



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

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May 21, 2015

VIA E-MAIL

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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

b7E

OCT 02 2012



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

MEMORANDUM FOR: Command Staff

**b6, b7C**

FROM:

Chief Patrol Agent

SUBJECT: CBP Directive 5290-018 Ionizing Radiation Safety Program

Attached is a memorandum dated September 19, 2012 from **b6, b7C**, Chief, U.S. Border Patrol, disseminating the implementation of the Ionizing Radiation Safety Program Directive. This directive identifies responsibilities and procedures for ensuring the safe use of ionizing radiation from radioactive materials and radiation emitting equipment by CBP employees. Patrol Agents in Charge and Unit Supervisors are asked to address the attached guidance with their employees. Questions regarding this guidance should be referred to Policy and Compliance Director, **b6, b7C** at **b6, b7C**.

Attachment

b7E

SEP 19 2012



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

MEMORANDUM FOR: All Chief Patrol  
All Division Chief

b6,b7C

FROM:

b6,b7C

Chief  
U.S. Border Patrol

SUBJECT: CBP Ionizing Radiation Safety Program Directive

On August 14, 2012, CBP Directive 5290-018, *Ionizing Radiation Safety Program*, was issued and distributed for immediate implementation. The Ionizing Radiation Safety Program includes but is not limited to the acquisition, purchase, and use or disposal of radioactive materials, as well as the licensing of related radioactive materials and radiation emitting devices and applicable reporting requirements.

Please ensure that all personnel under your command are familiar with and adhere to this directive. Staff may direct questions regarding this memorandum to Associate Chief b6,b7C b6,b7C with the Strategic Planning, Policy and Analysis Division's Policy Branch at b6,b7C.

Attachment



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

**AUG 14 2012**

**MEMORANDUM FOR:** See Distribution

**FROM:** Assistant Commissioner  
Office of Human Resources Management

**SUBJECT:** CBP Ionizing Radiation Safety Program Directive

I am pleased to announce the implementation of the U.S. Customs and Border Protection (CBP) Ionizing Radiation Safety Program Directive, CBP Directive 5290-018.

This directive establishes the CBP Ionizing Radiation Safety Program and identifies responsibilities and procedures for ensuring the safe use of ionizing radiation from radioactive materials and radiation emitting devices by CBP employees while complying with all requirements of the CBP Nuclear Regulatory Commission and Canadian Nuclear Safety Commission radioactive materials licenses.

Please feel free to contact me if you have any questions. If members of your staff have any questions regarding this new directive, they can contact [b6,b7C], Director, Occupational Safety and Health Division, at [b6,b7C].

**b6,b7C**

**Distribution:** All Assistant Commissioners  
Chief, Office of Border Patrol  
Chief Counsel  
Executive Director, Office of Diversity and Civil Rights  
Executive Director, Office of Policy and Planning  
Executive Director, Joint Operations Directorate  
Principal Executive, Office of Strategic Integration  
Director, Office of Trade Relations  
Director, Office of the Executive Secretariat  
Chief of Staff  
Deputy Chief of Staff

Attachment



**FOR OFFICIAL USE ONLY**

**U.S. CUSTOMS AND BORDER PROTECTION DIRECTIVE**

**CBP DIRECTIVE NO. 5290-018**

**DATE: July 26, 2012**

**ORIGINATING OFFICE: HRM/OSH**

**SUPERSEDES:**

**REVIEW DATE: July 2015**

**U.S. Customs and Border Protection  
Ionizing Radiation Safety Program**

**1. PURPOSE.**

1.1 The purpose of this directive is to establish U.S. Customs and Border Protection (CBP) policy and program requirements for the implementation of an Ionizing Radiation Safety Program. This program is designed to ensure the safe use of ionizing radiation from radioactive materials and radiation emitting devices by CBP employees.

**2. POLICY.**

2.1 It is the policy of CBP to ensure that radiation exposures to CBP employees and members of the general public are kept "As Low as is Reasonably Achievable." CBP will comply with all requirements of the U.S. Nuclear Regulatory Commission (NRC) and Canadian Nuclear Safety Commission (CNSC) radioactive materials licenses and abide by all governing regulations using the same standard for X-ray generating systems that do not require a license.

2.2 The maximum allowable exposure to any individual (CBP employee or member of the general public) shall not exceed 50 microrem ( $\mu$ rem) in any hour from CBP Non-Intrusive Inspection (NII) systems. The maximum allowable exposure to any CBP employee in a calendar year from any CBP sources combined shall not exceed 100 millirem (mrem).

**3. AUTHORITIES/REFERENCES.**

3.1 Title 10, Code of Federal Regulations (C.F.R.), parts 19, 20, 30, 31, 32, 33, and 70; 29 C.F.R. § 1910.1096; "Radiation Detection Program Directive," CBP Directive 5290-015A; "Authorities and Responsibilities of the Office of Human Resources Management," CBP Directive 2130-013; "Non-Intrusive Inspection Technology," CBP Directive 3340-036; U.S. Nuclear Regulatory Commission License No. 08-17447-01; and Canadian Nuclear Safety Commission License Nos. 13489-1-11.2 and 13489-2-11.0.

**4. RESPONSIBILITIES.**

4.1 The Assistant Commissioner, Office of Human Resources Management (HRM), is the CBP Designated Safety and Health Official pursuant to CBP Directive 2130-013 and has the

overall responsibility for establishing radiation safety policy and overseeing all aspects of the Ionizing Radiation Safety Program on behalf of the Commissioner. The Assistant Commissioner, HRM, shall appoint a qualified health physicist (HP) in writing to serve as the CBP Radiation Safety Officer (RSO) to act as CBP's responsible authority for all radiation safety issues.

4.2 The Assistant Commissioners, Office of Information Technology (OIT), Office of Field Operations (OFO) and Chief, Office of Border Patrol (OBP), shall ensure that the acquisition, operation, and maintenance of NII equipment are performed in accordance with this directive, and CBP's licenses with the U.S. NRC and the CNSC using the same standard for X-ray generating systems that do not require a license.

4.3 The Assistant Commissioner, Office of Training and Development (OTD) shall ensure that appropriate employee training curricula for the Ionizing Radiation Safety Program are in place and that the training complies with the terms and conditions of CBP's NRC and CNSC licenses, using the same standard for X-ray generating systems that do not require a license.

