

FROM:

b6,b7C

Supervisory Border Patrol Agent
Tucson Station

b6,b7C

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.

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Employee's Signature:

12/28/12
Date: December 28, 2012

**CLAIM FOR DAMAGE,
INJURY, OR DEATH****INSTRUCTIONS:** Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.FORM APPROVED
OMB NO. 1105-0008

1. Submit to Appropriate Federal Agency:

Department of Homeland Security
Bureau of Customs and Border Protection
U.S. Border Patrol, Attn: PAIC Roger San Martin
2430 S. Swan Rd, Tucson, AZ 85711 (520) 514-4700

2. Name, address of claimant, and claimant's personal representative if any. (See instructions on reverse). Number, Street, City, State and Zip code

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3. TYPE OF EMPLOYMENT

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4. DATE OF BIRTH

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5. MARITAL STATUS

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6. DATE AND DAY OF ACCIDENT

SAT 12-1-12

7. TIME (A.M. OR P.M.)

01:30 AM

8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary).

ON SAT MORNING 12-1-12, APPROX 1:30, I WAS RETURNING FROM HUSTING CAMP SITE @ ELK HORN RANCH ON HWY 286. ON HWY 86 JUST EAST OF THREE POINTS, I WAS STOPPED BY 2 BORDER PATROL VEHICLES. THE 2 BP AGENTS INSPECTED MY VEHICLE FOR DRUGS & ILLEGALS. THEY DID NOT FIND ANYTHING ILLEGAL AND THEY SAID A CAUTION LIGHT WAS DIRECTED TO INSP VEHICLE. THE CAUTION WAS ALLOWED TO JUMP AND SCRATCH AT MY VEHICLE DOORS CAUSING THE DAMAGE FILED IN THIS CLAIM.

PROPERTY DAMAGE

9. NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code).

BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED. (See instructions on reverse side). DAMAGE WAS DONE TO MY 2001 CHEVY SILVERADO TRUCK. BOTH DOORS ON DRIVER SIDE OF VEHICLE, BY BORDER PATROL CAUTION. WERE SCRATCHED

10. PERSONAL INJURY/WRONGFUL DEATH

STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT.

None.

11. WITNESSES

NAME

ADDRESS (Number, Street, City, State, and Zip Code)

None.

N/A.

12. (See instructions on reverse).

AMOUNT OF CLAIM (in dollars)

12a. PROPERTY DAMAGE

\$ 948.06

12b. PERSONAL INJURY

N/A

12c. WRONGFUL DEATH

N/A

12d. TOTAL (Failure to specify may cause forfeiture of your rights).

\$ 948.06

EST. ATTACHED

I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.

13a.

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cen

14. DATE OF SIGNATURE

12/13/12

FRAUDULENT CLAIM

The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).

CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS

Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)

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NSN 7540-00-634-4046

STANDARD FORM 95 (REV. 2/2007)
PRESCRIBED BY DEPT. OF JUSTICE
28 CFR 14.2

INSURANCE COVERAGE

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of the vehicle or property.

15. Do you carry accident insurance? ☒ Yes If yes, give name and address of insurance company (Number, Street, City, State, and Zip Code) and policy number. ☐ No

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16. Have you filed a claim with your insurance carrier in this instance, and if so, is it full coverage or deductible? ☐ Yes ☒ No

17. If deductible, state amount.

18. If a claim has been filed with your carrier, what action has your insurer taken or proposed to take with reference to your claim? (It is necessary that you ascertain these facts).

19. Do you carry public liability and property damage insurance? ☒ Yes If yes, give name and address of insurance carrier (Number, Street, City, State, and Zip Code). ☐ No

INSTRUCTIONS

Claims presented under the Federal Tort Claims Act should be submitted directly to the "appropriate Federal agency" whose employee(s) was involved in the incident. If the incident involves more than one claimant, each claimant should submit a separate claim form.

Complete all items - Insert the word NONE where applicable.

A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE, AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY

Failure to completely execute this form or to supply the requested material within two years from the date the claim accrued may render your claim invalid. A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.

If instruction is needed in completing this form, the agency listed in item #1 on the reverse side may be contacted. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplementing regulations. If more than one agency is involved, please state each agency.

The claim may be filled by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with the claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative.

If claimant intends to file for both personal injury and property damage, the amount for each must be shown in item number 12 of this form.

