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Civil Division, Federal Programs Branch

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March 17, 2015

VIA E-MAIL

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479 E. Historic Street
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Re: ACLU Found. of Ariz. v. DHS, No. 14-2052 (D. Ariz.)

Counsel:

Enclosed are 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 these materials, please contact me at (202) 514-3338.

Sincerely,

Eric B. Beckenhauer

Chapter 13: Traffic Checkpoint Operations

- 13.1 Introduction
- 13.2 Authority
- 13.3 Selection of Sites
- 13.4 Equipment
- 13.5 Physical Arrangements
- 13.6 Procedures at Checkpoints
- 13.7 Safety Considerations
- 13.8 Canine Program
- 13.9 Assistance at Accidents
- 13.10 Conclusion

References:

8 U.S.C. Sections 1225 and 1357

18 USC 111 Impeding a Federal Officer

Immigration and Nationality Act: Sections 235 and 287

8 C.F.R. Part 287

U.S. Border Patrol Checkpoint Policy

U.S. Border Patrol Pursuit Policy

U.S. Border Patrol Controlled Tire Deflation Device Policy

Manual of Uniformed Officer Traffic Check Control Devices-Chapter 13

- | | |
|---------------|------------------------------------|
| Appendix 13-1 | Four Lane Divided Highway Example |
| Appendix 13-2 | Four Lane Divided Highway Example |
| Appendix 13-3 | Two Lane Undivided Highway Example |

13.1 Introduction

(a) All agents must be familiar with the U.S. Border Patrol Checkpoint Policy which is available through their immediate supervisor.

(b) It is the policy of CBP to use Border Patrol checkpoints to restrict the routes from the border are where appropriate and thereby create deterrence to the initial illegal entry.

(c) Traffic checkpoints are a Border Patrol operation that consists of examining occupants of vehicles on the roads and highways as to their right to be or remain in the United States.

(d) The primary purpose of a traffic checkpoint operation is to apprehend illegal aliens and smugglers who have managed to evade apprehension at the border and are attempting to travel to interior locations. Checkpoints greatly enhance the Border Patrol's ability to carryout the mission of securing the Nation's borders against terrorist, smugglers of weapons of terrorism, other contraband and illegal aliens. Border Patrol Agents assigned to this operation often encounter violators of state and other Federal laws. Any assistance rendered to other agencies is incidental to their duties as immigration officers.

13.2 Authority

(a) 8 U.S.C. Section 1357(a) of the Immigration and Nationality Act (INA) provides that "Any officer or employee of the Service authorized under regulations prescribed by the Attorney General shall have power to arrest without warrant within a reasonable distance from any external boundary of the United States, to board and search for aliens any vessel within the territorial waters of the United States and any railway car, aircraft, conveyance, or vehicle, and within a distance of twenty-five miles from any such external boundary to have access to private lands, but not dwellings for the purpose of patrolling the border to prevent the illegal entry of aliens into the United States." "Within a reasonable distance" is defined in 8 C.F.R. 287.1(a)(2) as within 100 air miles of any external boundary of the United States or any shorter distance that may be fixed by the District Director (refer to appendix 1-1). Upon recommendation of the District Director (appendix 1-1), the Commissioner may declare a distance of more than 100 air miles to be reasonable.

(b) 8 U.S.C. Section 1357(a)(3) also authorizes immigration officers "to board and search any vessel, aircraft, railway car, or other conveyance or vehicle in which they believe aliens are being brought into the United States."

(c) Border Patrol Agents must be very familiar with, and strictly adhere to, the court decisions that apply to their area of operations. In addition, they must differentiate the parts of those decisions that apply to the stopping of vehicles to examine occupants from the parts that apply to the searching of those vehicles.

(d) All immigration checkpoints are now regarded as interior enforcement operations. Therefore, the law regarding "border searches" or "extended border searches" does not apply to Border Patrol checkpoints and is not discussed in this *Handbook*. In addition, there is ***no longer any meaningful distinction between "permanent" and "temporary" immigration checkpoints***. As such, the term "immigration checkpoint" includes any interior location at which vehicular

immigration inspection occurs even though no permanent fixtures are present at the location and even though the checkpoint is not continuously operational. (See Chapter 16.18, pages 369-370 (February 2000), Immigration Law Office of Legal Education)

b7E

b7E

13.3 Selection of Sites

(a) The selection of a traffic checkpoint is considered by the courts in determining the legality of a checkpoint. Because cases concerning apprehensions at checkpoints are subject to judicial review, the guidelines furnished by the courts must be followed. In the selections of a site for a checkpoint, the following factors must be considered:

(1) Distant from the border. The site should be far enough from the border to avoid interfering with traffic in populated areas near the border. It should also be beyond the 25-mile zone in which border crossers are authorized to travel.

(2) Proximity to the confluence of two or more significant roads leading away from the border.

(3) The surrounding terrain should restrict vehicle passage around the checkpoint.

(4) The site should be located on a stretch of highway compatible with safe operation.

(b) The law requires that a checkpoint location be fixed at a particular site selected in advance by supervisors, not the agents in the field. A checkpoint must be operated at the same location every time and should not be moved up and down a particular stretch of road. When a checkpoint's location varies among several sites along a stretch of roadway, it may be found to be more like roving patrol, which requires "reasonable suspicion" to justify a vehicle stop. As such, a checkpoint's location is as important as the manner of its operation. (See Immigration Law, Office of Legal Education, chapter 16.19, pages 376-377 (February 2000).)

13.4 Equipment

(a) The amount and type of equipment needed to operate a checkpoint vary with conditions and the volume of traffic. The minimum amount equipment for a checkpoint on a highway with a moderate to heavy volume of traffic is listed below.

(1) Vehicles

- b7E [REDACTED] equipped with signs, cones, lights, batteries, and other equipment.
- b7E [REDACTED] equipped with siren and emergency lights of the color specified by State regulations.
- b7E [REDACTED] any other vehicles deemed necessary by local management.

(2) Traffic Control. Traffic control shall be established using the most recent version of the MUTCD published by the Federal Highway Administration of U.S. Department of Transportation. Under these guidelines, traffic control devices, such as signs, barricades and lights and the placement of such equipment will vary greatly depending on normal posted speed limits and traffic flow. (MUTCD ordering information is available at www.atssa.com or (540) 368-1701.

(b) Required Equipment.

(1) First-aid equipment.

(2) A fire extinguisher.

(3) Emergency flares. These should be maintained in each of the checkpoint vehicles.

(4) Batteries. A sufficient quantity of batteries, with reserves, for all battery-powered lights must be stocked.

(5) Extra Cones and lights.

(c) Recommended Equipment.

(1) Signs.

- Four diamond-shaped "STOP AHEAD" signs (yellow with black lettering).
- One octagonal "STOP" sign (red sign with white lettering).
- Two oblong "THANK YOU" signs (green with white lettering).
- One "SLOW" sign. (This is always used on undivided highways and in situations when necessary on divided highways.)

- One "NO PASSING" sign. (This is always used on undivided highways and in situations when necessary on divided highways.)

(2) Cones. Fifteen or more rubber traffic cones.

(3) Lights.

- One set of floodlights.
- **b7E** equipped with emergency lights of the color specified by State regulations.
- Two flashing yellow lights for two of the "STOP AHEAD" signs.
- Two flashing red lights for the "STOP" sign.

(5) Rumble Strips. Rumble Strips are strips of hard rubber hose placed across lanes to alert drivers to reduce their speed. Rumble strips may be considered dangerous on some interstate highways and therefore may be used only if allowed by State regulations.

13.5 Physical Arrangements

(a) Common Features of Checkpoints. Certain features are common at all immigration checkpoints. The following are examples of such features. All checkpoints must comply with the latest version of the MUTCD as stated under "traffic control".

- (1) All checkpoints must have sufficient slowing and stopping space.
- (2) The shoulders of the highway at the checkpoint should provide ample parking space for buses, trucks, and other vehicles pulled off for further questioning of occupants. This parking space, with one exception, should be to the right side of the highway.
- (4) On divided highways, with one or more lanes of traffic moving in both directions separated by a median, the median may be used if it is safe and wide enough. In such cases, vehicles may be pulled off to the left and later funneled into the traffic stream from that side.

(b) Multilane Divided Highways. Several permanent checkpoints are located on major highways, such as the I-5 checkpoint at San Clemente, California. These sites, selected by sector staff in consultation with State highway engineers,

include as many characteristics of an ideal checkpoint as possible. Traffic can be checked through a checkpoint b7E

b7E

(c) Four-Lane Divided Highways. Two methods are used to check traffic on four-lane highways when two lanes are being checked. The exhibits in the appendixes to this chapter illustrate minimum standard arrangements. These should be modified with additional equipment to meet the needs of the particular location.

(1) The arrangements for checking both lanes simultaneously are as follows:

(A) The equipment should be arranged as shown in appendix 13-1.

(B) Two diamond-shaped "STOP AHEAD" signs should be placed on each side of the highway at least one-half mile from the actual stopping point.

(C) If rumble strips are deemed necessary and have been approved by the State, they should be placed across the highway, 8 to 10 feet apart, beginning 100 yards beyond the first two signs,

(D) About 340 yards beyond the first two signs, two more identical "STOP AHEAD" signs should be placed on each side of the highway; these have flashing yellow lights affixed to the tops.

(E) Beginning 150 yards beyond this point and continuing for the next 50 yards, traffic check cones should be evenly spaced up to the stopping point.

(F) At the last cone, along the centerline of the highway, an octagonal "STOP" sign should be placed with the flashing red lights.

(G) The oblong "THANK YOU" sign should be placed at the exit.

(H) On divided highways, Border Patrol Agents engaged in the actual checking and questioning of vehicle occupants b7E

b7E As noted earlier, when there is a wide median between traffic lanes, it is sometimes feasible to use parking space on this median.

(2) At times when traffic can be funneled into *one lane* and during the hours of darkness, the physical setup is changed to that shown in appendix 13-2, to enhance the safety of the Border Patrol Agents. This method is used whenever possible.

(A) The first two "STOP AHEAD" signs,

(B) Rumble strips (if used), and

(C) The second two "STOP AHEAD" signs with the flashing yellow lights should be placed in the same position and at the same distance from the stopping point.

(D) In this case the following changes need to be made:

- The "STOP" sign with the flashing red lights is placed on the right side of the right-lane of traffic.
- The traffic cones evenly spaced to cover 50 yards in front of the "STOP" sign, in a diagonal line across the lane of traffic being shut off.

(d) Two-Lane Undivided Highways.

- (1) Highways may have only two single lanes of traffic, moving in opposite directions, and have no median. The amount of equipment required depends on the amount of traffic and the best judgment of the Patrol Agent in Charge of the operation. In the past, this type of site has been worked with only a vehicle, a flashing red light, and a "STOP" sign. In the interest of safety, however, this is no longer considered adequate equipment at any time.
- (2) Luminous traffic cones along with warning signs should always be used.
- (3) The "STOP" sign with the flashing red lights should be placed on the shoulder immediately adjacent to the right edge of the right traffic lane.
- (4) The traffic cones should be placed on the centerline and should extend in both directions past the checkpoint. This is especially important at night, when the headlights of vehicles interfere with drivers traveling in the opposite direction.
- (5) A "NO PASSING" sign should be placed at least 250 yards beyond the checkpoint on the shoulder of the opposite side of the road.
- (6) A diamond-shaped "SLOW, DANGER" sign, with flashing yellow lights, should be placed on the shoulder opposite the checkpoint and about 50 yards beyond the "NO PASSING" sign.
- (7) The "THANK YOU" sign should be placed on the shoulder about 150 yards beyond the inspection area.

13.6 Procedures at Checkpoints

(a) The Border Patrol Academy and the Chief Patrol Agents are responsible for fully training Border Patrol Agents in proper traffic check and safety procedures. When new agents report for duty, their previous traffic check experience should be ascertained and additional training provided as necessary.

(b) *A minimum of* b7E *agents* is recommended to operate b7E checkpoint b7E b7E

(c) *Additional agents* b7E b7E b7E

(c) A proper approach, a thorough but rapid inspection, and a quick decision to conduct further interrogation or allow a vehicle to proceed are the requirements of a successful traffic check operation. Courtesy to the traveling public is mandatory, and every effort must be made to avoid antagonizing the public at all times. Although agents never need to apologize for performing their duties, they must maintain a respectful attitude at all times.

13.7 Safety Considerations

(a) The safe operation of traffic checkpoints is of the utmost importance. Neither agents nor the traveling public should be subjected to hazards beyond those that are inherent in any Border Patrol operation or in any other activity involving heavy moving objects.

(b) Warning signs must not be obstructed by trees, bushes, or other signs. During hours of darkness, sufficient flashing and/or other lights should be used to draw the attention of motorists to the signs. Red lights used at the stopping point should be highly visible but should be constructed so that drivers moving in the opposite direction will not be confused by them. Motorists must be clearly aware that they will be required to stop.

(c) When an agent is working in the primary inspection area, b7E b7E equipment should not be placed in an area that would interfere with the free movements of the inspecting agent. b7E b7E b7E b7E

(d) b7E b7E

b7E
b7E

(e) b7E
b7E
b7E

(f) b7E
b7E
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b7E
b7E
b7E

(g) b7E
b7E
b7E

(h) Operations should be suspended if conditions become such that either the Border Patrol Agents or the traveling public are in danger of being injured through an accident. Examples of such conditions include:

(1) b7E

(2) b7E

(3) b7E

(4) b7E Although a conscientious appraisal must be made as to whether operations should be discontinued, it is better to suspend traffic check operations than to continue under conditions that could result in an accident or an injury. The decision as to whether traffic check operations should be terminated rests with the Chief Patrol Agents but may be delegated to Patrol Agents in Charge of the station or the Supervisory Patrol Agents in charge of the shift. If these agents cannot be contacted, the decision shall be made by the agents in charge of the traffic check detail.

13.8 Canine Program

The Border Patrol Canine Program is essential to the traffic check operation. Because of the potential of high volumes of traffic, the canine handler needs to be observant of the dangers to himself or herself and the canine. For more details on the Canine Program, refer to chapter 30 of this *Handbook*.

13.13 Assistance at Accidents

(a) The Border Patrol recognizes a moral obligation to render assistance at motor vehicle accidents if other emergency services are not present. In all cases, the appropriate law enforcement agency must be summoned at once. The extent of any action is governed by the exigencies of the situation.

(b) Generally, appropriate steps include:

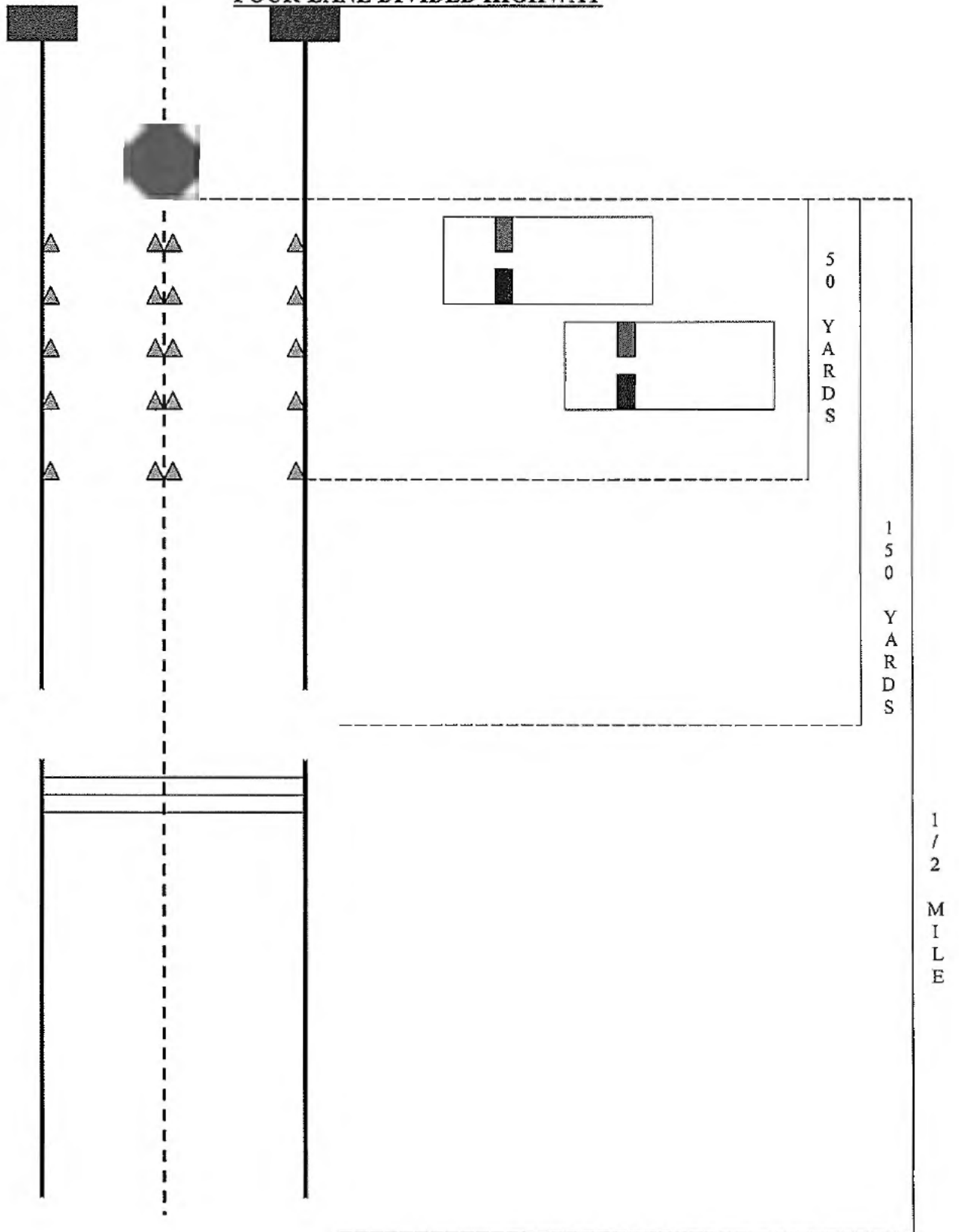
- administering first aid to any injured parties,
- traffic control, and
- other assistance that can be rendered to other agencies.