4.4 The Assistant Commissioners, Office of Air and Marine (OAM), OFO, OIT, OTD, and Chief, OBP, shall ensure that the requirements of this directive are effectively implemented throughout their area of responsibility.

4.5 The HRM, Director, Occupational Safety and Health (OSH) Division, is responsible for establishing CBP occupational safety and health program policy and program requirements including radiation safety, overseeing the CBP radiation safety program, and serving as the Chair of the CBP Radiation Safety Committee (RSC).

4.6 Radiation Safety Committee. The RSC is composed of the CBP RSO, employee representatives, subject matter experts representing CBP management, and persons trained in the safe use of radioactive material and radiation emitting devices. The RSC shall oversee the CBP Radiation Safety Program. The RSC is chaired by the CBP Director, OSH.

4.6.1 The RSC shall review and approve the use of radioactive materials, X-ray generating equipment, and any other technology that produces ionizing radiation, and has the authority to direct the contracting officer to revoke or suspend the procurement or use of such equipment.

4.6.2 The RSC shall establish a charter to define the purpose, composition, responsibilities, and proceedings of the RSC, and the frequency of RSC meetings.

4.7 CBP Radiation Safety Officer. The CBP RSO is the holder of specific radioactive materials licenses who is qualified through training and experience to oversee the use of radioactive material for the purposes requested and to minimize the danger to life and property. The RSO is appointed by the Assistant Commissioner, HRM. The RSO ensures that the possession, use, storage, and maintenance of all radioactive sources, nuclear gauges, and radiation emitting devices are consistent with the limitations identified in the NRC License, CNSC Licenses, the Sealed Source and Device Registrations, Occupational Safety and Health Administration (OSHA) regulations, and manufacturers' recommendations and instructions. The

RSO serves as CBP's liaison to the NRC, OSHA, and Department of Homeland Security (DHS) on all radiation safety issues. The RSO has the authority to require the cessation of any unsafe act or condition involving radioactive materials or radiation emitting devices.

4.8 **Health Physicist.** HPs assigned to the HRM, OSH Division, are stationed in the field to provide radiation safety guidance and support to field offices, sectors, and laboratories under the direction of the RSO. OSH Division HPs conduct initial (baseline) and periodic comprehensive regulatory inspections to ensure compliance of specific license and regulatory requirements. They investigate hazard reports and reported radiation exposures. They also conduct initial and periodic comprehensive radiation surveys of all radiation emitting devices, investigations of exposures, and reporting of hazards.

4.9 **Port Directors and Chief Patrol Agents** shall ensure an environment that allows all requirements of this directive to be effectively implemented throughout their area of responsibility.

4.10 **Primary operators of NII systems** are responsible for the safe use of radiation emitting devices or systems; posting warning signs and boundaries that limit access to controlled areas, controlled zones, and exclusion zones; and performing and documenting all required radiation surveys.

4.11 **Secondary operators of gamma and high-energy X-ray NII systems** are responsible for guiding and controlling flow of vehicles and conveyances through active NII systems and communicating with the primary operator.

4.12 **Source custodians** oversee the safe use and security of radioactive training sources authorized for use by a radioactive materials permit issued by the RSO.

## 5. DEFINITIONS.

5.1 **As Low As is Reasonably Achievable.** Means making every reasonable effort to maintain exposures to radiation as far below the dose limits as is practical consistent with the purpose for which the licensed activity is undertaken, taking into account the state of technology, the economics of improvements in relation to state of technology, the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to licensed materials in the public interest.

5.2 **Buster.** A buster is a portable contraband detector which measures density changes to discover hidden contraband.

5.3 **Canadian Nuclear Safety Commission.** CNSC is the regulatory body in Canada that authorizes the use of licensed material.

5.4 **Check Source.** A check source is radioactive source material that allows the user to determine if an NII device is working correctly.

**5.5 Controlled Area.** The two dimensional space that outlines the operational area of a large-scale NII system, and is to be clearly posted with “Caution-Radiation Area” or “Caution – High Radiation Area” signs to designate the operational area where individuals are generally not permitted (unless operating from inside the NII system itself or driving through an approved system such as the Z-Portal™) when scanning is occurring. The perimeter of the controlled area designates the location beyond which any individual would expect to receive a cumulative dose of less than 50 µrem in any hour.

**5.6 Controlled Zone.** The three-dimensional space that effectively extends the controlled area vertically to consider individuals who may be working above CBP NII systems.

**5.7 Dose or Radiation Dose.** A generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, or total effective dose equivalent. Absorbed dose describes the amount of radiation absorbed by an object or person. The units for absorbed dose are the radiation absorbed dose (rad) and gray (Gy).

**5.8 Exposure.** A measurement that describes the amount of radiation traveling through the air. Many radiation monitors measure exposure. The units for exposure are the roentgen (R) and coulomb/kilogram (C/kg).

**5.9 Gamma Ray Detection System (GaRDS™).** A device that employs a gamma ray source to produce images of tankers, commercial trucks, sea and air containers, and other vehicles.

**5.10 Ionizing Radiation.** Energy in the form of alpha particles, beta particles, neutrons, gamma rays, and X-rays capable of producing ionization.

**5.11 Licensed Material.** A source material, special nuclear material, or byproduct material received, possessed, used, transferred, or disposed of under CBP’s specific license issued by the NRC or the CNSC.

**5.12 Non-Intrusive Inspection.** Technology designed to detect and prevent, among other things, weapons of mass destruction, illicit radioactive materials, firearms, and illicit drugs from entering or exiting the United States. NII equipment includes all large and small scale radiation emitting systems as defined in CBP Directive 3340-036 (NII Technology).

**5.13 Nuclear Regulatory Commission.** NRC is the regulatory body in the United States that authorizes the use of licensed material.

**5.14 Permit.** A document issued by the CBP RSO authorizing specific individuals to utilize licensed material for training of CBP personnel.

**5.15 Personal Radiation Detector (PRD).** A small, self-contained safety device used for detecting illicit radiation.

**5.16 Radiation Dosimeters.** Measures the amount of occupational radiation exposure an individual or environmental area is exposed to in a set period of time.

**5.17 Radiation Isotope Identifier Device (RIID).** A handheld device utilized for locating a radiation source and determining the specific isotope encountered.