DAMAGES IN A SUM CERTAIN FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN TWO YEARS AFTER THE CLAIM ACCRUES.

The amount claimed should be substantiated by competent evidence as follows:

- (a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of the injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.
- (b) In support of claims for damage to property, which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.
- (c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.
- (d) Failure to specify a sum certain will render your claim invalid and may result in forfeiture of your rights.

PRIVACY ACT NOTICE

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

A. **Authority:** The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14.

- B. **Principal Purpose:** The information requested is to be used in evaluating claims.
- C. **Routine Use:** See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.
- D. **Effect of Failure to Respond:** Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid."

PAPERWORK REDUCTION ACT NOTICE

This notice is solely for the purpose of the Paperwork Reduction Act, 44 U.S.C. 3501. Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Director, Torts Branch, Attention: Paperwork Reduction Staff, Civil Division, U.S. Department of Justice, Washington, DC 20530 or to the Office of Management and Budget. Do not mail completed form(s) to these addresses.

STANDARD FORM 95 REV. (2/2007) BACK

THANK YOU FOR YOUR BUSINESS

b6,b7C

Damage Assessed By: b6,b7C

Deductible: UNKNOWN

Owner: b6,b7C
Address: b6,b7C
Telephone: b6,b7C

Cell Phone: b6,b7C

Mitchell Service: b6,b7C

Description: 2001 Chevrolet Pickup Silverado K1500

Body Style: 4D PkUpXCh 6' Bed 143" WB

Drive Train: 5.3L Inj 8 Cyl 4WD

VIN: b6,b7C

Search Code: b6,b7C

OEM/ALT: A

Options: PASSENGER AIRBAG, DRIVER AIRBAG, POWER STEERING, TILT STEERING COLUMN
ANTI-LOCK BRAKE SYS., 4WD OR AWD, FRONT AIR DAM, TINTED GLASS, ANTI-THEFT SYSTEM
AUTOMATIC HEADLIGHTS, DAYTIME RUNNING LIGHTS, POWER DISC BRAKES

| Line Item | Entry Number | Labor Type | Operation | Line Item Description | Part Type/ Part Number | Dollar Amount | Labor Units |
|-----------|--------------|------------|----------------|-------------------------------|------------------------|---------------|-------------|
| 1 | 501278 | BDY | REPAIR | L Frt Door Shell | Existing | | 0.5* # |
| 2 | AUTO | REF | REFINISH | L Frt Door Outside | | | C 2.6 |
| 3 | 504892 | BDY | REMOVE/INSTALL | L Frt Otr Belt Moulding | | | 0.2 # |
| 4 | 501294 | BDY | REMOVE/INSTALL | L Frt Rear View Mirror | | | 0.2 |
| 5 | 504029 | BDY | REMOVE/REPLACE | L Frt Door Adhesive Moulding | ORDER FROM DEALER | 97.88 | 0.2 |
| 6 | 504053 | BDY | REMOVE/REPLACE | L Frt Door Decal | 15733703 GM PART | 13.11 | 0.2 |
| 7 | 502181 | BDY | REMOVE/INSTALL | L Frt Door Handle | | | 0.7 # |
| 8 | 502070 | BDY | REPAIR | L Rear Door Shell | Existing | | 0.5* # |
| 9 | AUTO | REF | REFINISH | L Rear Door Outside | | | C 2.0 |
| 10 | 505851 | BDY | REMOVE/INSTALL | L Rear Door Cladding | | | 0.4 |
| 11 | 504084 | BDY | REMOVE/REPLACE | R Rear Door Adhesive Moulding | ORDER FROM DEALER | 84.68 | 0.2 |
| 12 | 502071 | BDY | REMOVE/REPLACE | L Rear Door Adhesive Moulding | ORDER FROM DEALER | 80.95 | 0.2 |
| 13 | AUTO | REF | ADD'L OPR | Clear Coat | | | 1.5 |
| 14 | AUTO | | ADD'L COST | Paint/Materials | | 170.80 * | |
| 15 | AUTO | | ADD'L COST | Shop Materials | | 5.00 * | |
| 16 | AUTO | | ADD'L COST | Hazardous Waste Disposal | | 3.00 * | |

ESTIMATE RECALL NUMBER: 12/14/2012 10:54:26 1182

Mitchell Data Version: OEM: NOV_12_V
MAPP:NOV_12_V

Software Version: 7.0.482

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DRIVER SIDE DOOR