(c) All pertinent information should be furnished to the other agencies upon notification, particularly information regarding injuries or deaths, as follows:

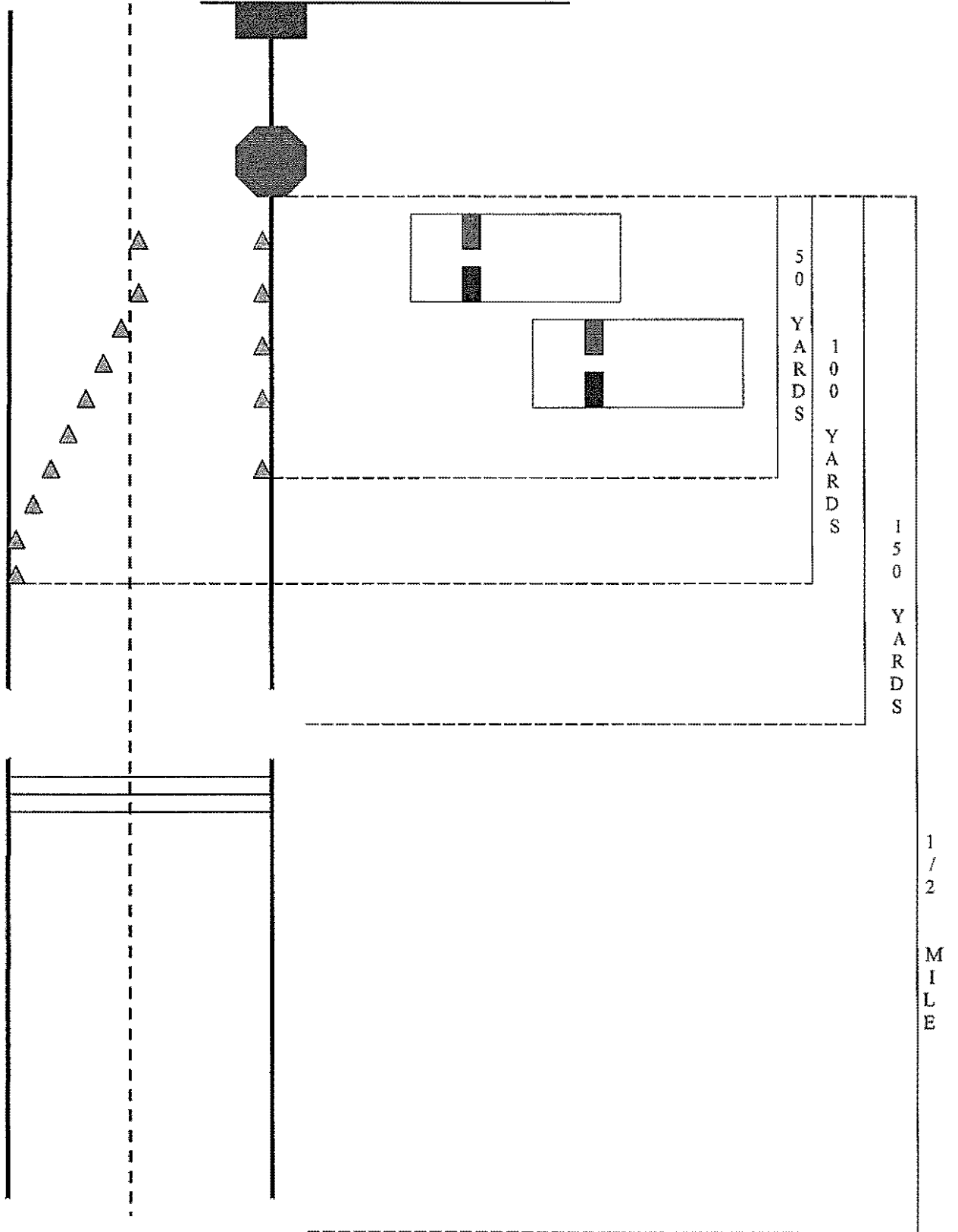
- the need for an ambulance or a wrecker and
- information on whether the roadway is blocked.

(d) In rendering assistance, agents should not move corpses without being directed by the coroner or other competent authority having jurisdiction unless it is absolutely necessary.

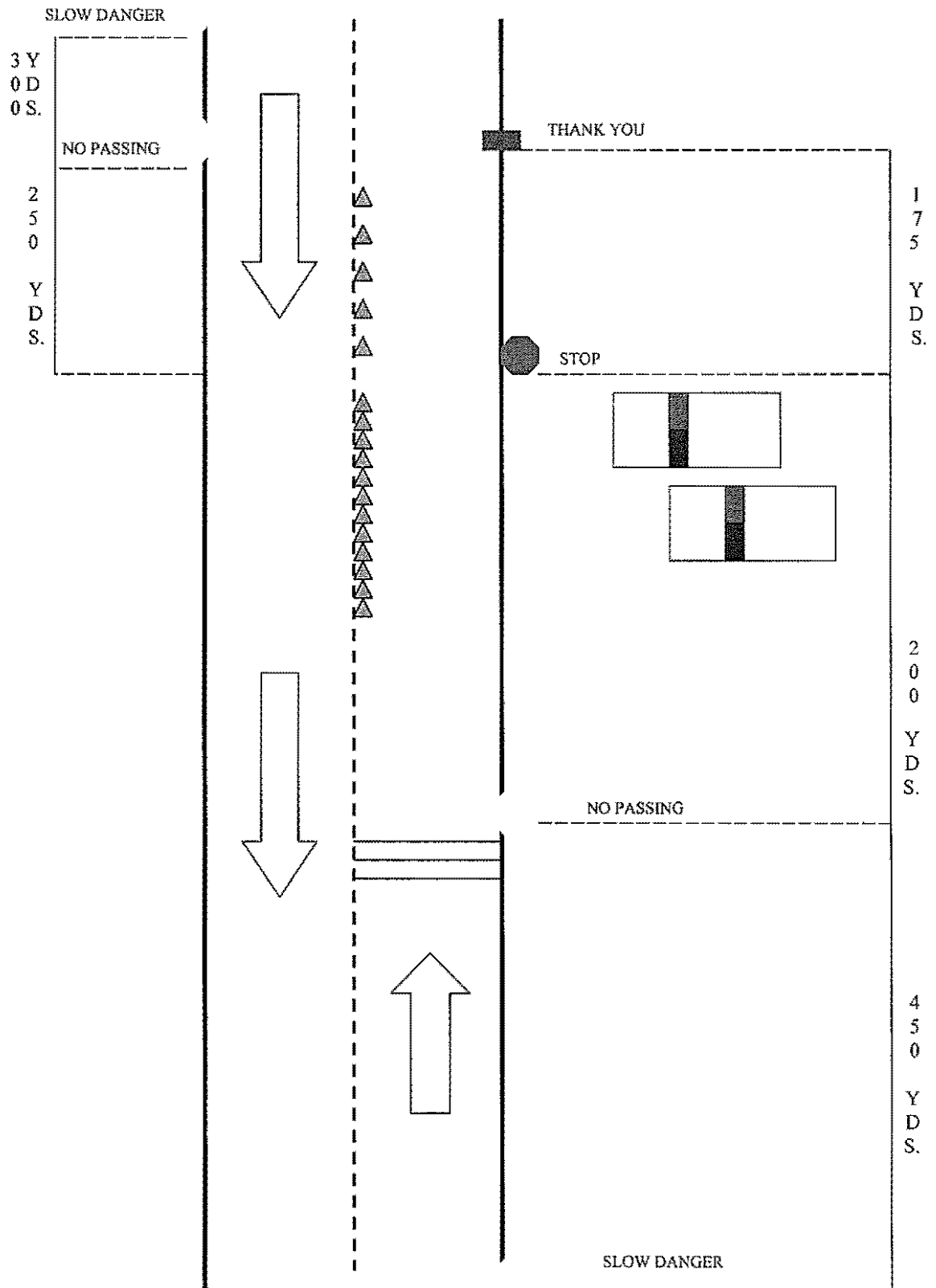
Appendix 13-1
FOUR-LANE DIVIDED HIGHWAY



Appendix 13- 2
FOUR LANE DIVIDED HIGHWAY



Appendix 13-3
TWO LANE UNDIVIDED HIGHWAY



b7E

*Copies
To ACPAS
DEPA*

U.S. Department of Homeland Security
Washington, DC 20229



U.S. Customs and
Border Protection

SEP 09 2004

MEMORANDUM FOR: ALL CHIEF PATROL AGENTS

FROM: David V. Aguilar
Chief
U.S. Border Patrol

b6, b7C

SUBJECT: Border Patrol Traffic Checkpoint Policy

Attached is a redistribution of the U.S. Customs and Border Protection Directive for Border Patrol checkpoint operations that was initially circulated on December 30, 2003. Remind all Agents in Charge, supervisors, and agents associated with checkpoint operations of its contents and ensure compliance.

Staff may direct questions concerning this policy to Acting Associate Chief at b6, b7C.

Attachment

Checkpoints, Vehicle Stops & Concealed Loads

1. Checkpoints

- Remember, you need to have, and be able to articulate, reasonable suspicion of criminal activity in order to refer a vehicle to secondary for non-immigration purposes.
- A K-9 Alert = probable cause
- A search at a checkpoint may only be done based on voluntary consent or based on probable cause.

b7E

b7E

2. Vehicle Stops for Drugs.

- You must establish and articulate your reasonable suspicion for the vehicle stop if it is based on drugs.
- b7E
b7E
b7E
- In addition to establishing sufficient reasonable suspicion for the vehicle stop, you must prove that the occupants of the vehicle had knowledge that the drugs were in the vehicle.

3. Establishing Knowledge.

- When the driver of the vehicle is not the owner and the drugs are in a concealed compartment, it is incumbent on the agent to establish driver knowledge.
- b7E
b7E
b7E
- If you sit in the vehicle can you smell the drugs. Could the driver have been able to smell the drugs.
- b7E
- b7E
b7E

Checklist for Vehicle Stops

Please make sure that the following information is included in the prosecution packet.

- Make
- Model
- VIN #
- Year of Vehicle
- Registered Owner of Vehicle
- Location and time of Vehicle Stop
- b7E
- License Plate # and State, b7E

b6,b7C

From: b6,b7C
Sent: Monday, May 12, 2014 10:46 AM
To: b6,b7C
Cc: b6,b7C
Subject: RE: Checkpoint Internal Assessment Standard Operating Procedure
Attachments: Checkpoint Internal Assessment Standard Operating Procedure.pdf

Good Morning,

The attached document contains two pages that were not transmitted in the original email. Please provide update throughout your organizational areas. Thank you.

v/r,

b6,b7C

Staff Assistant to
Chief Patrol Agent
Deputy Chief Patrol Agent
Tucson Sector Headquarters
U.S. Border Patrol
PH: b6,b7C
FAX: b6,b7C
CELL: b6,b7C

From: b6,b7C
Sent: Wednesday, May 07, 2014 2:23 PM
To: TCA Unit Supervisors
Cc: b6,b7C
Subject: Checkpoint Internal Assessment Standard Operating Procedure

Good Afternoon,

Please disseminate throughout your organizational areas. Thank you.

v/r,

b6,b7C

Staff Assistant to
Chief Patrol Agent
Deputy Chief Patrol Agent
Tucson Sector Headquarters
U.S. Border Patrol
PH: b6,b7C
FAX: b6,b7C

b7E



U.S. Customs and
Border Protection

MAY 07 2014

MEMORANDUM FOR: Command Staff
Patrol Agents in Charge
Unit Supervisors
Tucson Sector b6,b7C

FROM:

b6,b7C

Chief Patrol Agent

SUBJECT: Checkpoint Internal Assessment Standard Operating Procedure

Attached is the Checkpoint Internal Assessment Standard Operating Procedure (SOP), dated April 10, 2014, from Chief Michael J. Fisher, U.S. Border Patrol.

The purpose of the Standard Operating Procedure is to ensure uniformity during internal evaluations of checkpoint operations' compliance with existing U.S. Border Patrol procedures and policies. This SOP has been incorporated into the Tucson Sector Compliance Evaluation SOP.

Questions may be directed to Policy and Compliance Director b6,b7C at b6,b7C

Attachment

b7E

APR 10 2014



U.S. Customs and
Border Protection

MEMORANDUM FOR: All Chief Patrol
All Division Chief

b6,b7C

FROM:

b6,b7C

Michael J. Fisher
Chief
U.S. Border Patrol

SUBJECT: Checkpoint Internal Assessment Standard Operating Procedure

Attached is a Standard Operating Procedure that will ensure uniformity during internal evaluations of checkpoint operations' compliance with existing U.S. Border Patrol procedures and policies.

Internal assessments are critical to sustaining vital, mission-requirement capabilities and refining Border Patrol agents' skills. The focus of the assessments should be to improve the effectiveness and efficiency of checkpoint operations, not punish or discipline agents. The priority is to train, evaluate, and retrain agents to ensure that checkpoints reduce our risk and protect the people of the United States.

This standardized process for evaluations will result in improved Border Patrol flexibility by increasing the capability of agents to seamlessly move from one sector checkpoint operation to another without the need to retrain the agent. It also will reduce risk.

Staff may address questions to Operations Officer b6,b7C of the Operations Division at U.S. Border Patrol Headquarters at b6,b7C @dhs.gov.

Attachment

UNITED STATES BORDER PATROL CHECKPOINT INTERNAL ASSESSMENT STANDARD OPERATING PROCEDURE

Reference: 13-26244

Date Issued: 3-1-14

1. Purpose

- 1.1 This standard operating procedure (SOP) establishes the process for conducting checkpoint internal evaluation of compliance with existing procedures and policies.
- 1.2 Internal assessments are required to ensure sustained capability in vital mission requirements and in refining the skills of Border Patrol Agents.
- 1.3 The evaluation focuses on improving the effectiveness and efficiency of the Border Patrol.
- 1.4 Types of internal assessments covered by the protocol include, but are not limited to:

1.4.1 b7E

1.4.2 b7E

1.4.3 b7E

2. Policy

- 2.1 Each sector shall create a comprehensive program to evaluate Border Patrol Agent compliance following the guidelines in this document.
- 2.2 Each sector shall evaluate and reassess in accordance with guidance provided in this document.
- 2.3 Each Sector shall provide After Action Reports (AAR) to the Office of Border Patrol (OBP) Headquarters (HQ) Checkpoint Management/NII Program and Office of Training and Development (OTD).
- 2.4 Internal assessments shall be completed b7E but may be conducted as many times as deemed necessary by the Sector.

3. Authorities/References

This protocol is governed by policy memoranda and national directives, such as: *U.S. Customs and Border Protection Radiation Detection Program Directive, 5290-015A*; *Customs and*

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CBP00001195

Border Protection Ionizing Radiation Safety Program Directive No. 5290-18; Immigration and Nationality Act (INA); OBP Counterfeit and Fraudulent Document Policy Reference No. 09-15106; CBP Procedures for Examining Documents and Papers, Directive 3340-006A; Statutory Authorities to inspect and admit those seeking entry into the United States as delineated in INA 235, and INA 287.