**5.18 Radiation Portal Monitor (RPM).** A large fixed system used to detect gamma and neutron radiation.

**5.19 Radiation Safety Officer.** A HP assigned to the HRM OSH Division who has the overall responsibility for the management and oversight of the CBP radiation safety program and who is responsible for ensuring CBP compliance with the requirements of the U.S. NRC and the CNSC.

**5.20 Sealed Source Device Registry (SSDR).** A registration certificate issued by the NRC and Agreement States that contain detailed information on use and safety of sealed sources and devices.

**5.21 Survey Meter.** An auto-ranging pressurized ion chamber used to measure radiation rate and dose from X-ray and gamma sources. The survey meter approved for CBP radiation measurements is the Fluke (Victoreen) model 450 or 451P.

**5.22 Training Source.** A licensed radioactive source used by permitted field locations for the purpose of teaching or training of CBP personnel.

**5.23 Vehicle and Cargo Inspection System (VACIS®).** A device that employs a gamma ray source to produce images of tankers, commercial trucks, sea and air containers, train cars, and other vehicles used to smuggle contraband and other merchandise.

**5.24 Z-Backscatter Van (ZBV™).** A mobile device that employs low energy X-rays to produce images of tankers, commercial trucks, sea and air containers, and other vehicles.

**5.25 Z-Portal™.** A stationary device that employs low energy X-rays to produce images of automobiles and buses.

## **6. PROCEDURES.**

### **6.1 Radioactive Material and Radiation Emitting Devices.**

**6.1.1 Acquisition and Purchase.** The RSO and RSC must provide written approval prior to any acquisition or purchase of any radioactive material or radiation emitting devices. This is necessary to ensure that all material or devices meet regulatory licensing and CBP specific requirements.

**6.1.2 Any solicitation or procurement action for licensed materials must include arrangement for disposal of radioactive material at end of life-cycle or usefulness to CBP and must include**

provisions to demonstrate compliance with financial assurance criteria as specified in 10 C.F.R. § 30.35 (Financial Assurance and Recordkeeping for Decommissioning).

6.1.3 The RSO must be contacted prior to the disposal of any radioactive material or waste.

6.1.4 OIT, Laboratories and Scientific Services (LSS), Teleforensic Center, shall immediately notify the RSO in all cases where specific material(s) may need to be “detained” by CBP pending disposition.

6.1.5 CBP personnel shall not disrupt a package or attempt to gain access to the inner contents of a package suspected to be radioactive. The purpose is to minimize potential for radiation contamination which CBP field personnel are not trained to handle. Any necessary measurements with a RIID can be done outside of the packaging. Radioactive packages that require forensic analysis will only be opened by properly trained and equipped LSS laboratory personnel, and under the direction of the RSO or an OSH Division HP.

6.1.6 There are no prohibitions regarding the use of radiation emitting devices to scan containers or conveyances carrying any cargo or commodities, including livestock, pets, and photographic film.

6.1.7 Intentional use of radiation emitting devices on containers or conveyances known to carry human passengers is prohibited unless the specific system, like the Z-Portal™, has been approved for such use by the RSO and RSC.

## 6.2 Licensing.

6.2.1 CBP shall maintain a license with the NRC that permits use of specific sources of radioactive material for the detection of contraband, smuggled merchandise and hazardous materials, measurement of physical properties, teaching, calibration, and testing throughout the United States.

6.2.2 CBP maintains two licenses with the CNSC that permits use of specific sources for detection of contraband, smuggled merchandise and hazardous materials, and permits use of specific sources for calibration and testing in Canada.

6.2.3 CBP is not required to register X-ray emitting devices with state government offices. If a state government representative contacts a CBP office regarding registering X-ray emitting devices that office should immediately refer the representative to the RSO.

6.2.4 Any changes or deviations from the above licenses must be authorized in writing by the RSO in advance.

6.2.5 Licenses for operations outside of the United States and Canada require approval from the RSC and RSO. When possible, approval for temporary export and import of radioactive materials will be obtained through diplomatic channels.



6.2.6 Individuals requiring a copy of the CBP NRC or CNSC licenses shall contact the RSO. These licenses contain security-related information and are only distributed to officials with an official need to know.

### 6.3 Operations.

6.3.1 Radiation emitting devices may only be used under conditions set forth in the appropriate CBP policies, such as CBP Directive 3340-036 (NII Technology), existing SSDR documents, manufacturer's instructions, specific regulations and commitments in CBP's NRC or Canadian licenses and applicable laws and regulations, such as the OSHA regulations.

6.3.2 CBP employees, under guidance and safety precautions established by OIT's Enforcement Technology Program (ETP), may maintain, repair, or replace device components that are not related to the radiological safety of a device and that do not result in the potential for any portion of an individual's body to come into contact with the primary beam or increased radiation levels in accessible areas.

6.3.3 CBP and ETP personnel are not authorized to maintain, repair, or replace any of the following device components of large scale NII systems: the sealed source; the source holder; source drive mechanism; on-off mechanism (shutter); shutter control; shielding; or any other component related to the radiological safety of the device.

6.3.4 Safety interlocks on any radiation emitting device will not be altered or otherwise disabled without the written authorization of the RSO.

6.3.5 Licensed material shall only be used for detection of contraband and hazardous materials, training of CBP personnel, and calibration and testing of CBP systems. No other use is permitted.

6.3.6 Check sources are to be used only for the purpose of verifying operability of specified equipment (i.e., PRD, RIID).

6.3.7 Permits/Source Handlers. The use of licensed training sources for testing and training exercises requires the issuance of a written permit by the RSO. The RSO will not initiate the issuance of a permit until the CBP NII Office has granted permission and the originating office (OAM, OBP, and OFO) has concurred. Permitted uses are covered in each individual permit and there may not be any deviations from such permitted uses without the written approval of the RSO. The RSO shall appoint a source custodian to oversee the safe use and security of these training sources under the issued permit, and the RSO may designate other source handlers to use sources after they have been listed on the permit. Only after approval from the RSO may a new user begin using training sources without supervision of the official source custodian. Depending on the nature of use of the source, personnel monitoring may be required. When a source custodian plans to leave his or her current assignment, he or she must notify the RSO so that a replacement source custodian can be designated. Only individuals who have been trained by the RSO or designated representative may become the source custodian of record. If no

source custodian is appointed, the permit shall be terminated, sources will be forwarded to the RSO, and the permit will not be reinstated without the concurrence of the RSC.