4. Definitions

- 4.1 b7E
- 4.2 b7E
- 4.3 b7E
- 4.4 b7E
- 4.5 Primary: Defined as the initial point of contact with a person, conveyance, or shipment.
- 4.6 b7E
- 4.7 Red Team: A group of subject matter experts of various appropriate disciplinary backgrounds that provide an independent peer review of plans and processes. Acts as the adversary's advocate and knowledgeably role-plays the adversary using controlled, realistic, interactive process during operations planning, training and exercising. (can be agents or non-uniform personnel from within the Sectors).
- 4.8 Role Player: Role-plays the adversary using controlled, realistic, interactive process during operations planning, training and exercising.
- 4.9 b7E
- 4.10 Secondary: Is designated as an area where further examination may be conducted.

5. Responsibilities

- 5.1 Chief of the Border Patrol-ensure national compliance.
- 5.2 Chief Patrol Agent (CPA)-ensure sector specific policy and procedures are followed.

6. Procedures

- 6.1 Each sector shall organize a comprehensive program to improve overall effectiveness and efficiency b7E
b7E The program will contain scenario based exercises, training, and re-evaluation to mitigate risk and improve effectiveness and efficiency. A b7E red team of station/sector personnel will be used to complete the scenario based exercises.
- 6.1.1 Phase One (Base line evaluation):
6.1.1.1 b7E
6.1.1.2 b7E
- 6.1.2 Phase Two (Training):
6.1.2.1 Each Sector shall provide AAR to the OBP HQ Checkpoint Management/NII Program and OTD.
6.1.2.2 Checkpoint Authority Review
6.1.2.3 b7E
6.1.2.4 b7E
6.1.2.5 Interview Techniques
6.1.2.6 Non-Compliant Individuals
6.1.2.7 b7E
b7E
6.1.2.8 New pocket cards that comply with current policy
6.1.2.9 Posters, IDS slides, Intranet postings and muster grams that comply with current policy for checkpoints
- 6.1.3 Phase Three (Testing for Improvement):
6.1.3.1 Utilize red team to complete scenario based exercises, identify weaknesses and provide guidance in reducing or mitigating risks to improve agent effectiveness and efficiency b7E
b7E
6.1.3.2 Provide AAR to the Sector CPA, OBP HQ and OTD.
6.1.3.3 Reevaluate evaluation and training process currently in existence and policy to determine effectiveness. Any new training required needs to be coordinated and bargained at the Sector Level.
6.1.3.4 Sectors are required to complete a minimum of b7E
b7E however, sectors may exceed the minimum requirement.

7. Cancellation

- 7.1 This policy remains in effect until cancelled or superseded

8. No Private Rights Created

- 8.1 This document is an internal policy of the U.S. Border Patrol and does not create or confer any rights, privileges, or benefits for any person or party.
- 8.2 Any and all actions taken in performance of the duties and responsibilities of the policy that have impact on bargaining unit employees will be taken in accordance with the terms of the applicable collective bargaining agreement. Nothing in this Policy is to be interpreted to invalidate or interfere with the existing rights and protections of employees under the law and under the applicable collective bargaining agreement(s).

9. Disclosure

- 9.1 This document contains information that may be exempt from disclosure to the public under the regulations of the Department of Homeland Security (DHS). No part of this document may be disclosed to the public without express authority from OBP HQ.
- 9.2 This document is designated For Official Use Only (FOUO) and may contain Law Enforcement Sensitive (LES) information. It is to be controlled, stored, handled, transmitted, distributed and disposed of in accordance with DHS policy relating to FOUO/LES information. This information shall not be distributed beyond U.S. Border Patrol employees without prior authorization from OBP HQ.

Tucson Sector Headquarters Routing and Transmittal Slip

SUBJECT: Checkpoint Internal Assessment Standard Operating Procedure			Log:	27333
			File No.:	110/7
			Date:	4/21/2014
ROUTED TO:	INITIAL	DATE	COMMENT	
1 Dir b6,b7C	b6,b7C	4/21/14	B	
2 DC b6,b7C		4/28/14	b6,b7C	
3 DCPA b6,b7C		5/5		
4 CPA b6,b7C		5/5		
5				
6				
7				
8				
9				
10				
IMPORTANT COMMENTS				
File Path: b7E				
Routed By			Contact Number	

b6,b7C

From: b6,b7C
Sent: Wednesday, May 07, 2014 2:23 PM
To: b6,b7C
Cc: b6,b7C
b6,b7C
Subject: Checkpoint Internal Assessment Standard Operating Procedure
Attachments: Checkpoint Internal Assessment Standard Operating Procedure.pdf

Good Afternoon,

Please disseminate throughout your organizational areas. Thank you.

v/r,

b6,b7C
Staff Assistant to
Chief Patrol Agent
Deputy Chief Patrol Agent
Tucson Sector Headquarters
U.S. Border Patrol
PH: b6,b7C
FAX: b6,b7C
CELL: b6,b7C

b7E



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

APR 22 2013

MEMORANDUM FOR: All Chief F
All Division
FROM: Michael J.
Chief
U.S. Border Patrol
SUBJECT: Deployment of Border Patrol and non-Border Patrol Canine Teams
at Border Patrol Checkpoints

b6, b7C

The purpose of this memorandum is to restate the legal authority under which the U.S. Border Patrol deploys canines at checkpoints. Court decisions have reiterated that the primary purpose of a U.S. Border Patrol checkpoint is "immigration enforcement." With this in mind, Chief Patrol Agents need to ensure that any deployment of other than Border Patrol personnel or detection canines at a checkpoint meets all stated requirements outlined in this memorandum.

The legal basis for Border Patrol checkpoints has developed over many years and is based on several U.S. Supreme Court decisions. Immigration authority derived from statutory law and subsequent court decisions provides the Border Patrol with wide latitude in enforcing immigration law. Immigration checkpoints do not constitute any part of the border, nor are they the functional equivalents of the border or ports of entry. For this reason, the law regarding border searches or extended border searches does not apply to checkpoints.

b7E

b7E In *Indianapolis v. Edmond* (2000), the Supreme Court ruled that drug checkpoints were unconstitutional and at the same time solidified immigration checkpoints. In addition, the courts have ruled favorably regarding the use of canines at Border Patrol checkpoints (see *U.S. v. Dovali-Avila*, 895F.2d 206 [5th Circuit, 1990]). In this case and subsequent cases have provided the Border Patrol with authority to use detection canines at the checkpoints. The Supreme Court extended *U.S. v. Place* doctrine – that a dog sniff is not a search under the meaning of the Fourth Amendment – to the exterior of a vehicle. Furthermore, the Supreme Court ruled in *Indianapolis v. Edmond*, that "it goes without saying that our holding today does nothing to alter the constitutional status of sobriety and border checkpoints that we approved in *Sitz* and *Martinez-Fuerte*, or that the type of checkpoint that we suggested would be lawful in *Prouse*."

More recently, the U.S. Supreme Court decision *Harris v Florida* (2013) addresses training, certification, and reliability of a canine's alert. Prior to any non-Border Patrol canine deployment at Border Patrol checkpoints, the following guidelines and requirements must be met:

- The canine team must hold a current certification from the Canine Center – El Paso (CCEP), the Canine Center – Front Royal (CCFR), or a reputable canine-training facility that demonstrates that a canine has been trained [REDACTED]. A copy of the certification will be provided to the sector Canine Coordinator prior to deployment.
- The canine team must hold written documentation that will be provided to the sector Canine Coordinator that certifies that the team [REDACTED], with an endorsement proficiency from an instructor who is certified by CCEP or CCFR prior to the deployment. These documents must be readily available to address *Harris v. Florida* requirements. Copies of documents will be forward to the U.S. Border Patrol Headquarters Program Manager for approval.
- The canine team must have documentation that it has completed the *U.S. Customs and Border Protection Detection Canine Handler Law* and *Fundamentals of Canine Handler Courtroom Testimony* classes taught by either CCEP, CCFR, or by an instructor who is certified to teach the class under the new, combined canine curriculum.
- [REDACTED]
[REDACTED]
[REDACTED]
- Canines trained or certified for passenger processing are not to be deployed at checkpoints. Conducting a canine sniff of a person in the absence of either the person's consent or probable cause would be contrary to current case law established under *Horton v. Goose Creek and Plumas v. BC*, which restricts the use of canines to conduct sniffs of individuals. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

All Border Patrol canine teams operate under these requirements, and any non-Border Patrol canine team that deploys at a Border Patrol checkpoint must comply with these guidelines. Checkpoint canine operations are vital to the U.S. Border Patrol, and all efforts must be made to operate within the law. Violations of these laws could very seriously hamper the future of the canines operating at checkpoints.

Staff may forward any questions regarding canine team deployments to Assistant Chief [REDACTED] [REDACTED] the U.S. Border Patrol Canine Program Manager, at [REDACTED].

b6,b7C

From: b6,b7C
Sent: Wednesday, May 01, 2013 12:24 PM
To: b6,b7C
Cc: b6,b7C
Subject: Deployment of Border Patrol and non-Border Patrol Canine Teams at Border Patrol Checkpoints
Attachments: Deployment of Border Patrol and non-Border Patrol Canine Teams at Border Patrol Checkpoints .pdf

Good Afternoon,

Please find the attached regarding the deployment of canines at checkpoints. Please ensure widest distribution to your organizational areas. Thank you.

v/r,

b6,b7C
Staff Assistant to
Chief Patrol Agent
Deputy Chief Patrol Agent
Tucson Sector Headquarters
U.S. Border Patrol
PH: b6,b7C
FAX: b6,b7C
CELL: b6,b7C

b7E

MAY 01 2013



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

MEMORANDUM FOR: Patrol Agents in Charge
Unit Supervisors
Tucson Sector

FROM:

b6,b7C

Chief Patrol Agent

SUBJECT: Deployment of Border Patrol and non-Border Patrol Canine Teams
at Border Patrol Checkpoints

Attached is a memorandum dated April 22, 2013, from Michael J. Fisher, Chief, U.S. Border Patrol, regarding the deployment of both Border Patrol and non-Border Patrol canines at our checkpoints. As canine deployments are an integral component of our checkpoint operations, it is vitally important that such deployments remain within the scope of this directive and all applicable laws.

All questions regarding this guidance should be referred to Assistant Chief Patrol Agent

b6,b7C

at **b6,b7C**

Attachment

CBP00001205

b7E

AUG 29 2012



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

MEMORANDUM FOR: All Chief Patrol Agents
All Division Chiefs

b6, b7C

FROM:

b6, b7C

Michael J. Fishel
Chief
U.S. Border Patrol

SUBJECT: Implementation of the Checkpoint Vulnerability Assessment

The massive growth of U.S. Border Patrol personnel and resources during the last decade has resulted in the operational successes that now allow the agency to move from a resource-based strategy to a risk-based Strategic Plan. Just as our analysis of threats continues to become more refined, our analysis of the proper response to those threats must continue to reflect the many factors that impact our enforcement capabilities. In addition to traditional operational considerations, there are individual, organizational, and leadership elements that must be evaluated to completely understand the risks along our Nation's borders.

The attached Checkpoint Vulnerability Assessment (CVA) was developed as a joint effort by five checkpoint Patrol Agents in Charge, the former Southwest Border Operations Division and the Strategic Planning, Policy and Analysis Division's (SPPA) Policy Branch at U.S. Border Patrol Headquarters, and the Integrity Advisory Committee. Incorporating both strategic and tactical elements, it is intended to serve as a guide to identifying factors that may be overlooked in assessing comprehensive vulnerability.

Please disseminate the CVA to checkpoint station leadership through the first-line supervisory level. A comprehensive station product, summarizing the individual responses, should be prepared for review by the Chief Patrol Agent. Selected stations will be asked to submit their responses to Operations Division Chief [b6, b7C] and El Paso Sector Chief Patrol Agent [b6, b7C] who also is Chairman of the Integrity Advisory Committee.

The CVA may be used on a periodic basis to assess progress in areas of concern. It also can serve as a template for the addition of further questions at the sector or station level.

It is imperative that we provide honest, thoughtful responses to the issues raised. Only by doing so will we identify areas of concern and enable ourselves to develop courses of action to address them. These responses also will impact the content of other pending products, including the Linewatch Vulnerability Assessment and the Specialty Unit Vulnerability Assessment.

Staff should refer questions or comments to Assistant Chief [b6, b7C] of SPPA's Policy Branch at [b6, b7C]

Attachment



Checkpoint Vulnerability Assessment

STATION: _____

SECTOR: _____

The purpose of this exercise is to assess vulnerabilities specifically related to Border Patrol checkpoint operations. Operational determinations can be used to assist in determining Border Patrol strategic vulnerability.

Patrol Agents in Charge (PAIC) should complete an honest assessment of potential pitfalls and vulnerabilities at all checkpoints within their area of responsibility. The potential vulnerabilities have been divided into four categories:

- 1. Individual*
- 2. Operational*
- 3. Organizational*
- 4. Leadership*

Individual Vulnerabilities

b7E



Checkpoint Vulnerability Assessment

STATION: _____

SECTOR: _____

Operational Vulnerabilities

b7E



Checkpoint Vulnerability Assessment

STATION: _____

SECTOR: _____

b7E

Organizational Vulnerabilities

b7E



Checkpoint Vulnerability Assessment

STATION: _____

SECTOR: _____

b7E

Leadership Vulnerabilities

b7E



Checkpoint Vulnerability Assessment

STATION: _____

SECTOR: _____

b7E

Please use a Word document to record your answers, which should be numbered to correspond to each question.

b6,b7C

From: b6,b7C
Sent: Wednesday, August 29, 2012 2:52 PM
To: b6,b7C
Cc: b6,b7C
Subject: **SUSP: October 15, 2012** - Personal Radiation Detector Training Video Viewing Requirement
Attachments: Personal Radiation Detector Training Video .pdf

Good Afternoon,

All TCA Border Patrol Agents are required to view the training video entitled: "The CBP Personal Radiation Detector", which is located on TCA's intranet. Please provide memorandum of compliance from you station by COB October 15, 2012. Thank you.

v/r,

b6,b7C
Staff Assistant to
Chief Patrol Agent
Deputy Chief Patrol Agent
Tucson Sector Headquarters
U.S. Border Patrol
PH: b6,b7C
FAX: b6,b7C
CELL: b6,b7C

b7E



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

AUG 29 2012

MEMORANDUM FOR: Command Staff
Patrol Agents in Charge
Unit Supervisors
Tucson Sector
FROM: **b6,b7C**
Chief Patrol Agent
SUBJECT: Personal Radiation Detector Training Video

To secure our nation's borders, we need to be ever vigilant of a nuclear/radiological threat that may try to pass through our borders and highway checkpoints.

To better inform our agents as to their duties with the PRD, United States Customs and Border Protection Office of Training and Development has created a PRD training video entitled *The CBP Personal Radiation Detector*. All Tucson Sector Border Patrol Agents are required to view the training video located on the Tucson Sector intranet page at the following link:

b7E

Stations are responsible for documenting and recording the viewing of this video. Patrol Agents in Charge and Unit Supervisors must submit a memorandum of compliance along with a roster signed by those who have viewed the video to the Chief Patrol Agent by close of business October 15, 2012. Memoranda should be submitted via email to:

b7E [\[redacted\]@dhs.gov](mailto:[redacted]@dhs.gov).

All questions may be directed to Branch Chief **b6,b7C** at **b6,b7C** or Branch Chief **b6,b7C** at **b6,b7C**.

b6,b7C

From: b6,b7C
Sent: Friday, August 24, 2012 9:46 AM
To: b6,b7C
Cc: b6,b7C
Subject: PRD Training Memo for Routing
Attachments: Personal Radiation Detector (PRD) Training Video Memo.doc

Categories: b6,b7C

Admin Support Team,

Please see attached PRD Training memo for routing and signatures.

Thanks,

b6,b7C
Special Operations Supervisor
Branch Chief, Training Department
U.S. Border Patrol - Tucson Sector
b6,b7C

Tucson Sector Headquarters Routing and Transmittal Slip

CBP00001215

b7E



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

MAR 15 2013

MEMORANDUM FOR:

All Chief
All Division

b6, b7C

FROM:

Michael J. [REDACTED]
Chief
U.S. Border Patrol

SUBJECT:

Results of Recent Internal Affairs Assessment

As you all may be aware, the CBP Office of Internal Affairs' Operational Field Testing Division (OFTD) has been conducting covert testing at U.S. Border Patrol checkpoints throughout the Nation. This testing has focused on our interdiction of imposters and detection of radioactive materials.

Since Fiscal Year (FY) 2011, OFTD has conducted more than 100 covert imposter assessments nationwide. **b5, b7E**

b5, b7E

b5, b7E

b5, b7E

b5, b7E

b5, b7E

b5, b7E

b5, b7E

b5, b7E

b5, b7E

b5, b7E

b5, b7E

b5, b7E

b5, b7E

b5, b7E

I am

confident that our teams can improve our capabilities in this vital mission requirement.

b6,b7C

From: b6,b7C
Sent: Tuesday, November 12, 2013 9:14 AM
To: b6,b7C
Cc:
Subject: Use of License Plate Readers at Border Patrol Checkpoints Policy Reminder
Attachments: Use of License Plate Readers at Border Patrol Checkpoints Policy Reminder.pdf

Good Morning,
Please see the attached memorandum, and ensure dissemination to the field.
Thank you,

b6,b7C

Staff Assistant, Operations
Tucson Sector Headquarters
Office of Border Patrol

b6,b7C

b7E

NOV 12 2013



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

MEMORANDUM FOR: Command Staff
Patrol Agents in Charge
Unit Supervisors
Tucson Sector

b6,b7C

FROM:

b6,b7C

✓ Chief Patrol Agent

SUBJECT: Use of License Plate Readers at Border Patrol Checkpoints Policy
Reminder

This serves to reiterate the attached memorandum from David V. Aguilar, Chief, U.S. Border Patrol and policy regarding the "*Use of License Plate Readers at Border Patrol Checkpoints*," dated January 3, 2008, OBP Reference: 07-11036. In accordance with Section 4 of the attached policy, "Patrol Agents in Charge are to ensure that agents under their command adhere to the License Plate Readers (LPR) policy, and that agents meet the required training requirements promulgated in Section 6.2."

This policy also sets forth the guidelines for agent utilization of the automated LPR and integrated Interagency Border Inspection System (IBIS)/Treasury Enforcement Communications System (TECS) queries at U.S. Border Patrol traffic checkpoints. Agents who perform checkpoint duties must receive proper LPR and IBIS/TECS training before they are authorized to either login to, or use the IBIS/TECS primary or secondary terminal, regardless of whether or not a LPR is installed or operational. b7E

b7E

Each station utilizing LPRs shall designate a station point of contact to assume primary responsibility of ensuring the continuity and successful operation of the LPR program, to include the following:

- Scheduling training;
- Monitoring usage; and
- Other duties as set forth in section 6.1 of the attached policy.

Stations having a need for LPR and IBIS/TECS training should coordinate through the Tucson Sector Training Department.

Use of License Plate Readers at Border Patrol Checkpoints Policy Reminder

Page 2

Supervisors will ensure that all Border Patrol Agents read and familiarize themselves with this policy. Questions regarding this matter can be directed to Acting Assistant Chief Patrol Agent

b6,b7C at b6,b7C

Attachments



TCA Policy and Compliance Division Routing and Approval Sheet

TOPIC: Use of License Plate Readers at BP Checkpoints Policy Reminder **DATE:** 10/16/13

SME Initiating Document

b6,b7C

Title and Duty Location:

DPAIC, TCA HQ Training

Reason for I.P., Policy, Standard Operating Procedure, Directive, or Guidance:

This memorandum is a reminder of the policy regarding the "Use of License Plate Readers at Border Patrol Checkpoints," dated January 3, 2008, OBP Reference: 07-11036.

Citable References (PGDs, SOPs, laws, codes):

OBP Reference: 07-11036, "Use of License Plate Readers at Border Patrol Checkpoints," dated January 3, 2008.

SME Review Checklist:

Yes/No

Initials

Is the policy necessary?

Yes

Does it conflict with existing policy?

No

Is it replacing existing policy?

No

Was thorough research of this policy conducted?

Yes

Route all necessary documentation electronically to conserve paper

1) Writer/Editor:

Date:

Reviewed for:

Yes/No

Yes/No

Spelling

No

Punctuation

No

Grammar

No

Proper Format

No

Comments:

2) Office Assistant Chief Counsel

Attorney Reviewing Documents:

Approve/Disapprove:

Date:

b6,b7C

Approve

10/07/13

Comments:

Provided review, comments and suggestions.

3) TCA Labor Employee Relations (if necessary)

LER Representative:

Union Notification (Yes/No)

Date:

N/A

MM/DD/YY

Comments:

Not needed

COMMENTS:

This memorandum serves as a reminder of the policy regarding the "Use of License Plate Readers at Border Patrol Checkpoints," dated January 3, 2008, OBP Reference: 07-11036.

CBP00001220

b6,b7C

From: b6,b7C
Sent: Monday, October 07, 2013 12:02 PM
To: b6,b7C
Cc: b6,b7C
Subject: RE: WCX LPR TRAINING
Attachments: Use of License Plate Readers at Border Patrol Checkpoints Policy Reminder v3 Revised.docx

Hi b6,b7C

b5

b6,b7C

b6,b7C

Senior Attorney
U.S. Customs and Border Protection
4742 N Oracle Road, Suite 111
Tucson, Arizona 85705
Phone b6,b7C
Mobile Phone b6,b7C
Fax b6,b7C

This document may contain confidential and sensitive attorney-client privileged and/or attorney work product protected U.S. Government information, and is not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient. Please notify the sender if this e-mail has been misdirected and immediately destroy all originals and copies of the original. Any disclosure of this document must be approved by the Office of Chief Counsel, U.S. Customs and Border Protection, Department of Homeland Security.

From: b6,b7C
Sent: Monday, October 07, 2013 10:16 AM
To: b6,b7C
Cc: b6,b7C
Subject: FW: WCX LPR TRAINING
Importance: High

b6,b7C This is assigned to b6,b7C. Thanks b6,b7C

b6,b7C Please open rev/policy. Thanks

From: b6,b7C
Sent: Monday, October 07, 2013 9:38 AM
To: b6,b7C
Cc: b6,b7C
Subject: FW: WCX LPR TRAINING
Importance: High

Good Morning Ma'am,

Please see the attached Policy reminder regarding "Use of License Plate Readers at Border Patrol Checkpoints."

Please review for legal sufficiency.

Thank you,

b6,b7C

Acting Branch Chief
Tucson Sector
Policy and Compliance Division
b6,b7C (O)

From: **b6,b7C**
Sent: Monday, October 07, 2013 9:23 AM
To: **b6,b7C**
Subject: RE: WCX LPR TRAINING

b6,b7C

I don't see any need for changes. Looks like you have everything covered.

Thanks,

b6,b7C

Tucson Sector
Training Department
b6,b7C (desk)
b6,b7C (cell)

From: **b6,b7C**
Sent: Monday, September 30, 2013 4:24 PM
To: **b6,b7C**
Cc: **b6,b7C**
Subject: RE: WCX LPR TRAINING
Importance: High

Sir,

Please see the attached for a draft of the proposed LPR Policy memorandum.

Feel free to make any changes you deem appropriate.

Thank you,

b6,b7C

Acting Branch Chief
Tucson Sector
Policy and Compliance Division

b6,b7C (O)

From: **b6,b7C**
Sent: Friday, September 27, 2013 1:56 PM
To: **b6,b7C**
Subject: FW: WCX LPR TRAINING

FYI

b6,b7C
Tucson Sector
Training Department
b6,b7C (desk)
(cell)

From: **b6,b7C**
Sent: Friday, September 27, 2013 1:11 PM
To: **b6,b7C**
Cc: **b6,b7C**
Subject: WCX LPR TRAINING

ALCON,

b5,b7E

b5,b7E

The following is a breakdown of LPR traffic at the **b7E** Checkpoint from September 2012- end of August 2013

- **b7E** vehicles drove thru the **b7E** checkpoint
- 3 seizures related to the LPRs
- **b7E** referrals - **b7E**
- **b7E**

<u>Month Of</u>	<u>Port Code</u>	<u>Location Code</u>	<u>Port Name</u>	<u>Crossing Queries</u>	<u>Referrals</u>	<u>Seizures</u>	<u>Traveler Queries</u>	<u>View</u>
08/2013 AUGUST	b7E	b7E	b7E BP CHECKPOINT	b7E	b7E	0	b7E	add
07/2013 JULY			b7E BP CHECKPOINT			0		add
06/2013 JUNE			b7E BP CHECKPOINT			0		add
05/2013 MAY			b7E BP CHECKPOINT			0		add
04/2013 APRIL			b7E BP CHECKPOINT			1		add
03/2013 MARCH			b7E BP CHECKPOINT			0		add
02/2013 FEBRUARY			b7E BP CHECKPOINT			0		add
01/2013 JANUARY			b7E BP CHECKPOINT			0		add
12/2012 DECEMBER			b7E BP CHECKPOINT			1		add
11/2012 NOVEMBER			b7E BP CHECKPOINT			0		add
10/2012 OCTOBER			b7E BP CHECKPOINT			1		add
09/2012 SEPTEMBER			b7E BP CHECKPOINT			0		add

b7E has one of the best LPR accuracy rates nationwide b7E
b7E With the addition this week of b7E new Train the Trainers, OBP is asking that all agents using the checkpoint be trained in the proper policy and use of the LPR system as soon as possible. If we can further assist please let me know.

Thanks

b7E
Assistant Chief
Office of Border Patrol/Land Border Integration(LBI)
1300 Pennsylvania Ave. NW
Room 6.5E
Washington, DC 20229
b7E office
- cell



U.S. Customs and
Border Protection

Tucson Sector Headquarters Routing and Transmittal Slip

SUBJECT: Use of License Plate Readers at Border Patrol Checkpoints Policy Reminder			LOG: 26097
			FILE No. 50/8-C
			DATE: 10/16/2013
ROUTED TO:	INITIAL	DATE	COMMENT
1 Dir b6,b7C	b6,b7C	10/14/13	
2 DPAIC b6,b7C		10/17/13	
3 SOS b6,b7C		10/17/13	
4 (A)ACPA b6,b7C		10/14/13	
5 DC b6,b7C		10/29/13	ET 10/28
6 ACPA b6,b7C		10/29	
7 DC b6,b7C		10/31	
8 XO b6,b7C		10/1/13	
9 DC b6,b7C		10/4/13	
10 DC b6,b7C		10/5/13	
11 DCPA b6,b7C			
12 CPA b6,b7C			
IMPORTANT COMMENTS			
This memorandum is a reminder of the policy regarding the "Use of License Plate Readers at Border Patrol Checkpoints," dated January 3, 2008, OBP Reference: 07-11036.			
File Path:			
Routed By:		Contact Number:	
b6,b7C		b6,b7C	



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** 02/04/2014 5:45 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** cell ☐ NO CONTACT

RELEVANT INFORMATION: (criminal activity to report)

☒ **OFFICER RELATED COMPLAINT:**

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

Date/Time of incident: 02/04/2014 at approximately 1735 hrs.

Location of Incident: Rd/Hwy **Highway 86 Checkpoint** Milepost
Landmark(s) _

Description of Incident: **Allegation of agent being unprofessional in secondary inspection area**

☐ **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:

At approximately 1745 PM on 02/04/2014, SBPA [b6,b7C] received a call from [b6,b7C] stating that at approximately 1735 hours today she was a passenger on a shuttle van which had just been inspected at the 86 Highway Checkpoint. She stated that there were 11 other persons on board, including one of her employees, identified as [b6,b7C]. [b6,b7C] explained that she was filing the complaint on behalf of [b6,b7C].

According to [b6,b7C], after the shuttle van had been referred to secondary, an agent asked the occupants if they were US citizens [b6,b7C]. At this point, a second agent, identified as Agent [b6,b7C] (SBPA [b6,b7C] [b6,b7C]), continued questioning [b6,b7C] regarding his citizenship status and other immigration related questions.

[b6,b7C] believed the reason [b6,b7C] was questioned further was due to his "ethnic attire" which consisted of [b6,b7C]. She states that in the several years of passing through the checkpoint daily, this was the first time she or one of her employees had been subjected to a line of immigration related questioning. [b6,b7C] contended that the questioning continued for several minutes after [b6,b7C] had been separated from the other occupants.

[b6,b7C] explained that when she confronted SBPA [b6,b7C] regarding the immigration questioning, she was told by SBPA [b6,b7C] not to exit the shuttle. [b6,b7C] asserted that this command not to leave the shuttle coupled with, the perceived attitude of SBPA [b6,b7C], comprised the basis of her complaint. She believed SBPA [b6,b7C] became "defensive" when questioned about his authority to conduct an immigration inspection. Furthermore, she was not satisfied with his "lack of transparency" regarding his authority and identity, specifically his given name.

[b6,b7C] stated that she wanted to lodge a formal complaint, and stated she could be contacted on his cell phone at [b6,b7C]. [b6,b7C] also requested a follow up call back regarding the incident.

Other agencies involved: N/A

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain)

SBPA [b6,b7C] explained to [b6,b7C] the basis of our authority to question persons regarding immigration status and the US Supreme Court's decision affirming this authority and its use at immigration checkpoints. She was also directed to contact the station's community relation's office. WC [b6,b7C] was also contacted regarding the complaint lodged against SBPA [b6,b7C].

AFTER ACTION: ☐NONE ☐YES (explain) 02/05/14 – I called b6,b7C didn't get an answer. I left a voicemail letting her know that I received her complaint and that I would follow up with her by the end of the week.

02/07/14 @1229 – Called and left message on b6,b7C voicemail with office number and asked her to call me back so that we can discuss her complaint.

02/10/14- Called b6,b7C and she asked if I could call her back because she was busy. I called her back and she stated that she was still busy and asked for my contact information to call back.

02/11/14- b6,b7C called me and we discussed the event. She explained the agent's actions from arrival at primary to b6,b7C being asked to depart the bus at secondary, all of which seemed to be within proper protocol for BP checkpoint operations and I expressed that to b6,b7C. However she seemed to be upset because she believed that her employee (b6,b7C) was targeted. She stated that out of all the employees on the bus he was the only one removed and "grilled" about his citizenship because he was an b6,b7C gentleman b6,b7C. She stated that as the agent was removing b6,b7C she got up and questioned the agent and was told to get back on the bus. I informed b6,b7C that the agent was conducting an immigration inspection and that she should not intervene while he's doing such. She said that she asked the agent to state his authority to grill her employee and he would not do so. I informed b6,b7C that during that inspection the agent is under no obligation to explain his actions, as they relate to b6,b7C to her to which she replied that "as an employer I have a right to know. I explained that this situation is no different from a police officer who is questioning someone and a person unrelated to the event begins to ask the officer why he is questioning the person. She stated that she understood this because she's b6,b7C b6,b7C but that she thought the agent could have been a lot nicer in his line of questioning. She further stated that she has an obligation to protect her employees because if something had happens, then the family will be looking to her for answers. I informed b6,b7C that had b6,b7C requested to know why the agent would have explained his actions to him.

She stated that she understands that we're doing our job but that she felt like the matter was getting out of hand because her bus comes through every three months and the matter is getting worse. She stated that, in the past, they have been asked to depart the bus and she has been instructed to leave her purse behind. She seemed to be upset at this request because she states that she's b6,b7C b6,b7C but agents will not let her retrieve her purse.

She stated that she will continue to get involved while passing through the checkpoint because she has a duty to protect her employees. I informed b6,b7C that doing so would only agitate the situation.

She, again, stated that b6,b7C would be calling in to lodge a formal complaint.
I asked her to give him my contact information so that he can contact me directly.

Completed by

b6,b7C

(name)

02/11/2014

(date)

1025hrs

(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: **b6,b7C** Star #: **b6,b7C** 2/06/14 1:30 PM
(date) (time)

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

CITIZEN COMPLAINANT: (ASK, but not required):

Name: **b6,b7C**

Address: (None Given)

Phone: **b6,b7C**

RELEVANT INFORMATION: (criminal activity to report)

☒ **OFFICER RELATED COMPLAINT:**

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

Date/Time of incident: 2/05/13 at approximately 11:00AM.