**6.3.8** Licensed radioactive material or equipment containing licensed material may only be used at CBP ports of entry, temporary and permanent CBP inspection sites within the United States (e.g., Border Patrol checkpoints, events designated as national special security events), select locations in Canada, and other locations as specified in CBP's NRC and CNSC licenses.

**6.3.9** Contractors authorized by contract with CBP may transport and use material or equipment after demonstrating completion of all training requirements and receiving written approval from the RSO.

#### **6.4 Radiation Exposures.**

**6.4.1** The maximum allowable exposure to any individual (CBP or member of the general public) at the controlled area/controlled zone boundary is 50  $\mu$ rem in any hour. The maximum allowable exposure to any employee in a calendar year from all CBP sources combined is 100 mrem.

**6.4.2** If individual(s) are discovered hiding in a vehicle or container during a scan procedure, the scan is to be halted immediately, and the RSO shall be notified as outlined in section 6.7 of this directive.

**6.4.3** Upon notification of an inadvertent or unintended exposure to a member of the public or CBP employee, an OSH Division HP or the RSO shall conduct a dose reconstruction to determine potential exposure to ionization radiation. The RSO will provide notice and report the incident to the NRC, DHS RSO, and CBP RSC, as appropriate.

#### **6.5 Material Security.**

**6.5.1** All check or calibration sources must be locked and secured when not in use, or under direct observation of a trained authorized user, and require a minimum of two layers of security. The source must be physically secured with a locking mechanism or other device that prevents removal, and the storage area must be locked or be located in an access controlled environment.

**6.5.2** When in storage, sources and devices shall be accessible only to authorized CBP personnel (i.e. trained operators or source custodians). The dose rate at any occupied location outside of a radioactive material storage area, room, or enclosure must be less than 2 mR/hr at 30 centimeters. All (gamma) VACIS<sup>®</sup> and GaRDST<sup>™</sup> systems must be locked when in transport or storage, or when not under the direct observation of a trained operator.

**6.5.3** If it is necessary to have service or maintenance performed on a Mobile VACIS<sup>®</sup> system outside of a CBP controlled facility, the user shall contact ETP to have the nuclear gauge (container holding the source of radioactive material) removed by the manufacturer to ensure that it remains in the secure custody of CBP as outlined in section 6.5.1 of this directive. It is not

necessary to remove the source if the length of time needed to complete repair or maintenance offsite permits a trained operator to accompany the device for the entire period of time.

6.5.4 The nuclear gauge (shutter mechanism) must be locked and the outer lockable container secured/stowed to prevent unauthorized or accidental removal of the sealed source from its shielded position when the system is not in use.

6.5.5 Contractors shall adhere to CBP security requirements at all times. All CBP contracts that require contract employees to move or relocate equipment that contains licensed material must include language that requires compliance with CBP security requirements at all times.

## 6.6 Training.

6.6.1 The RSO in coordination with OTD oversees and approves all training required by the radiation safety program. Radiation training requirements are described on the Sharepoint OTD/HRM/mandatory training page.

6.6.2 No CBP employee will use radioactive material or radiation emitting devices without first receiving all prerequisite training from CBP and in some cases the equipment manufacturer. For NII systems, no individual may operate a radiation emitting system before completing training specific for that system.

6.6.3 Only instructors trained by CBP Radiation Safety staff are authorized to provide radiation safety training to CBP personnel.

## 6.7 Reporting Requirements.

6.7.1 Immediate notification of the RSO and the NII Office is required when there is an accidental and/or inadvertent/unintentional scanning of individuals hidden within a conveyance or vehicle or other individuals (including CBP personnel) by CBP radiation emitting equipment other than those devices approved for scanning of vehicles carrying human occupants (Z-Portal™); any loss of licensed radioactive material; any accident involving licensed material or devices where the integrity of a radioactive source or radiation generating device (accelerator) has been jeopardized; shutter/nuclear gauge malfunction on a VACIS® or GaRDS™ system; or damage to a large-scale NII system that results in potential loss of use for greater than 30 days.

6.7.2 The RSO shall be notified at least 30 days prior to removal/replacement of sources or fielding of new sources.

6.7.3 Port Directors and Station Patrol Agents in Charge are required to provide a detailed summary of any incident and related recovery efforts involving lost or damaged sources to the RSO within one week of occurrence. A Board of Survey must also be initiated in accordance with the requirements described in the CBP Personal Property Management Handbook, HB 5200-13B (Nov. 2005).

## 6.8 Inspections.

6.8.1 A comprehensive regulatory compliance inspection shall be conducted for all large-scale NII systems and radioactive material permit holders at least annually by a HP from the OSH Division. Results are documented on CBP Form 500, Safety and Health Inspection Report, including findings, applicable standards, and recommended corrective actions to correct any deficiencies. The inspection report is issued to the management official in charge of the operation. The management official in charge is responsible for correcting all deficiencies, and notifying the OSH Division in writing within 30 days of receipt of the report and of the corrective actions that have been taken to eliminate the deficiencies.

6.8.2 An operability inspection shall be conducted at least annually or more frequently if specified by the SSDR or by the manufacturer's field service engineer to ensure the proper operation of each radiation emitting device. A copy of the annual operability inspection report shall be maintained at the port of entry or station.

6.8.3 A comprehensive regulatory compliance inspection shall be conducted for all small-scale NII systems (i.e. cabinet type X-ray systems) at least bi-annually by a HP from the OSH Division. A copy of the comprehensive regulatory compliance inspection report shall be maintained at the Port of Entry or Station.

## 6.9 Surveys.

6.9.1 Each day that a gamma (VACIS® or GaRDST™) system is used, three separate exposure rate measurements are required to verify the integrity of the source. If the system is only used once a day or over one eight-hour shift, it is recommended that these three measurements take place at the beginning, middle, and end of the operation. If the system is used over a 24-hour period, the primary operator shall ensure that these measurements are taken at the beginning of every shift.

6.9.2 Only a Fluke (Victoreen) 450 or 451P survey meter is approved for conducting required daily surveys. Any deviation from this requirement must be authorized in writing by the RSO.