Location of Incident: Rd/Hwy Arivaca Road Milepost MP # 21.8 (eastbound)

Community: Amado, AZ Landmark(s): Arivaca Checkpoint

Description of Incident: Citizen called the Tucson Station to report that he experienced unprofessionalism at the Arivaca Checkpoint. Citizen stated that the agents exhibited arrogance and lack of immigration law knowledge regarding his **b6,b7C** wife **b6,b7C** during a secondary referral. Citizen expressed that this has been a constant issue during his commute through the Arivaca Checkpoint. Citizen further expressed his opinions about the Arivaca Checkpoint as "Military-style", "Unnecessary", "Unconstitutional", and "always staffed by trainees". Citizen requests to be contacted by upper Tucson Station management and/or Community Relations Agents.

Other agencies involved: None.

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain) b7E the following agents assigned to the Arivaca Checkpoint during the time of this incident: SBPA b6,b7C b6,b7C BPA b6,b7C and BPA b6,b7C b7E b7E Citizen requests to be contacted by upper Tucson Station management and/or Community Relations Agents.

AFTER ACTION: ☐ NONE ☒ YES (explain) I spoke to b6,b7C for approximately 30 minutes. He is an b6,b7C who oppose and feel that the checkpoint is illegal and unconstitutional. During the conversation he stated his beliefs and opinions regarding the constitutionality of the checkpoint. Eventually I was able to redirect the conversation to the specifics of his complaint. He stated that he believes agents racially profiled his wife because she b6,b7C and is b6,b7C He stated that when he pulled up to primary the agents asked "are you U.S. Citizens?" to which he stated b6,b7C b6,b7C b6,b7C stated that he told the agents that the checkpoint was unconstitutional and that the agents laughed at him and asked him to go to the secondary inspection area. He said that it "pissed him off" when the agents laughed at him and he was embarrassed that he was illegally detained the secondary inspection area.

When I asked him what actions, specifically, did the agents exhibit to make him believe that his wife was being racially profiled he said "I don't know". He stated that sometimes he would go through the checkpoint and agents would say "have a good day b6,b7C" and allow him to pass through the checkpoint, but this time that wasn't the case and asked "why is that?". I told b6,b7C that the prior agents may have inspected him and his wife in the past and come to know them as b6,b7C and on this particular day the agents at the checkpoint may not have recognized him and felt the need to inspect further when he stated that his wife was b6,b7C I informed him that accusations of racial profiling are serious allegations to report without supporting facts to which he quickly changed the subject. He suggested that we should give him a piece of paper signed by BP stating that his wife is legal and that he should be allowed to pass through the checkpoint. I informed b6,b7C that this course of action would be no different than his fiancé presenting her b6,b7C to which he stated "it would be different because I won't be embarrassed".

During the conversation, I discussed with b6,b7C where our authority to operate the checkpoint was derived and he continually attempted to debate the legality of the checkpoint. He asked "what authority do you have that's higher than the U.S. Constitution?" I cited the U.S. Supreme Court's decision in U.S. v. Martinez-Fuerte and he replied "don't tell me anything about the Supreme Court. This is Obama's Supreme Court and they are wiping their ass with the Constitution". I told b6,b7C that the decision in that case was handed down in 1976 and he stated "well let's just take the constitution out of it, don't you guys realize that we (the people of b6,b7C) do not want the checkpoint. But because you're the government you think you know what's best for everybody".

I informed b6,b7C that I would not debate the legality of the checkpoint and that I wanted to focus on the basis of his complaint. He ended the conversation by saying that "this conversation is not going anywhere, but I thank you for your call". I informed b6,b7C if he has an issue in the future we have a supervisor available at or mobile to respond to the checkpoint at all times.

It should be noted that agent's referred b6,b7C and his wife to secondary for records check because the b6,b7C that she presented as immigration documents were expired. Agents were able to run records to verify that her status his current.

Completed by: SBPA b6,b7C 02/07/2014 1400 hours
(name) (date) (time)



Department of Homeland Security
Bureau of Customs and Border Protection

UNITED STATES BORDER PATROL

Complaint Report Form



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

EMPLOYEE: (person taking information)

Name: **b6,b7C** Star #: **b6,b7C** 03/05/2014 3:00 am
(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): **b6,b7C**
Date/Time of incident: 03 / 05 / 2014 3:00 am
Location of Incident: Rd/Hwy Intersection 86/286 Milepost Community Three Points
Landmark(s) **b6,b7C**

Description of Incident: On today's date, agents noticed a suspicious vehicle parked at the **b6,b7C**
b6,b7C A vehicle registration check revealed **b7E**
b7E
b7E the agents decided to make contact with the driver, later identified as
b6,b7C Agents found no evidence of criminal activity and later released
b6,b7C

b6,b7C called the Tucson Station today to make a complaint against the agents who approached her at the **b6,b7C** Her main complaint was that she was detained for a lengthy time and felt that the agents harassed her by asking her questions and demanding identification from her. She stated that she had just fueled up her car and pulled off to the side of the road and called her daughter by cell phone when she was approached by the

agents. She stated that the agents were very forceful with their words by telling her to keep her hands visible. b6.b7C.b7E

b6,b7C,b7E

b6,b7C,b7E

I asked b6,b7C if the agents were unprofessional at any time, and she stated that they were not, but that they came across forceful and rude. I explained to b6,b7C that any law enforcement agency that runs a check on her vehicle b6,b7C,b7E

b6,b7C,b7E

I explained to her that the agents were further investigating upon receiving the information on her car.

b6,b7C stated she understands why she was approached; she just did not like the questioning and forceful demands from the agents.

I explained to her that her complaint would be forwarded to the appropriate persons and to expect a call back.

☐ **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: _____

IMMEDIATE ACTION TAKEN: ☒ NONE ☐ YES (explain) _____

AFTER ACTION: ☐ NONE ☒ YES (explain) I explained to her that her complaint would be forwarded to the appropriate persons and to expect a call back.

Completed by: b6,b7C 03/05/2014 3:00am
(name) (date) (time)

BCL SBPA AFTER ACTION: ☐ NONE ☒ YES (explain)

03/12/2014- Called no answer. Voicemail full and cannot accept messages.

03/18/2014- Called again. No answer. Received message stating that voicemail is full and cannot receive new messages.

03/27/2014- Called again no answer. Unable to leave voice message. Complaint will be closed unless further developments arises.

Completed by: SBPA b6,b7C 03/27/2014 11:09 am
(name) (date) (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: **ASBPA b6,b7C** Star #: **b6,b7C** 3/13/2014 1112hrs.
(Date) (Time)

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

CITIZEN COMPLAINANT: (ASK, but not required):

Name: **b6,b7C**

Address: None given

Phone: **b6,b7C** (cell) ☐ NO CONTACT

RELEVANT INFORMATION: Citizen Complaint

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

Date/Time of incident: 3/13/2014 1045hrs

Location of Incident: Rd/Hwy Amado Exit, I-19, Amado, AZ

Community: Amado, AZ.

Landmark(s) N/A

Description of Incident:

On March 13, 2014, at approximately 1100hrs, I received a call from **b6,b7C** who stated that he had just been released from a Border Patrol vehicle stop on I-19 (S) near the Amado exit. He stated that BPA **b6,b7C** had requested consent to conduct a pat-search. **b6,b7C** granted consent to the pat-search. He complained that while conducting the pat-search Agent **b6,b7C** was overly aggressive while searching his crotch area. **b6,b7C** stated that he has served time in prison and been arrested on numerous occasions and has never been searched in that manner. **b6,b7C** stated that there were several Border Patrol Agent's involved in the traffic stop, however, he was not able to get anyone else's name.

I explained to **b6,b7C** that a report of this incident would be generated and that he would be contacted if further information was required.

At 1110hrs, I notified Field Operations Supervisor **b6,b7C** of the 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: _____

Other AGENCIES involved: N/A _____

IMMEDIATE ACTION TAKEN: ☒ **NONE** ☐ **YES (explain)**

AFTER ACTION: ☐ **NONE** ☐ **YES (explain)** _____

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

3/13/14
(Date)

1136 hrs
(Time)

BCL SBPA AFTER ACTION: ☐ **NONE** ☒ **YES (explain)**

I called and explained to **b6,b7C** that the actions taken by the agent was consistent with the training that he received at the U.S. Border Patrol Academy. When asked if the agent was unprofessional with him he stated that he wasn't.

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

3/24/14
(Date)

12:45 pm
(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** 3/17/2014 5:00 p.m.
(date) (time)

Method Report Received: In person ☒ Phone ☐ Other _____

CITIZEN COMPLAINANT: (ASK, but not required):

Name: Would not leave full name to Border Patrol **b6,b7C**

Address: No address given

Phone: Would not give personal number, Business number only

*** Is requesting that our Community Relations Department give his company **b6,b7C** a call during business hours ASAP – **b6,b7C** – during Office Hours between 8a – 5p. ***

RELEVANT INFORMATION: (criminal activity to report)

☒ **OFFICER RELATED COMPLAINT:**

Name of Officer(s): **b6,b7C** Date/Time of incident: 3:00pm
Location of Incident: 86 CP (Three Points) Landmark(s): N/A
Description of Incident: Complaint regarding BPA **b6,b7C**

☒ **STATION RELATED COMPLAINT:**

Number of Officers Involved: Complaint of Harassment Date/Time of incident: March 17, 2014, 3:00pm
Location of Incident: Highway 86 Checkpoint, Three Points, Az
Description of Incident:

On March 17, 2014, I received a complaint phone call from [b6,b7C] (Male subject - refused to leave last name or other personal information) via telephone. [b6,b7C] complained that he was harassed by BPA [b6,b7C] this afternoon at the Highway 86 Checkpoint in Three Points, Az. at approximately 3:00pm.

[b6,b7C] stated that BPA [b6,b7C] has harassed him before and that he was doing it again today. [b6,b7C] stated that BPA [b6,b7C] specifically dislikes him and chooses the trucks he drives as a target for unnecessary attention and prolonged detention. [b6,b7C] stated that he was driving an 18-wheeled truck for his company [b6,b7C]

[b6,b7C] stated that while he was eastbound on Highway 86 today, about to approach the checkpoint with his 18-wheeler, there were approximately 8 cars in front of his vehicle. [b6,b7C] states that BPA [b6,b7C] wasn't running his canine on any cars in front of him until he saw his truck. At that time, [b6,b7C] states that BPA [b6,b7C] quickly got up and grabbed his canine and decided to only run the canine on his truck specifically.

[b6,b7C] states that he was initially cleared to leave by the Agent at the primary position (name not given) but, upon hearing BPA [b6,b7C] say "Wait" near the rear portion of his truck, was then instructed to go to the secondary position. While at the secondary position, [b6,b7C] states that he was instructed by BPA [b6,b7C] to provide the truck's manifest because his canine alerted on his 18-wheeler. [b6,b7C] stated that he complied with the request to see the manifest even though didn't think he had to. [b6,b7C] stated that there was nothing inside the truck anyway and that BPA [b6,b7C] profiles him without regarding other vehicles.

Additionally, [b6,b7C] stated that he has filed a complaint against BPA [b6,b7C] before but did not provide the exact date, saying it was "sometime last summer". [b6,b7C] stated that nothing illegal was found in his 18-wheeler and he was subsequently told by BPA [b6,b7C] that he was free to go. [b6,b7C] stated that he briefly talked to SBPA [b6,b7C], who was assigned to the 86 Checkpoint. [b6,b7C] stated he told SBPA [b6,b7C] that he would be filing a complaint of harassment against BPA [b6,b7C] claiming he was unprofessional and unnecessarily targeting his truck.

I advised [b6,b7C] that I would forward his complaint through proper channels. I asked [b6,b7C] if he would like to leave a full callback name and phone number so that we could contact him directly regarding this complaint, if he desired. [b6,b7C] stated that he did not wish to leave his full name for privacy reasons. However, [b6,b7C] is requesting that our Community Relations Department call his company ([b6,b7C]) during office hours (8a - 5p) as soon as possible.

Other AGENCIES involved: None

IMMEDIATE ACTION TAKEN: ☒ NONE ☐ YES (explain)

Subject is requesting that his place of business be contacted by our Community Relations Department (info above) ASAP.

SBPA BCL AFTER ACTION: ☐ *NONE* ☐ *YES (explain)*

This gentleman who called in the complaint did not leave a call back number and asked that we call his employer to discuss his complaint. After consulting with station management, it was determined that we would not contact the employer as the employer is not lodging a complaint.

Completed by

b6,b7C
(name)

04/02/2014
(date)

12:58
(time)

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



U.S. Customs and
Border Protection

March 18, 2014

MEMORANDUM FOR:

b6,b7C

Patrol Agent in Charge
Tucson Station

b6,b7C

FROM:

b6,b7C

Supervisory Border Patrol Agent
Tucson Station

SUBJECT:

Citizen Complaint – SR 86 Checkpoint

On March 17, 2014 I was assigned b6,b7C at the checkpoint on State Route 86 near Three Points, Arizona. Border Patrol Agent (BPA) K-9 Handler b6,b7C with his K-9 partner, was also assigned to the checkpoint.

At approximately 3:00 P.M., BPA b6,b7C was standing in the center median just in front of the primary inspection area with his K-9 resting at his feet. This location allowed BPA b6,b7C to visually inspect vehicles while keeping his K-9 to be in a position while resting to identify odors he is trained to detect. BPA b6,b7C noticed that a white 18 wheeler truck pulling a trailer was approaching the primary inspection area, so he got his K-9 up and moved along the driver side of the truck so that the K-9 would be in a better position to sniff the exterior of the large, higher situated vehicle. At the same time, I visually inspected the exterior of the passenger side by walking from the front to the rear of the truck. BPA b6,b7C and I arrived at the rear of the trailer at the same time, and BPA b6,b7C indicated that his K-9 had alerted to the trailer. BPA b6,b7C then indicated to BPA b6,b7C, the agent manning the primary inspection position, to refer the truck for secondary inspection. BPA b6,b7C then advised me that the driver of the truck requested to speak with a supervisor.

BPA b6,b7C and I accompanied the truck to the secondary inspection area so I could make contact with the driver, who later identified himself as b6,b7C but refused to provide a last name. BPA b6,b7C requested that the driver exit the truck so we could perform a proper inspection. b6,b7C did not exit the truck, but held up an index finger in what I took as a gesture indicating "wait a minute." BPA b6,b7C then knocked on the driver's door and directed b6,b7C to exit the truck. b6,b7C then opened the door and told BPA b6,b7C to "take it easy on the door." b6,b7C then told me that he has had a prior encounter with BPA b6,b7C and indicated that he has an issue with BPA b6,b7C. I explained that we had a K-9 alert and needed to perform a search of the truck.

BPA b6,b7C approached us at the cab of the truck and asked b6,b7C for the bill of lading for the contents being transported. b6,b7C reluctantly provided this information, commenting that he did

b6,b7C

CBP00001241

Citizen Complaint – SR 86 Checkpoint
Page 2

not understand why we had to see it. I explained that we needed to verify that what he was transporting did indeed belong in the truck.

We accompanied [b6,b7C] to the rear of the trailer to perform our inspection. [b6,b7C] lowered the lift and opened the trailer door. At that point I realized that [b6,b7C] had given me the wrong bill of lading, which described what he had claimed to have just delivered, not the current contents. I asked [b6,b7C] to provide the current information, and we began to head back to the cab. At that time, BPA [b6,b7C] told [b6,b7C] that he needed to actuate the truck's lift so BPA [b6,b7C] and the K-9 could access the trailer. [b6,b7C] refused to allow BPA [b6,b7C] to ride on the lift, so in the interest of maintaining a calm situation I instructed BPA [b6,b7C] to boost his K-9 into the trailer.

[b6,b7C] provided the correct bill of lading to me from the cab of the truck, still commenting that he did not understand why we need that information. During that time he told me that he does not like the way that BPA [b6,b7C] speaks to him. I explained that BPA [b6,b7C] is a direct and matter-of-fact type of person, and does and says what is necessary to do his job in an expeditious manner. [b6,b7C] then told me that he feels that BPA [b6,b7C] is targeting him. I explained that we cannot control where, when, and to whom a K-9 alerts, but we are required to resolve all K-9 alerts.

BPA [b6,b7C] concluded his search of the trailer, which was inconclusive, and advised [b6,b7C] that he was free to leave. [b6,b7C] requested a business card from BPA [b6,b7C] to which BPA [b6,b7C] replied that he did not have a card. [b6,b7C] again demanded a card, and received the same reply. He then demanded BPA [b6,b7C]'s name (of which we was already aware) and demanded that BPA [b6,b7C] write it down. When told that he already knew BPA [b6,b7C]'s name, [b6,b7C] then made an attempt to argue the K-9 alert. BPA [b6,b7C] told him "You're free to go, man" to which [b6,b7C] tried to twist into BPA [b6,b7C] calling him "ma'am." I stated "He said 'man'" and told [b6,b7C] that he was free to go. [b6,b7C] subsequently left the checkpoint.

At no time do I recall [b6,b7C] telling me that he was going to file a complaint against BPA [b6,b7C]. We treated him professionally at all times, and performed the inspection as quick and efficiently as possible.

[b6,b7C] was not asked for identification during the inspection due to BPA [b6,b7C]'s having previously having an encounter with him, during which he had been identified and his records checked.

Following this encounter, BPA [b6,b7C] advised me that [b6,b7C] was confrontational during his last encounter at the 86 Checkpoint [b7E]

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



U.S. Customs and
Border Protection

March 18, 2014

MEMORANDUM FOR: b6,b7C
Patrol Agent in Charge
Tucson Station

FROM: b6,b7C
Border Patrol Agent
Tucson Station

b6,b7C

SUBJECT: Encounter with subject at the Highway 86 Checkpoint

On March 17, 2014, I was assigned to the Highway 86 Checkpoint with my department canine b6,b7C. At approximately 3:00 P.M., a white 18-wheeler approached the checkpoint and was down approximately eight cars from primary. b6,b7C and I were approximately five feet away from the primary agent. b6,b7C was stationary "sniffing" the cars to conserve his energy. As the truck pulled up, b6,b7C broke his "down" and started walking along the side of the truck. b6,b7C alerted to the rear driver's side of the trailer and indicated by sitting. I advised the primary agent to send the vehicle to secondary.

Once in secondary, the driver who I had encountered previously started being evasive and stating that he didn't see the canine alert. I asked the driver for his the bill of lading. The driver asked "you mean the manifest?" I replied, the bill of lading. The driver then gave me the paperwork to the load that he had just dropped off. I advised him that I wanted to see the paperwork to the goods that were still on the truck. I then asked the driver to open the rear door of the trailer. I put b6,b7C in the back of the trailer where he continued to alert near the rear door. The trailer was searched, no tangible substance was found and the driver and vehicle were sent on their way.

The driver later identified as b6,b7C called and filed a complaint. The driver and vehicle were in secondary for approximately 10 minutes.

In a previous encounter with b6,b7C, the subject was argumentative and very aggressive towards the supervisor at the checkpoint and records checks revealed that b6,b7C, b7E

b6,b7C

b6,b7C



2430 South Swan Road
Tucson, Arizona 85711

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

March 18, 2014

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

E

3-18-14
Date



Department of Homeland Security
Bureau of Customs and Border Protection

UNITED STATES BORDER PATROL

Complaint Report Form



Report 14-TUS-04-014
Station: Tucson Station

EMPLOYEE: (person taking information)

Name: **SBPA b6,b7C** Star #: **b6,b7C** 4/13/2014 2030 hrs.
(date) (time)

Method Report Received: ☒ Phone ☐ Other:

CITIZEN COMPLAINANT: (ASK, but not required):

Name: **b6,b7C**

Address: Not given

Phone: **b6,b7C** ☐ NO CONTACT

RELEVANT INFORMATION: Checkpoint Complaint

☒ **OFFICER RELATED COMPLAINT:**

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

Date/Time of incident: 04/13/2014, 1930 hrs.

Location of Incident: Rd/Hwy State Route 86 Checkpoint Milepost 146 Community: Three Points, AZ.

Landmark(s) N/A

Description of Incident:

On April 13, 2014 at approximately 8:30 p.m., I received a call from a citizen identifying himself as **b6,b7C** informed me that he wanted to file a formal complaint regarding U.S. Border Patrol Agents at the State Route 86 Checkpoint in Three Points, Arizona. **b6,b7C** stated that pulled up to the primary inspection area of the S.R. 86 Checkpoint at approximately 7:30 p.m. on 04/13/2014. Upon his arrival at primary inspection, **b6,b7C** stated that the Agent on primary did not ask him his citizenship. He stated that the Agent told him hello and asked him "how are you doing today?" **b6,b7C** stated that he did not answer the Agents question because he was in a hurry and he did not have time to answer questions that he felt that he did not have to answer. The Agent at primary then asked him why the spare tire on his truck did not match the size of the other tires. **b6,b7C** stated again that he did not want to answer the Agent's questions. The Agent then instructed **b6,b7C** to pull his vehicle over to secondary inspection, which he did. In

secondary, the Agent told him to lower his window more. b6,b7C refused, stating that it was lowered 5 inches and he did not need to lower it further. b6,b7C then stated that the Agent asked him to state his citizenship. He said that he refused to answer the Agent's question regarding his citizenship because he did not like how the Agent was talking to him. At this point, b6,b7C said that he asked to speak with the supervisor at the checkpoint. b6,b7C then heard the Agent tell SBPA b6,b7C "we have got a real douchebag here". b6,b7C stated that he was very offended at the Agent saying this about him and that the other Agents near them started laughing at this comment. He then asked SBPA b6,b7C if he was being detained, to which SBPA b6,b7C replied to him that he was since he had not answered the Agent's question as to his citizenship. b6,b7C then stated that he was b6,b7C. He also claimed to SBPA b6,b7C asked him "what are you still doing here? You are free to go". b6,b7C stated that he then asked SBPA b6,b7C if "he was going to give a medal to those Agents regarding their behavior"? b6,b7C then stated that he left the checkpoint and called the Tucson Border Patrol Station to make the complaint. b6,b7C stated that he would like the Agents talked to and that he would like a follow up call regarding this 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: _____

Other AGENCIES involved: N/A _____

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain)

Watch Commander b6,b7C was notified of the complaint. b7E
b7E the Agents that had been assigned to the SR 86 Checkpoint b7E were
BPA b6,b7C BPA b6,b7C BPA b6,b7C as well as SBPA b6,b7C
b6,b7C

AFTER ACTION: ☐ NONE ☒ YES (explain)

04/16/2014- LM Answer Machine

04/17/2014- Spoke with b6,b7C and he stated that he was upset at the way agents treated him. He stated that passes through the checkpoint almost daily and that we have some agents that are professional and others that are highly unprofessional. He stated that he has a cousin b6,b7C b6,b7C that he was once a supporter of ours but he's not anymore because of the way he's been treated on several occasions. He stated that, at one time, he believed that interactions at the checkpoint had been getting better but not anymore. b6,b7C explained that the reason the tire in the bed of his pickup doesn't match the truck is because it belongs to his trailer.

He said that on this interaction the he was not asked about his citizenship until he was in the secondary inspection area and that he did not appreciate being asked "where are you going"?

He made the statement that "BP is the biggest welfare scheme going because every time I come up to the checkpoint those guys are playing on their phones not doing anything". He stated that he recently purchased a video camera and plans to film his interactions with agents at the checkpoint and agents playing on their phone while they are supposed to be working.

b6,b7C stated that he passed through the checkpoint on today's date and the interaction was very professional, but he does not appreciate being called a douche bag because although he didn't answer the agents question he was still professional.

I told **b6,b7C** that the matter is being investigated by station leadership and that the leadership is not happy with the unprofessionalism that he was showed during this interaction. I told him that I would follow up with him at a later date.

He thanked me for calling and said that "I hope you guys take this serious because if not it's going to go on and on".

****We have had encounters with this subject at the checkpoint before. See memo from earlier encounter****

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

04/13/14
(date)

2200 hours
(time)

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



U.S. Customs and
Border Protection

April 14, 2014

MEMORANDUM FOR:

b6,b7C
Patrol Agent in Charge
Tucson Station

FROM:

b6,b7C
Supervisory Border Patrol Agent
Tucson Station

b6,b7C

SUBJECT:

Citizen Complaint at State Route 86 Checkpoint

On April 13, 2014, I was assigned as the Supervisory Border Patrol Agent (SBPA) at the State Route 86 Border Patrol Checkpoint (86 C) located west of Three Points, AZ. At approximately 7:30 p.m., two male subjects in an older model, white Ford pick-up pulled up to the primary inspection area. Border Patrol Agent (BPA) b6,b7C was at the primary position while I was directly across from him on the passenger side of the vehicle. b7E

b7E
b7E
b7E
b7E

BPA b6,b7C b7E

and BPA b6,b7C

The only other agent I remember seeing while the incident was evolving was Agent b6,b7C however, he was not involved.

BPA b6,b7C greeted the occupants of the vehicle as they stopped at the primary position. I could not hear what exactly Agent b6,b7C said due to the fact that the pick-up was between us and it was running. Please refer to Agent b6,b7C's memo for his account of the incident. Shortly after the initial contact, the pick-up began to drive to the secondary inspection area with Agent b6,b7C walking closely behind it. Agent b6,b7C looked over at me and stated that the occupants weren't answering any questions, meaning they were being uncooperative. I stated to Agent b6,b7C that that was fine and to call me over if he needed me. I stepped back from my position to observe the activity in the secondary area and keep watch on the primary area as well.

I observed Agent b6,b7C briefly attempt to converse with the driver, when he waived me over to the secondary area. As I walked towards the pick-up, Agent b6,b7C began to walk towards me to give me the details of why he was calling me over. As I approached Agent b6,b7C he stated to me something to the effect of, "this guy" or "he is acting like a douchebag." I took this to mean that the driver was being uncooperative or belligerent towards Agent b6,b7C.

I walked passed Agent b6,b7C and attempted to politely greet the driver, identified as b6,b7C when he immediately began yelling at me, "Am I being detained?! Am I being detained?!" I said to b6,b7C in a calm, clear voice, "Yes, you are being detained." At this point b6,b7C turned off his vehicle, began yelling obscenities and ranted that we,

b6,b7C

CBP00001248

Citizen Complaint at State Route 86 Checkpoint

Page 2

the Border Patrol, should call the sheriffs (Pima County Sheriff's Department) and have him arrested. He also yelled, "...you wanna search my truck, get a fucking warrant!" He again angrily yelled, "Am I being detained?!" Again I said to b6,b7C "Yes." At this point b6,b7C questioned, using obscenities, as to why he was being detained. I calmly answered b6,b7C by saying "Because you haven't answered any of the agent's questions." I then quickly asked of b6,b7C "Are you a United States Citizen?" b6,b7C stated that he didn't have to answer that question and that this encounter, "is a violation of my Fourth Amendment rights!" referring to the Fourth Amendment to the U.S. Constitution. I calmly explained to b6,b7C that the Supreme Court of the United States had determined that what we, the Border Patrol, were doing was in fact Constitutional.

b6,b7C did not agree with any of what I was saying. He continually yelled obscenities over me. b6,b7C then said to me that he was going to call in a complaint because of Agent b6,b7C's use of the word "douchebag". b6,b7C said that I allowed Agent b6,b7C to call him a "douchebag" and that I approved of it. I attempted to explain to b6,b7C that I could not predict what Agent b6,b7C was going to say and that I did not approve of it. b6,b7C also stated that I was going to give Agent b6,b7C a medal. I responded by saying, "No, I am not going to give him a Medal." b6,b7C did not want to hear or listen to anything I had to say. He began use his cellular telephone to call the Tucson Border Patrol Station. I asked b6,b7C if he had the correct number and told him I would give it to him if he did not. He stated that he did have the number to the "Swan office" (referring to the Tucson Station on Swan Rd.). b6,b7C then asked for Agent b6,b7C's name. As I began to give it to him, he cut me off and demanded my name and badge number. I pointed to my name tape on my uniform and also verbalized by name. I also explained that we do not use badge numbers as identifiers; we just use names.

At that point I walked over to Agent b6,b7C who had walked away from the pick-up. I explained to Agent b6,b7C that b6,b7C was calling in a complaint to the Duty Supervisor for his use of the word "douchebag" towards him and lack of professionalism. Agent b6,b7C stated that he did not call b6,b7C a "douchebag", but said "he was acting like a douchebag."

As I walked back to b6,b7C's pick-up, I received a message to call the Duty Supervisor. As I did, Agent b6,b7C released b6,b7C from the secondary inspection area. I did not release b6,b7C nor did I have any other contact or conversation with him after he called the station.

It should be noted that during the entire encounter in secondary, b6,b7C was belligerent, irate, and confrontational. b6,b7C continually used obscenities towards me and other agents. b6,b7C did not want to hear or listen to any of the reasoning behind the checkpoint or the line of questioning he was subject to.

b6,b7C



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

April 14, 2014

MEMORANDUM FOR:

b6,b7C

Patrol Agent in Charge
Tucson Station

FROM:

b6,b7C

b6,b7C

Border Patrol Agent
Tucson Station

SUBJECT:

Checkpoint Encounter

On April 13, 2014 I, Border Patrol Agent (BPA) b6,b7C, was assigned to Highway 86 Checkpoint. At approximately 7:30 P.M., I was assisting BPA b6,b7C and BPA b6,b7C with primary inspection duties as I observed an older model white pick-up truck with two visible occupants approach the checkpoint. Once the vehicle completed a full stop at primary inspection, I noticed that the driver was avoiding eye contact and his window was lowered about two or three inches. BPA b6,b7C greeted both men, but received no response. At that point, BPA b6,b7C pointed out to me if I had noticed the size of the tire on the bed of the vehicle and I responded that it seemed significantly smaller than the 4 tires being used by the pick-up truck. BPA b6,b7C then directed the driver to go to the secondary inspection area.

At this point, BPA b6,b7C approached the driver and initiated verbal contact while I stood at the passenger side observing the other occupant. When questioned if he was a U.S. Citizen the driver asked in an agitated manner if he was being detained. BPA b6,b7C then called Supervisory Border Patrol Agent b6,b7C from Primary Inspection. I continued to observe the passenger of the vehicle as BPA b6,b7C explained to SBPA b6,b7C what was happening. From my point of observation, I could hear the driver cussing and yelling how he was fed up with the Border Patrol, at which point I walked over to the driver's side of the vehicle. The driver kept yelling and stating that he used to call us when he would encounter Illegal Immigrants on his property but now he will just shoot anybody that trespasses his property as he doesn't care anymore. He then threatened to file a complaint.

SBPA b6,b7C responded to the driver if he wanted the phone number in order to make the complaint. The driver responded that he had the number and then proceeded with the phone call. We all stepped away from the vehicle until he was finished. At this point, BPA b6,b7C and I approached the driver as he finished his phone call and then asked in a polite manner if he needed anything else, at which point the driver asked in an agitated manner if he was still being detained. BPA b6,b7C responded that he was being detained but was free to go. The driver of the vehicle then said that he will start calling us douche bags and then drove away laughing out loud in a menacing manner.

b6,b7C

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



U.S. Customs and
Border Protection

April 14, 2014

MEMORANDUM FOR:

b6,b7C

Chief Patrol Agent
Tucson Sector

FROM:

b6,b7C

Senior Patrol Agent
Tucson Station

b6,b7C

SUBJECT:

Citizen Complaint at State Route 86 Checkpoint

On April 13, 2014, at approximately 1940 hours, I was standing at the State Route 86 Checkpoint's primary inspection area talking to b6,b7C agents, b6,b7C b6,b7C and b6,b7C when a white older model pick-up arrived at the checkpoint's primary inspection. I continued to talk with Agent b6,b7C as Agent b6,b7C spoke to the driver of the vehicle. I did not hear what Agent b6,b7C asked the driver. I assumed that Agent b6,b7C had asked him to state his citizenship. Agent b6,b7C then started to move along the driver's side of the pick-up towards the rear inspecting the area behind the driver's seat and the bed of the truck. I asked Agent b6,b7C if the driver had answered his question. Agent b6,b7C stated "No."

I then walked up to the driver's side window and asked the driver to state his citizenship. He would not make eye contact nor would he answer my question. Agent b6,b7C then told me to send the pick-up to secondary inspection. I escorted the pick-up to the secondary inspection area and approached the driver's window. I asked the driver to open his window and he yelled "It is open." I hadn't noticed that the window was open approximately 2 inches. I again asked him to state his citizenship and he responded with "Am I being detained?" I then again asked him for a third time to state his citizenship. He again asked me if he was being detained and I stated "Answer my question and I'll answer your question." He then stated "Call the Sheriff and have me arrested." "Get a search warrant because you're not looking in my vehicle without one, I know my rights; I don't have to talk to you."