6.9.3 The RSO or OSH Division HP will conduct a comprehensive survey of newly acquired, refurbished, or relocated large-scale NII equipment during acceptance testing whenever practical. Situational surveys may also be performed during testing of new modalities and other occasions as deemed necessary. In most cases, baseline surveys will verify the safety of systems and will determine or verify the appropriate controlled area and controlled zone for a specific system based on local environmental conditions. This survey is in addition to the initial radiation surveys conducted by the manufacturer.

## 6.10 Calibrations.

6.10.1 All survey meters used for radiation exposure/dose rate measurements must be calibrated at least annually. ETP coordinates calibrations for OFO, OBP, and other offices as necessary.

6.10.2 A survey meter is required to be present for operation of VACIS® and GaRDS™ systems. A replacement survey meter shall be provided to the user prior to the primary meter being removed for calibration or repair.

6.10.3 Pacific Northwest National Laboratories shall coordinate and perform all transportation of sources related to RPM calibrations. CBP field offices and sectors are not authorized to transport any sources related to RPM calibrations.

#### 6.11 Inventory of Radioactive Material.

6.11.1 The RSO shall require a monthly inventory of all training sources and maintain these records.

6.11.2 Office of Administration, Personal Property Management Division, and HRM, OSH Division, shall conduct a physical inventory every six months of all devices that are covered by the CBP NRC and CNSC licenses.

6.11.3 Inventory records shall include the name of the radionuclide, quantity, manufacturer name and model number, storage location, and the date of each inventory.

6.11.4 Inventory records will be reviewed by the RSC.

#### 6.12 Leak Testing.

6.12.1 Sealed sources shall be tested for leakage and/or contamination at intervals not to exceed six months or at intervals specified in the SSDR. Sealed sources installed in NII systems are leak tested by the manufacturer's factory service personnel and results are reported to the RSO through ETP. For sources controlled under permits or utilized by LSS, leak tests are analyzed by OSH Division HPs.

6.12.2 VACIS® sources shall be tested every 12 months by the manufacturer's factory service personnel. All other sources (including GaRDS systems) shall be tested every six months with the exception of alpha-sources which will be performed every three months as described in section 6.12.1 above under the direction of the RSO and OSH Division HPs.

6.12.3 Leak tests must be capable of detecting the presence of 0.005 µCi (microcuries, 185 becquerels) of radioactive material. Copies of all leak-test results shall be forwarded to the RSO at the end of each month when performed and will be maintained by the RSO. Sources in storage that are not being used are not required to be leak tested; however, they must be leak tested upon removal from storage.

#### 6.13 Transporting radioactive material.

6.13.1 Transporting radioactive material shall be done in accordance with 10 C.F.R. pt. 71 (Packaging and Transportation of Radioactive Material) and in 49 C.F.R. pts. 107, 171 through 180, and 390 through 397, appropriate to the mode of transport.

6.13.2 Only individuals who have completed Radiation Awareness and Radiation Safety Training or Source Handler Training and are current on required annual Radiation Safety Refresher or Hazardous Material Refresher Training are authorized to package, ship, or transport any radioactive material.

6.13.3 Transporting a Mobile VACIS® on public roadways requires that a signed and dated Shippers Declaration of Dangerous Goods be kept in the truck cab within reach of a properly trained driver while operating the vehicle.

6.13.4 Operators of Mobile NII systems with a gross vehicle weight rating exceeding 26,000 pounds will be required to possess a valid commercial driver's license when driving vehicles on public roadways.

6.13.5 CBP field office and sector personnel are not authorized to transport any sources related to RPM calibrations as described in section 6.10.3.

#### 6.14 Dosimetry.

6.14.1 Dosimeters shall be used when CBP fields new large-scale equipment modalities not previously operated by CBP to confirm that existing radiation fields are below CBP imposed standards.

6.14.2 Environmental or personnel dosimeters will be utilized for at least the first six months a new modality large-scale system is operational in the field. Actual environmental locations and possible need for personnel dosimeters will be determined by the RSO or OSH Division HPs.

6.14.3 Situational use to demonstrate radiation exposures to areas or personnel during unusual circumstances will be at the discretion of the RSO or OSH Division HPs.

6.14.4 Dosimetry records are maintained by the OSH Division for CBP personnel receiving dosimeters. An exposure summary will be provided annually to any individual exceeding 100 mrem in a calendar year or upon request.

6.15 Records required to be maintained by field users.



6.15.1 All users of radioactive materials and radiation emitting devices are required to maintain the following radiation safety-related records in an accessible location as long as the material or devices are in the user's custody:

<b>Record type</b>	<b>Frequency of report</b>	<b>Retention</b>	<b>Type</b>
Radiation Safety Inspection	Annual	Three years	Paper report
Radiation Safety Equipment Survey	Initial	Equipment lifespan	Paper report
Radiation Safety Equipment Survey	Annual/source or tube maintenance	One year	Paper report
Leak Test	Annual/source change	Five years	Paper report
Maintenance Records X-ray	Any records pertaining to X-ray tube or imaging system	Equipment lifespan	Paper report in chronological order
Maintenance Records of Radioactive Sources	Any records pertaining to source or imaging system	Equipment lifespan	Paper report in chronological order
Maintenance or Movement Records of Radioactive Sources	Whenever mobile system is taken on public roadways; if source is removed, record source storage site	Equipment lifespan	Paper report in chronological order
Source Handler Source Inventory	Monthly	Source lifetime	Paper report in chronological order
Source Handler Check-out Log	Daily or as used	Source lifetime	Paper report in chronological order
Source Handler Permit	Initial and renewal every two years	Source lifetime	Electronic or paper copy
Dosimeter Reports	Monthly/Quarterly	Indefinite	Paper report for file/inspection

## **7. MEASUREMENT.**

7.1 The RSC shall review and approve the use of radioactive materials, X-ray generating equipment, and any other technology that produces ionizing or non-ionizing radiation, and ensure compliance with licensed activities.

7.2 An independent audit of the CBP Radiation Safety Program will be conducted by an external subject matter expert annually. The results of this audit will be shared with the RSC and the final report will be maintained on file in the HRM, OSH Division office, and the DHS Office of Safety and Environmental Programs.

**8. NO PRIVATE RIGHT CREATED.**

8.1 This directive is an internal document of U.S. Customs and Border Protection. It is not intended to create or confer any rights, privileges, benefits, or cause of action on any person or entity.