At this point I walked away from the driver's door to approximately 5 feet from the tailgate of the pick-up. I signaled for Supervisory Border Patrol Agent (SBPA) b6,b7C to come over from the primary area. As SBPA b6,b7C walked up to me he asked me "What's his problem?" I answered, "He's acting like a douche bag." My conversation was with SBPA b6,b7C and was in no way meant to be overheard by the subject. There was a heavy wind and apparently my voice carried. I walked away from the scene as soon as SBPA b6,b7C walked up to me. The subject was irate and rude yelling at me from the time I arrived at his window in secondary inspection. At no time did I conduct myself in an unprofessional manner nor did I raise my voice toward the subject.

b6,b7C

CBP00001251

Citizen Complaint at State Route 86 Checkpoint
Page 2

I encountered this subject last week at the same checkpoint. He drove into the checkpoint area with excessive speed. I asked him to please slow it down because we constantly had agents moving between the north and south side of the primary inspection lane. He grumbled that he has never been told that and hastily sped away.

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



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

April 14, 2014

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.

b6,b7C

Employee's Signature

4/14/14
Date

b6,b7C



U.S. Customs and
Border Protection

April 14, 2014

MEMORANDUM FOR:

b6,b7C

Patrol Agent in Charge
Tucson Station

FROM:

b6,b7C

b6,b7C

Border Patrol Agent
Tucson Station

SUBJECT:

Checkpoint Encounter

On April 13, 2014, I was assigned checkpoint duties near Three Points, AZ. Sometime near 7:30PM, an older model white pickup approached the primary position where I was greeting vehicles and stopped. There were two men visible inside and the driver side window was lowered a few inches. I asked the men how they were doing. Neither of the men responded nor acknowledged me in any way. The driver window remained only partially lowered. I may or may not have asked further questions concerning their citizenship but there was no attempt by the men to communicate with me. I looked in the bed of the truck and noticed a spare tire. This tire was considerably smaller than the four main tires of the truck. It was unlike the small spares for cars referred to as "donuts". b7E

b7E

b7E

Border Patrol Agent (BPA) b6,b7C asked me if they answered my questions. I told him no. b7E asked BPA b6,b7C to move them to our secondary inspection area.

I remained on the primary inspection point until a couple other cars cleared through and then walked over to the secondary area. I heard the driver yelling in a loud voice through the still partially lowered window at Supervisory Border Patrol Agent (SBPA) b6,b7C about making a complaint against an agent. The driver was yelling words to the effect that he had b6,b7C and he used to call the Border Patrol when people crossed but that now he did not care how many people came across. He also said that he had no respect for the Border Patrol and asked if SBPA b6,b7C was going to give a medal to the Agent in question. SBPA b6,b7C calmly responded and offered a phone number that the man could call in order to make a complaint. The driver said that if he saw people on his land he might shoot them.

The driver then made a phone call. SBPA b6,b7C told me to give BPA b6,b7C's last name to the man if he requested it. I moved a few feet further away while he talked on the phone in a loud agitated manner. When I saw that he was finished I approached and asked him if he needed anything else. He asked if he was being detained. I told him that he had been detained but was now free to go. He asked if I was sure and I replied yes. The driver said a couple of times that he will start calling us douche bags. He was laughing hysterically as he drove off.

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



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

April 14, 2014

MEMORANDUM FOR:

b6,b7C

Border Patrol Agent
Tucson Station

FROM:

b6,b7C

Supervisory Bo
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:

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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

04/14/2014
Date

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



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

April 14, 2014

MEMORANDUM FOR:

b6,b7C

Chief Patrol Agent
Tucson Sector

b6,b7C

FROM:

b6,b7C

b6,b7C

Border Patrol
Tucson Station

SUBJECT:

Citizen Complaint

On April 13, 2014, I was assigned to patrol duties at the U.S. Border Patrol Checkpoint, located at mile marker 146 on Arizona State Route 86. Border Patrol Agent (BPA) b6,b7C and I were riding in the same vehicle as we arrived at the checkpoint. Upon arriving and exiting our vehicle, we noticed a white pickup in the secondary inspection area of the checkpoint. BPA b6,b7C and I took over the primary inspection duties. I am not sure of the time, but a few minutes later, I noticed the white pickup leave the secondary inspection area. I did not hear any portion of the conversation or the alleged verbal exchange between the agents and the occupants of the white pickup truck at the secondary inspection area.

b6,b7C

CBP00001256

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



U.S. Customs and
Border Protection

April 14, 2014

MEMORANDUM FOR:

b6,b7C

Border Patrol Agent
Tucson Station

FROM:

b6,b7C

Supervisory Border Patrol Agent
Tucson Station

b6,b7C

b6,b7C

SUBJECT:

Notice of Right to Union Representation

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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

Signature

4/14/14

Date

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



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

April 14, 2014

MEMORANDUM FOR:

b6,b7C

Chief Patrol Agent
Tucson Sector

b6,b7C

FROM:

b6,b7C

Border Patrol Agent
Tucson Station

b6,b7C

SUBJECT:

Incident at State Route 86 Checkpoint

On April 13, 2014, I was assigned to the State Route 86 checkpoint as my area of operation. I was told of an incident that happened before I arrived there. I was not present during the incident therefore I cannot state what happened.

b6,b7C

CBP00001258

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



U.S. Customs and
Border Protection

April 14, 2014

MEMORANDUM FOR:

b6,b7C

Border Patrol Agent
Tucson Station

FROM:

b6,b7C

Supervisory Border Patrol Agent
Tucson Station

b6,b7C

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:

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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,

b6,b7C

ed by Section 7114(a) (3), you are hereby given notice of the right set

b6,b7C

andum.

Date

04/14/2014

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



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

April 14, 2014

MEMORANDUM FOR:

b6,b7C

Chief Patrol Agent
Tucson Sector

FROM:

b6,b7C

b6,b7C

Supervisory Border Patrol Agent
Tucson Station

SUBJECT:

Citizen Complaint at Highway 86 Checkpoint

On April 13, 2014, I was assigned as the supervisor for the Highway 86 Checkpoint. b7E
b7E I had spoken to Supervisory Border Patrol Agent b6,b7C by
telephone to let him know I was on my way to relieve him. I arrived at the checkpoint b7E
b7E Upon arriving, SBPA b6,b7C relayed that there
had been an uncooperative subject at the primary inspection lane that was referred to secondary
inspection. When I arrived, the vehicle and subject had already departed. I did not witness any
altercation which resulted in the citizen complaint.

b6,b7C

CBP00001260

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



U.S. Customs and
Border Protection

July 7, 2012

MEMORANDUM FOR:

b6,b7C

Chief Patrol Agent
Tucson Sector

FROM:

b6,b7C

Supervisory Border Patrol Agent
Tucson Station

SUBJECT:

Citizen Complaint - b6,b7C
b6,b7C,b7E

On July 6, 2012, I was assigned as the Highway 86 Checkpoint Supervisor located west of Three Points, AZ b6,b7C at the Tucson Station. At approximately 7:30 a.m., agents assigned to that checkpoint encountered an irate United States citizen named b6,b7C who eventually filed a formal complaint of harassment. The complaint (Ref: b6,b7C,b7E) specifically mentioned two agents assigned to the Highway 86 Checkpoint that day - BPA b6,b7C and BPA b6,b7C.

b6,b7C had asked to speak to a Supervisor and was referred to secondary in order to speak with me. Prior to speaking with b6,b7C I briefly talked with BPA b6,b7C and BPA b6,b7C to gain their understanding of what happened at the primary position. At the time b6,b7C first approached the primary position at the checkpoint, I was standing underneath the checkpoint awning, approximately 20 feet away from the passenger side of his vehicle.

BPA b6,b7C told me that b6,b7C arrived at the checkpoint talking on his cell phone and that b6,b7C continuously talked on his phone when he arrived at the primary position and never once looked at him to acknowledge him in any way. BPA b6,b7C told me that he initially waited for b6,b7C to acknowledge him, without asking him questions, in an attempt to allow him to temporarily pause his phone conversation to allow b6,b7C to clearly hear him. At that time, there were no other cars behind b6,b7C vehicle.

After a couple of minutes, another vehicle began to enter the checkpoint behind b6,b7C vehicle, which remained at the primary position. When it became clear that b6,b7C would neither stop talking on his phone nor make any kind of gesture that would acknowledge him, BPA b6,b7C asked b6,b7C if he b6,b7C could temporarily pause his phone conversation so that he could ask him immigration questions. At that point, b6,b7C became irate, started screaming obscenities, and asked BPA b6,b7C if he could talk to his supervisor. b6,b7C was then referred to secondary to talk to me.

I asked BPA b6,b7C and BPA b6,b7C to resume their duties at the primary position so I could talk to b6,b7C alone in secondary to avoid further confrontation and to get b6,b7C perspective uninterrupted. I was able to determine that b6,b7C was a United States citizen. For approximately 25 minutes at the secondary position, b6,b7C talked to me in a rapid, loud, profanity-laced manner. During the entire conversation with b6,b7C, he rarely stopped talking and seldom allowed me a chance to ask him questions in return. When I was able to ask b6,b7C questions, in an attempt to clearly define his concerns, b6,b7C stated that BPA b6,b7C never asked him any immigration questions when he arrived at the checkpoint's primary position. BPA b6,b7C was standing by the passenger side of the vehicle when b6,b7C initially arrived at the checkpoint's primary position. Furthermore, b6,b7C stated that BPA b6,b7C did not identify himself as a Border Patrol Agent when he arrived at the primary position and that he had been coming through this checkpoint almost every day since it was initially opened. b6,b7C also stated that BPA b6,b7C was being verbally aggressive and intimidating to him and, at that point, he wanted to speak to a Supervisor.

b6,b7C told me that BPA b6,b7C asked him to end the phone conversation he was having when he was at the primary position. b6,b7C also told me words to the effect of "This is not a communist country, this is America. I don't have to end any phone conversations because you say so and I don't have to look the agents in the eyes at anytime, if I don't want to. I only have to answer the question: What is your citizenship?" b6,b7C continuously stated that he did not and will not look an agent in the eyes while in his car at the primary position because he is not required to and does not respect the Border Patrol as a whole. He again stated that he is not required to end a phone conversation because an agent asks him to and that the Border Patrol should have a sign posted saying "No Phone Conversations Allowed" at the Checkpoint if, in fact, no phone calls are allowed there.

I asked b6,b7C if he could demonstrate for me exactly what he b6,b7C did when he approached the checkpoint's primary position. b6,b7C showed me how he was talking on his cell phone using his right ear, the ear farthest away from an agent at primary when sitting in a vehicle's driver-side seat. b6,b7C also stated that he did briefly interrupt his phone conversation multiple times during his initial encounter with BPA b6,b7C by "resting" his phone on his right shoulder for a short period of time. b6,b7C stated this brief "resting" of the phone on his shoulder is where he allows the agent to address him. b6,b7C stated that, despite giving BPA b6,b7C several chances to address him and ask him an immigration question by "resting" the phone on his shoulder, that BPA b6,b7C failed to ask him any immigration questions.

While b6,b7C demonstrated this, I positioned myself outside of his vehicle in a position I believed would closely emulate the body positioning of an agent at the checkpoint primary position, relative to his vehicle. In this position, I could not see b6,b7C phone at any time, regardless if the phone was in the "talking" position on his ear or the "resting" position on his right shoulder. The hand movement b6,b7C utilized to move from "talking" position to the "resting" position on his right shoulder was very subtle and hard to notice, particularly when b6,b7C continuously looks straight ahead, which he did at the primary position

encounter with BPA b6,b7C by his own admission. b6,b7C stated again that he deliberately will not look an agent in the eyes during a conversation at the primary position, stating that he is not required to do so.

I told b6,b7C that it was difficult for me to see him “pause” his phone call by the manner in which he demonstrated to me and that any reasonable person would come to the same conclusion. b6,b7C insisted that there should be no confusion on the agent’s part and repeated that he is not required to look an agent in the eyes while being addressed at the primary checkpoint position. In my opinion, b6,b7C is using his persistent phone call talking and non-acknowledgment techniques as a deliberate excuse to incite agents into an altercation.

I then told b6,b7C that agents, particularly BPA b6,b7C used great patience in accommodating his phone conversation to the extent that they did and demonstrated tremendous poise when finally confronted by him in a loud, profane manner. I also told b6,b7C that all parties concerned would benefit tremendously during any future checkpoint encounters if he would clearly and immediately acknowledge the agent at the primary position and afford the agent the attention and mutual respect that b6,b7C also deserves. At the conclusion of our conversation, b6,b7C left the checkpoint without further incident.

At no time did agents try to verbally intimidate b6,b7C. To the contrary, b6,b7C was the only person that was loud and profane during this incident.

It should be noted, during this encounter, at both primary and secondary positions, b6,b7C remained seated in his vehicle with the door closed at all times.

Based on the interactions that I witnessed between agents on scene and my conversation with b6,b7C all agents involved acted with the kind of poise that the general public expects from Federal Law Enforcement officers. Their actions were not only professional but exemplary.

Subject Information:

b6,b7C
b6,b7C
b6,b7C
DOB: b6,b7C
Lic: b6,b7C
b7E

Vehicle Information:

2000 Chevvy Pick-up Truck
b6,b7C Lic: b6,b7C VIN: b6,b7C
Address: b6,b7C



Department of Homeland Security
Bureau of Customs and Border Protection

UNITED STATES BORDER PATROL

Complaint Report Form



clear b6,b7C

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

EMPLOYEE: (person taking information)

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

1/1/2013
(Date)

12:40 PM
(Time)

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

CITIZEN COMPLAINANT: (ASK, but not required):

Name: **b6,b7C**

Address: Unknown

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

RELEVANT INFORMATION: Property damage complaint

☒ **OFFICER RELATED COMPLAINT:**

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

Date/Time of incident: 1/1/2013, Unknown Time.

Location of Incident: Rd/Hwy SR 86 Checkpoint.

Community: Three Points, AZ.

Landmark(s) N/A

Description of Incident:

On January 1, 2013, at approximately 12:40 PM, I received a call from **b6,b7C**. He stated that he had been stopped by Border Patrol Agents at the 86 Charlie Checkpoint sometime today. He stated that he felt he was being harassed as he was sent to secondary. He stated that he has been living in **b6,b7C** for **b6,b7C** and that he is tired of being harassed. He specifically stated that the supervisor, SBPA **b6,b7C** was rude and they refused to provide badge numbers. I explained to him that we don't have badge numbers per se, however we do have credential numbers as he cited a number that sounded like one that an agent gave him. His complaints were general in nature and did not allege specific misconduct. We conversed about the legalities of the checkpoint for a time and his phone disconnected. I returned the call and he said his cell phone battery was going dead and requested I return a call in 15 minutes so we could continue the conversation. I did return the call as requested and it was not answered going to voice mail. I left my direct number on his voice mail in case he wished to further converse.

☐ **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)

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

AFTER ACTION: ☐ NONE ☒ YES (explain) 1/4/13 **b6, b7C** DW ANS MAC

1/8/13 - CALLED TO FOLLOW UP ON COMPLAINT NO ANS

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

1/1/13
(Date)

1500 hours
(Time)

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



U.S. Customs and
Border Protection

January 3, 2013

MEMORANDUM FOR:

b6,b7C

Patrol Agent in Charge
Tucson Station

FROM:

b6,b7C

Supervisory B
Tucson Station

b6,b7C

SUBJECT:

Citizen Complaint b6,b7C,b7E

On January 1, 2013, at approximately 1230 hours, I was assigned as the Highway 86 Checkpoint Supervisor. While in the checkpoint facility, Agent b6,b7C came in to inform me of an individual later identified as b6,b7C wanting to complain because he was referred to secondary for further inspection. Agent b6,b7C stated that b6,b7C did not stop at his location and when Agent b6,b7C started to question him b7E Agent b6,b7C referred b6,b7C to secondary for further inspection.

I introduced myself to b6,b7C as Supervisory Border Patrol Agent b6,b7C started yelling and cursing about how he felt harassed and how he has lived in b6,b7C for b6,b7C. I tried to explain to the b6,b7C why we referred him for further inspection, but his abusive remarks prevented me from explaining. Once secondary inspections were completed I advised b6,b7C that he was free to leave. b6,b7C said no he was not leaving and started cursing. I advised b6,b7C that I would not deal with him and suggested he contact the Tucson Station to complain. b6,b7C kept yelling and cursing, I ignored his comments, wished him a Happy New Years and reverted back to my duties.

b6,b7C

CBP00001266

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



U.S. Customs and
Border Protection

January 3, 2013

MEMORANDUM FOR:

b6,b7C

Patrol Agent in Charge
Tucson Station

FROM:

b6,b7C

b6,b7C

Border Patrol Agent
Tucson Station

SUBJECT:

Citizen Complaint b6,b7C,b7E

On January 1, 2013 at approximately 1230 hours, I was assigned to the Highway 86 Checkpoint. While performing my duties as the primary inspection agent an older white pick-up truck carrying hay bales approached. The vehicle came to a stop past my inspection position b7E b7E I identified myself as a Border Patrol Agent. The subject reacted by turning his face away and began to mumble. I referred the driver to secondary for further inspection. The driver aggressively maneuvered his truck and parked at the secondary position. The driver was upset and stated that he felt harassed because he was b6,b7C. He also requested my code number and the code number of all the Agents present. He continued to be uncooperative and refused to answer any of my questions.

I notified Supervisory Border Patrol Agent b6,b7C about the situation. SBPA b6,b7C questioned the driver and tried to explain why he was referred to secondary. The driver continued to be uncooperative and started yelling insults. SBPA b6,b7C offered him the Tucson Station phone number to file a complaint, but the driver refused stating that he already had it. Once Agent b6,b7C finished his K-9 inspection SBPA b6,b7C advised the driver he was free to leave.

b6,b7C

CBP00001267



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**

5/09/2013
(Date)

19:30 PM
(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: Aggressive parking complaint

☒ **OFFICER RELATED COMPLAINT:**

Name of Officer(s): Unknown

Date/Time of incident: 5/09/2013, 1850 hrs.

Location of Incident: Rd/Hwy SR 86 Checkpoint.

Community: Three Points, AZ.

Landmark(s)

Description of Incident:

On today's date, 5/9/2013, at approximately 7:30 p.m. I received a citizen complaint call from **b6,b7C**. She stated that she frequently travels through the Highway 86 checkpoint while commuting from her home in **b6,b7C** to her place of work in **b6,b7C**.

b6,b7C stated she wanted to lodge a complaint regarding the way she was treated as she passed eastbound through the checkpoint at approximately 6:45 p.m. today.

b6,b7C stated that she was unhappy with the way she was treated and that the primary agent should apologize to her. I told **b6,b7C** that I would forward her complaint and a community relations agent would contact her.

This encounter was recorded in an IIR by Supervisory Border Patrol Agent [b6,b7C] [b6,b7C,b7E]

SUBJECT: Checkpoint Encounter
[b6,b7C,b7E]

On May 09, 2013, at approximately 1850 hours Border Patrol Agent (BPA) [b6,b7C] notified Supervisory Border Patrol Agent [b6,b7C] that an individual had ran the Highway 86 Checkpoint located at mile post 146.5 after being instructed by the primary agent to pull forward into the secondary inspection area. While BPA [b6,b7C] and BPA [b6,b7C] were running to the marked Department sedan parked in secondary the silver van that had run the checkpoint pulled over approximately 50 feet east of secondary. BPA [b6,b7C] and BPA [b6,b7C] pulled up to the vehicle and began to question the female occupant as to why she refused to go to secondary.

The driver identified as [b6,b7C] explained that she was afraid of the Border Patrol, that she was alone and did not feel comfortable being in secondary with Border Patrol Agents. She then got on the phone and began making calls to the Department of Public Safety and some tribal members. At this time SBPA [b6,b7C] told BPA [b6,b7C] to run the vehicle plate and told BPA [b6,b7C] to have the K-9 handler come over and inspect the vehicle.

The vehicle plate came back registered to [b6,b7C] from [b6,b7C]. The plate returned to a Chevrolet Malibu, [b6,b7C] was driving silver Dodge Caravan. It was not realized until after [b6,b7C] was released that the vehicle make and model did not match the registration. Record checks on [b6,b7C] indicated that she [b6,b7C,b7E]. [b6,b7C,b7E] was asked to exit the vehicle so a canine sniff could be performed but [b6,b7C] refused and reiterated her fear of the Border Patrol. [b6,b7C] got back on her phone and began to call someone again. BPA [b6,b7C] told her to get off the phone and to exit the vehicle. [b6,b7C] ignored BPA [b6,b7C]. BPA [b6,b7C] then reached into the vehicle and grabbed the phone from her hand, inadvertently pulling her hair. BPA [b6,b7C] opened her door and assisted [b6,b7C] in exiting the vehicle. Upon exiting the vehicle, SBPA [b6,b7C] retrieved her phone and gave the phone back to [b6,b7C]. The K9 search was completed with negative results.

Once the record checks and search were completed [b6,b7C] was released. The entire incident lasted about ten minutes. [b6,b7C] was visibly agitated and informed SBPA [b6,b7C] that she would be filing a complaint regarding this incident.

Subject Information:

[b6,b7C]
DOB: [b6,b7C]
COB: [b6,b7C]

Vehicle Information:

Vehicle License Plate: [b6,b7C]
Make: Dodge
Model: Caravan

This IIR reviewed by Field Operations Supervisor [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)

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

AFTER ACTION: ☐ NONE ☐ YES (explain) _____

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

5/09/13
(Date)

2000 hours
(Time)

b6,b7C

2430 South Swan Road
Tucson, Arizona 85711



U.S. Customs and
Border Protection

May 09, 2013

MEMORANDUM FOR:

b6,b7C

Chief Patrol Agent
Tucson Sector

FROM:

b6,b7C

b6,b7C

Supervisory Border Patrol Agent
Tucson Station

SUBJECT:

Checkpoint Encounter

b6,b7C,b7E

On May 09, 2013, at approximately 1850 hours Border Patrol Agent (BPA), b6,b7C b6,b7C notified Supervisory Border Patrol Agent b6,b7C that an individual had ran the Highway 86 Checkpoint located at mile post 146.5 after being instructed by the primary agent to pull forward into the secondary inspection area. While BPA b6,b7C and BPA b6,b7C were running to the marked Department sedan parked in secondary the silver van that had run the checkpoint pulled over approximately 50 feet east of secondary. BPA b6,b7C and BPA b6,b7C pulled up to the vehicle and began to question the female occupant as to why she refused to go to secondary.

The driver identified as b6,b7C explained that she was afraid of the Border Patrol, that she was alone and did not feel comfortable being in secondary with Border Patrol Agents. She then got on the phone and began making calls to the Department of Public Safety and some tribal members. At this time SBPA b6,b7C told BPA b6,b7C to run the vehicle plate and told BPA b6,b7C to have the K-9 handler come over and inspect the vehicle.

The vehicle plate came back registered to b6,b7C from b6,b7C. The plate returned to a Chevrolet Malibu, b6,b7C was driving silver Dodge Caravan. It was not realized until after b6,b7C was released that the vehicle make and model did not match the registration.

Record checks on b6,b7C indicated that she b6,b7C,b7E b6,b7C,b7E was asked to exit the vehicle so a canine sniff could be performed but b6,b7C refused and reiterated her fear of the Border Patrol. b6,b7C got back on her phone and began to call someone again. BPA b6,b7C told her to get off the phone and to exit the vehicle. b6,b7C ignored BPA b6,b7C. BPA b6,b7C then reached into the vehicle and grabbed the phone from her hand, inadvertently pulling her hair. BPA b6,b7C opened her door and assisted b6,b7C in exiting the vehicle. Upon exiting the vehicle, SBPA b6,b7C retrieved her phone and gave the phone back to b6,b7C. The K9 search was completed with negative results.

Once the record checks and search were completed b6,b7C was released. The entire incident lasted about ten minutes. b6,b7C was visibly agitated and informed SBPA b6,b7C that she would be filing a complaint regarding this incident.

Subject Information:

b6,b7C

DOB: b6,b7C

COB: b6,b7C

Vehicle Information:

Vehicle License Plate: b6,b7C

Make: Dodge

Model: Caravan

This IIR reviewed by Field Operations Supervisor 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: **b6,b7C** Star #: **b6,b7C** 07/10/2013 1415 hrs
(date) (time)

Method Report Received ☒ In person ☐ Phone ☐ Other _____

CITIZEN COMPLAINTANT: *(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): **b6,b7C**

Date/Time of incident: 07/10/2013 approximately 1415 hrs

Location of Incident: Rd/Hwy Arivaca East Checkpoint

Landmark(s) N/A

Description of Incident:

On 07/10/2013, at approximately 1415hrs, Border Patrol Agent (BPA) **b6,b7C** was traveling east on Arivaca Road near MM18 when he encountered a 2003 Jeep (**b6,b7C**). BPA **b6,b7C** followed the Jeep as it traveled east on Arivaca Road towards the checkpoint. BPA **b6,b7C** noticed the Jeep speed up, slow down and pull off towards the shoulder several times. Subsequently, BPA **b6,b7C** requested checks through **b6,b7E**. As both vehicles were stopped on the shoulder, the driver, **b6,b7C** stepped out of her vehicle and walked towards BPA **b6,b7C** vehicle and began to bang on the driver side window. **b6,b7C** was upset and began yelling at BPA **b6,b7C** accusing him of following her. BPA **b6,b7C** managed to calm **b6,b7C** down, however **b6,b7C** requested to speak with a Supervisor.

BPA b6,b7C and b6,b7C drove to the Arivaca East Checkpoint, so that b6,b7C could speak with Supervisory Border Patrol Agent (SBPA) b6,b7C. At the checkpoint, b6,b7C was irate and agitated as she spoke with SBPA b6,b7C. b6,b7C stated she wanted to file a formal complaint against BPA b6,b7C. As SBPA b6,b7C explained the complaint process, b6,b7C called Chief Patrol Agent b6,b7C. b6,b7C spoke with Chief b6,b7C who in turn spoke with SBPA b6,b7C.

b6,b7C departed the checkpoint at 1430 hrs.

Other AGENCIES involved: None

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain) SBPA b6,b7C attempted to explain the complaint process and b6,b7C became more agitated. b6,b7C stated she would be calling the CPA. She was informed she could file the complaint in person.

AFTER ACTION: ☐ NONE ☐ YES (explain) _____

SUBJECT CONTACTED CPA DIRECTLY

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



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** 11/10/2013 14:00
(date) (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: (criminal activity to report)

☒ **OFFICER RELATED COMPLAINT:**

Name of Officer(s): Various Border Patrol Agents

Date/Time of incident: Multiple

Location of Incident: Rd/Hwy

Landmark(s) Arivaca Checkpoint

Description of Incident:

On 11/10/2013 at approximately 1400 hours, I received a call from **b6,b7C**. **b6,b7C** began the conversation by proclaiming his support of the Border Patrol, but that he has an issue with several agents not displaying a name tape when operating the Arivaca Checkpoint. **b6,b7C** feels it is the right of the public to be able to identify agents. His complaint seemed to center around agents who wear the issued external body armor carrier which covers the uniform shirt. **b6,b7C** stated that one time he asked an agent for their name because no name tape was displayed, and the agent refused to provide a name.

b6,b7C was cordial during the entire phone conversation.

b6,b7C requests that he be contacted regarding a follow-up to this concern.

Other AGENCIES involved: None

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain)

I advised **b6,b7C** that his comments & concerns are important, and that the issue will be addressed with the troops.

AFTER ACTION: ☐ NONE ☒ YES (explain)

11/18/13- Called **b6,b7C** and left message to call back to discuss complaint.

11/19/13- **b6,b7C** called and left message on voicemail. I called **b6,b7C** and he was appreciative of the call and the actions taken to correct this deficiency.

Completed by: SBPA **b6,b7C**
(name)

11/19/13
(date)

1037
(time)



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: Autumn Cavins Star #: **b6,b7C** 12/2/2013 11:55 am
(date) (time)

Method Report Received: ☐ In person ☒ Phone ☐ Other

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

Name: **b6,b7C**

Address: **b6,b7C**

Phone: **b6,b7C** cell ☐ NO CONTACT

RELEVANT INFORMATION: *(criminal activity to report)*

☒ **OFFICER RELATED COMPLAINT:**

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

Date/Time of incident: 12/02/2013 at approximately 0930 hrs.

Location of Incident: Rd/Hwy Arivaca Road East Milepost 22
Landmark(s) _

Description of Incident: Allegation of agent being unprofessional in secondary inspection area

☐ **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:

At approximately 1155 AM on 12/02/2013, I received a call from [b6,b7C] stating that at approximately 0930 today he had pulled up to the Arivaca Border Patrol Checkpoint on Arivaca Road MP 22 and been referred to the secondary area. [b6,b7C] [b6,b7C] stated that once in secondary he exited the vehicle, and opened his trunk at the request of the K-9 Agent.

[b6,b7C] stated during the secondary inspection that the dog entered his vehicle, and at that point, he asked the K-9 agent to take his dog out of his vehicle; to which the agent replied for him to shut his mouth and used profanity as well. [b6,b7C] stated that he was quiet from then on until being allowed to leave the secondary area. [b6,b7C] stated that on his way back through the checkpoint to return home at 1100 AM he stopped and asked what the K-9 Agent's name was, to which the K-9 Agent replied, [b6,b7C] without ever turning around and showing his name plate.

[b6,b7C] stated that he wanted to lodge a formal complaint, and stated he could be contacted on his cell phone at [b6,b7C] [b6,b7C] also requested a follow up call back regarding the incident.

Other agencies involved: N/A

IMMEDIATE ACTION TAKEN: ☐ NONE ☒ YES (explain)

I called Border Patrol Agent (BPA) BPA [b6,b7C] who was the assigned K-9 at the Arivaca Checkpoint today. [b6,b7C] heard [b6,b7C], but the K-9 was BPA [b6,b7C] who stated that it was [b6,b7C] who had used extreme profane language towards him after his K-9 partner had entered the vehicle through the driver's side open door, which had been left open by [b6,b7C]. BPA [b6,b7C] stated that when [b6,b7C] had ordered him to take his dog out of the vehicle he had said something back to him to the affect of, "I don't take orders from a [b6,b7C] looking guy". BPA [b6,b7C] stated that he may have used the F word in that reply.

I will serve BPA [b6,b7C] with a 31B, and BPA [b6,b7C] will complete a memorandum regarding the incident. I referred the complaint to [b6,b7C] SBPA [b6,b7C]

AFTER ACTION: ☐ NONE ☐ YES (explain)

I spoke to [b6,b7C] and informed him that his complaint is being investigated. He stated that he travels through the checkpoint frequently and recognizes that the unprofessional behavior displayed by the agent is not indicative of the Border Patrol as a whole, but feels that his viewpoint may be

skewed by the way he was treated. b6,b7C admitted that he yelled at Agent b6,b7C when the service canine entered his vehicle, but stated that he became less combative and deescalated the situation when Agent b6,b7C told him to be quiet. He said that although he did not get the name of the second agent at the checkpoint, he wanted to praise him for the professionalism that he showed during the encounter. b6,b7C stated "I don't know what would have happened if he had not have been there".

I informed b6,b7C that the station leadership expects all agents to remain professional during all contacts with members of the public. He stated that he was pleased to have been given a call regarding the situation. He said that he told fellow community members from Arivaca about his encounter and stated that "if I'm going to bitch then I will also praise". He stated that he would let those same community members know that he lodged a formal complaint and that he received a call from the station to follow up on the situation and how much he appreciated the follow up.

This complaint will be considered resolved unless other developments arise.

Completed by

b6,b7C
(name)

12/10/2013
(date)

1354hrs
(time)



Department of Homeland Security
Bureau of Customs and Border Protection

UNITED STATES BORDER PATROL

Complaint Report Form



b6,b7C,b7E

Report b6,b7C,b7E
Station: Tucson Station

EMPLOYEE: (person taking information)

Name: b6,b7C Star #: b6,b7C 12/08/2013 2:15 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 cell/home ☐ NO CONTACT

RELEVANT INFORMATION: (criminal activity to report)

☐ **OFFICER RELATED COMPLAINT:**

Name of Officer(s):

Date/Time of incident: 12/08/2013 at approximately 2:00 PM

Location of Incident: Rd/Hwy MP 21 Arivaca Road East, Amado

Landmark(s) Arivaca East Checkpoint

Description of Incident:

b6,b7C complained he was extremely upset after travelling through the Arivaca East Checkpoint and observing that the point was closed due to the presence of protesters. He stated that he, as b6,b7C who has suffered from the smuggling and criminal activity associated with b6,b7C is very upset to see the point closed due to a civil protest. He did not understand how a small group of people could force a federal agency into shutting down a checkpoint that is intended to deter the human and narcotics smuggling that originates out of the b6,b7C b6,b7C is asking to be contacted and provided an explanation regarding his complaint.

Other AGENCIES involved: None

IMMEDIATE ACTION TAKEN: ☐ *NONE* ☒ *YES (explain)* I advised **b6,b7C** that shutting the checkpoint down was due in part to ensuring the safety of the civilian protesters, the motoring public and agents in the area. I tried to assure **b6,b7C** that his complaint is being taken seriously and that it would be up-channeled to senior leadership.

AFTER ACTION: ☐ *NONE* ☐ *YES (explain)* _____

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