**b6,b7C**

Assistant Commissioner  
Office of Human Resources Management

b6,b7C

---

From: b6,b7C  
Sent: Tuesday, January 29, 2013 10:26 AM  
To: b6,b7C  
Cc: b6,b7C  
Subject: TCA Sector Radiation Detection Program Directive  
Attachments: Tucson Sector Radiation Detection Program Directive - .pdf

Good Morning,

Please find the attached directive that outlines procedures specific to TCA in accordance with the attached U.S. Customs and Border Protection (CBP) directive 5290-015A. 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

JAN 29 2013



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

MEMORANDUM FOR: Command Staff  
Patrol Agents in Charge  
Unit Supervisors

FROM:

**b6, b7C**

Acting Chief Patrol Agent

SUBJECT: Tucson Sector Radiation Detection Program Directive

This directive outlines the Tucson Sector (TCA) Radiation Detection Program in accordance with the attached U.S. Customs and Border Protection (CBP) directive 5290-015A, and supersedes the TCA directive dated March 13, 2009. This Directive outlines procedures specific to TCA.

In addition to ensuring that agents are aware of the existing policy and directives in accordance with radiation detection, a number of additional measures are being taken to ensure that all CBP Radiation Detection Program protocols and directives are being consistently and perpetually implemented, including:

- Stations are responsible for ensuring implementation and compliance with both the TCA and national directives. Stations must confirm that the **b7E** Radiation Safety Refresher training (**b7E** Code **b7E**), has been completed;
- CBP and TCA Radiation Detection Program Directives and policies shall be posted or made readily accessible at each station and designated checkpoints;
- **b7E**  
**b7E**

In accordance with CBP Directive 520-015A, agents are to be reminded of the following:

- **b7E**  
**b7E**  
**b7E**

## Tucson Sector Radiation Detection Program Directive

### Page 2

- Agents will notify a supervisor of all radiation alerts in accordance with procedures outlined in CBP Directive 5290-015A, to include Sections 6.2.2.1.3 and 6.2.2.3.
- PRD batteries will be replaced as necessary.

In addition to this directive, Checkpoint Compliance Evaluations will be completed by TCA at each checkpoint as necessary to identify both deficiencies and best practices. Stations are encouraged to conduct internal evaluations of their Radiation Detection Program, utilization of the attached PRD Operational Checklist, and PRD Operational Log is recommended to ensure accountability and compliance.

Questions may be directed to TCA Policy and Compliance Director, [b6,b7C], at [b6,b7C].

### Attachments

## PRD Checklist

b7E





## PRD Operational Log\*

[illegible]

By signing, I acknowledge that I have read and understand the procedures outlined on the PRD Operational Checklist.

\*Maintain log for 30 days after last entry on this form.

## **CUSTOMS AND BORDER PROTECTION DIRECTIVE**

**CBP DIRECTIVE NO. 5290-015A**

**DATE: March 25, 2011**

**ORIGINATING OFFICE: OIOC:IMOC**

**SUPERSEDES: 5290-015, 12/24/03**

**REVIEW DATE: March 2014**

### **SUBJECT: U.S. CUSTOMS AND BORDER PROTECTION RADIATION DETECTION PROGRAM DIRECTIVE**

**1 PURPOSE.** To provide guidance for the U.S. Customs and Border Protection (CBP) Radiation Detection Program, which is designed to detect and prevent illicit radioactive materials from entering the United States or from being moved away from the border areas within the United States.

### **2 POLICY.**

**2.1** It is the policy of CBP to thwart the operations of terrorist organizations by detecting, disrupting, and preventing the cross-border travel of terrorists, terrorist funding, and terrorist implements, including Weapons of Mass Destruction (WMD) and their precursors.

**2.2** This Directive sets forth the policy for the Radiation Detection Program. Additional local procedures may be issued to augment the procedures contained within; however, local procedures may not be inconsistent with or detract from the instructions contained in this Directive. The Assistant Commissioner of the Office of Field Operations; the Chief of the Office of Border Patrol; or the Assistant Commissioner of the Office of CBP Air and Marine or their designated appointee, must approve all local procedures for their respective organizations.

**2.3** No officers or agents will operate radiation detection equipment prior to completing Office of Training and Development (OTD) approved training.

**2.4** b7E

b7E

b7E

b7E

**2.5** All CBP officers/agents who have been issued a PRD are required to carry it while performing the activities b7E and ensure that it is activated, b7E

b7E

**2.6** b7E

b7E

the immediate exportation of the contaminated articles directly back to the manufacturer and country of origin is the most desirable outcome. Situations that involve seizure associated with radiation detection shall be

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CBP00001534

conducted according to the terms of this directive. In the event, a seizure is required, seizure will be conducted based on probable cause **b7E**

### 3 DEFINITIONS.

#### 3.1 For the purpose of this document:

3.1.1 "Officer/Agent" will refer to CBP personnel who utilize radiation detection equipment while performing inspections at Ports of Entry, Border Patrol (BP) operations and the maritime environment, including CBP officers, Border Patrol agents, Air & Marine interdiction agents, agriculture specialists, and Laboratories and Scientific Services (LSS) personnel.

3.1.2 "Primary" is defined as the initial point of contact with a person, conveyance, or shipment.

3.1.3 "Secondary" is designated as an area where further examination may be conducted.

3.1.4 "Alert/Alarm" is the occasion at which radiation detection *is first* perceived to exceed normal levels.

3.1.5 "Locate" is the process of finding a radiation source by searching or examining.

3.1.6 "Identification" is the process of finding the origin, nature, or elemental isotopes of a radiation source.

3.1.7 "Radiation Detection Program" includes the policies and procedures outlined in this Directive.

#### 3.2 Radiation detection equipment relevant to this Directive includes:

**b7E**

4 **AUTHORITY / REFERENCES.** 6 U.S.C. 111, 203, 211, 212; Reorganization Plan Modification for the Department of Homeland Security, H.R. Doc. No. 108-32 (2003); 8 U.S.C. 1357 (powers of immigration officers/agents and employees); 18 USC 831 (unlawful transactions in radioactive material); 18 U.S.C. 2332a (use of WMD); 18 U.S.C. 2322b

(governing certain acts of terrorism); 18 USC 2332d (financial transactions involving countries that support terrorism); 18 U.S.C. 2332f (governing certain bombings); 18 U.S.C. 2332g (governing missile systems designed to destroy aircraft); 18 U.S.C. 2332h (governing radiological dispersal devices); 19 U.S.C. 482, 1401, 1461, 1496, 1499, 1581, 1582 (customs examination of persons, merchandise, baggage and conveyances); National Security Presidential Directive 41; Homeland Security Presidential Directive 13; Delegation from the Secretary of the Treasury to the Secretary of Homeland Security, Treasury Department Order No. 100-16, 68 Fed. Reg. 28322, 51868-70 (2003), codified 19 CFR Part 0 App.; 19 CFR 148.82(e); Delegation from the Secretary of Homeland Security to the Commissioner of U.S. Customs and Border Protection, No. 7010.1.3; Land Border Inspectional Safety Policy, Customs Directive No. 5290-007A; Commissioner's Situation Room Reporting, CBP Directive No. 3340-025C; Responding to Potential Terrorists Seeking Entry into the United States, Customs and Border Protection Directive No. 3340-021B.

## **5 RESPONSIBILITIES.**

**5.1** The Commissioner has overall responsibility for establishing policy and overseeing all aspects of the Radiation Detection Program.

**5.2** The Assistant Commissioner of the Office of Intelligence and Operations Coordination is responsible for ensuring the policy and protocols are developed and reviewed within the Radiation Detection Program and this Directive is provided and adhered to by all relevant CBP Offices.

**5.2.1** The Director of Office of Incident Management and Operations Coordination (IMOC), is responsible for coordinating the Radiation Detection Program and promoting cooperation among the relevant CBP Offices.

**5.3** The Assistant Commissioner of the Office of Field Operations (OFO) will ensure that this Directive is provided and adhered to by all Field Operations Offices.

**5.3.1** Within OFO, the Directors of Field Operations are responsible for the implementation of this Directive at all Ports of Entry.

**5.3.2** CBP officers will be responsible for resolving all alarms from radiation detection equipment at Ports of Entry and working with LSS to determine whether the radiation source that has been detected is legitimate or illicit.

**5.4** The Chief of the Office of Border Patrol (OBP) will ensure that this Directive is provided and adhered to by all Sectors.

**5.4.1** Within OBP, the Chief Patrol Agents are responsible for the implementation of this Directive during Border Patrol operations.

5.4.2 Border Patrol agents will be responsible for resolving, to the extent of their legal authority to do so, alarms from radiation detection equipment within their control during Border Patrol operations.

5.5 The Assistant Commissioner of the Office of Air & Marine (CBP A&M) will ensure that this Directive is provided and adhered to by all aviation and marine branches and units.

5.5.1 Within CBP A&M, the Directors of Air Operations, and Directors of Marine Operations are responsible for the implementation of this Directive at all Ports of Entry.

5.5.2 CBP A&M agents will be responsible for resolving, to the extent of their legal authority to do so, all alarms from radiation detection equipment and determining whether the radiation source that has been detected is legitimate or illicit.

5.6 The Assistant Commissioner of the Office of Training and Development (OTD) will ensure that training curricula for the Radiation Detection Program are in place.

5.6.1 Within OTD, the Academies are responsible for training new CBP personnel in the proper use of radiation detection equipment. OTD is also responsible for the review of all radiation training materials, the development of new radiation-related training, coordination/delivery of attrition and refresher training, and auditing of radiation training. The OTD will coordinate with all offices referenced in this Directive to ensure relevancy and accuracy of the training. Any legal portions of any such training will be subject to review, and approval, by the Office of the Chief Counsel.

5.7 The Assistant Commissioner of the Office of Information and Technology (OIT) will provide computer support, data maintenance, and all related scientific and technical support associated with the Radiation Detection Program.

5.7.1 b7E

b7E

5.7.2 b7E

b7E

b7E

5.7.3 b7E

b7E

5.7.4 Within OIT, the Executive Director of LSS, will ensure that field personnel are provided with guidance and technical assistance to resolve radiation detection alerts. LSS will also coordinate additional response assets if elevated response capabilities are deemed necessary. LSS will provide OTD approved training related to technical training requirements.

## **6 PROCEDURES.**

### **6.1 OPERATING PROCEDURES**

6.1.1 Radiation detection equipment will be operated in accordance with the manufacturers' operating manual and established CBP training procedures.

6.1.2 b7E

b7E

b7E



6.1.4 All operational offices conducting radiation detection activities within this Directive will develop additional protocols to encompass any operationally specific enforcement measures performed within their offices that are not covered within this Directive. These additional protocols will not contradict this Directive. The Assistant Commissioner of the Office of Field Operations, the Chief of the Office of Border Patrol or the Assistant Commissioner of the A&M or their designated appointee, must approve all changes to local protocols for their respective organizations and coordinate additional protocols with all other affected CBP offices.

6.2 RESPONSE PROCEDURES - GENERAL

6.2.1 Ports of Entry:

b7E

6.2.2 Between the Ports of Entry Operations:

b7E

b7E



b7E



b7E

6.3 RESPONSE PROCEDURES - NEUTRON ALARM

b7E

b7E



b7E

6.4 RESPONSE PROCEDURES - GAMMA ALARM

b7E

b7E

A large black rectangular redaction box covers the majority of the upper half of the page. The text 'b7E' is printed in white at the top left corner of this box.

6.5 RESPONSE PROCEDURES - LSS TECHNICAL RESPONSE PROTOCOL

b7E

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b7E



6.6 RESPONSE PROCEDURES – SPECIFIC EVENTS

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b7E



6.7 RESPONSE PROCEDURES – EVENT DOCUMENTATION

b7E





b7E

6.8 RESPONSE PROCEDURES – EQUIPMENT FAILURE



b7E

7 **NO PRIVATE RIGHTS CREATED.** This document is an internal policy statement of CBP and does not create or confer any rights, privileges, or benefits for any person or party.

8 **ATTACHMENTS.**

8.1 Appendix 1: Radioactive Material Technical Advice Questionnaire

8.2 Appendix 2: Common Innocent Radiation Sources



b6,b7C

Commissioner  
U.S. Customs and Border Protection

**APPENDIX 1  
RADIOACTIVE MATERIAL TECHNICAL ADVICE  
QUESTIONNAIRE**

Location:Port/Station Code:\_\_\_\_\_ Date:\_\_\_\_\_ Time:\_\_\_\_\_

Reporting Officer/Agent:\_\_\_\_\_ Phone:\_\_\_\_\_

Fax: \_\_\_\_\_

**b7E**



**APPENDIX 1**  
**(cont.)****Passenger Information:**

Medical Treatment (if known): \_\_\_\_\_

Date of Treatment: \_\_\_\_\_ Medical Isotope Used (if known): \_\_\_\_\_

**Cargo Information:**

Entry #: \_\_\_\_\_ Container #: \_\_\_\_\_

Manifested Commodity: \_\_\_\_\_

Manifest or Placarding Information: \_\_\_\_\_

Shipper Name and Address: \_\_\_\_\_

\_\_\_\_\_

Consignee Name and Address: \_\_\_\_\_

**b7E**

**APPENDIX 2  
COMMON INNOCENT RADIATION SOURCES  
AND MAJOR ISOTOPES OF CONCERN**

**b7E**





## TCA Policy and Compliance Division Routing and Approval Sheet

**TOPIC:** TCA Radiation Detection Program Directive

**DATE:** 01/11/13

**SME Initiating Document**

SBPA b6,b7C

**Title and Duty Location:**

Policy Branch

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

Reiteration of Radiation Detection Program Directive

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

CBP Directive 5290-015A

**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:** b6,b7C

**Date:** 01/11/13

**Reviewed for:**

**Yes/No**

**Yes/No**

Spelling

Yes

Punctuation

Yes

Grammar

Yes

Proper Format

Yes

**Comments:**

**2) Office Assistant Chief Counsel**

**Attorney Reviewing Documents:**

**Approve/Disapprove:**

**Date:**

N/A

Approve

**Comments:**

**3) TCA Labor Employee Relations (if necessary)**

**LER Representative:**

**Union Notification (Yes/No)**

**Date:**

N/A

MM/DD/YY

**Comments:**

**COMMENTS:**

No changes in working conditions; TCA Directive cover to CBP Directive

b6,b7C

---

**From:** b6,b7C  
**Sent:** Friday, January 11, 2013 2:08 PM  
**To:** b6,b7C  
**Cc:** b6,b7C  
**Subject:** TCA Radiation Detection Program Directive  
**Attachments:** 2012 Tucson Sector Radiation Detection Program Revised Final Draft v2 CLEAN.doc; CBP Directive 5290-015A.pdf; PRD Checklist for binder.pdf; PRD Operational Log.pdf; PCD Routing Slip.pdf

The attached Directive is ready for routing, together with the attachments. Please also put the PCD routing slip on the left-hand side of the file. Please also put in the comments section:

“TCA updated Radiation Detection Program Directive incorporating CBP Directive #5290-015A, superseding the previous TCA Directive implemented on March 13, 2009.”

Thank you.

# Tucson Sector Headquarters Routing and Transmittal Slip

<b>SUBJECT:</b> Tucson Sector Radiation Detection Program Directive			Log:	23461
			File No.:	50/8
			Date:	1/11/2013
ROUTED TO:	INITIAL	DATE	COMMENT	
1 BC <span style="background-color: black; color: white;">b6,b7C</span>	b6,b7C			
2 Dir <span style="background-color: black; color: white;">b6,b7C</span>		1/11/13		
3 DC <span style="background-color: black; color: white;">b6,b7C</span>		01/18/13	GOOD.	
4 XO <span style="background-color: black; color: white;">b6,b7C</span>		1-20		
5 (A)DC <span style="background-color: black; color: white;">b6,b7C</span>		1' 23		
6 DC <span style="background-color: black; color: white;">b6,b7C</span>		01/25/13		
7 (A)DCPA <span style="background-color: black; color: white;">b6,b7C</span>				
8 (A)DCPA <span style="background-color: black; color: white;">b6,b7C</span>		1/28/13		
9 (A)CPA <span style="background-color: black; color: white;">b6,b7C</span>		1/28/13		
10				
<b>IMPORTANT COMMENTS</b>				
TCA updated Radiation Detection Program Directive incorporating CBP Directive #5290-015A, superseding the previous TCA Directive implemented on march 13, 2009.				
File Path: <span style="background-color: black; color: white;">b7E</span>				
Routed By: <span style="background-color: black; color: white;">b6,b7C</span>			Contact Number: <span style="background-color: black; color: white;">b6,b7C</span>	



b6,b7C

**From:** b6,b7C  
**Sent:** Monday, August 19, 2013 12:29 PM  
**To:** b6,b7C  
b6,b7C  
b6,b7C  
**Subject:** FW: Checkpoint Authority Card and Videos  
**Attachments:** QRcard. 8.5x11.pub

All  
Please take a look at the attached and forward feedback to me by COB tomorrow.  
DO NOT FORWARD –  
Thanks

b6,b7C  
Deputy Patrol Agent In Charge  
Casa Grande Station  
b6,b7C extension b6,b7C  
b6,b7C

---

**From:** b6,b7C  
**Sent:** Friday, August 16, 2013 10:56 AM  
**To:** b6,b7C  
**Cc:** b6,b7C  
**Subject:** Checkpoint Authority Card and Videos

Good Morning, All.

Please see attached Checkpoint Authority Cards/Posters and accompanying videos that were presented at the Battle Rhythm meeting, earlier this week. We ran out of time and did not get to show the video of the several scenarios that the Communications Division created (in close collaboration with the Training Division & Office of Chief Counsel). Once finalized it will be available for you to use as additional training for your agents.

We are sending these materials out to Sector Staff and Station Leadership for review and comment. **Please do not release or use any of the materials until they have been finalized.** After we collect the comments and make any necessary revisions, we will roll out the final product for you to show at musters. In addition, we requested that Office of Chief Counsel b6,b7C be available to attend musters, if you desire, to address any additional questions.

Please provide **Branch Chief** b6,b7C with feedback by **COB: Wednesday, August 21, 2013.**

VIDEO LINK: b7E

Thank you for your assistance.

b6,b7C

Assistant Chief Patrol Agent  
Communications Division  
Tucson Sector

b6,b7C Desk  
b6,b7C BB

**CONFIDENTIALITY:** This email and attachments are intended for the above name only and are confidential. If you are not the intended addressee, or the person responsible for delivering it to the intended addressee, you may neither copy, disseminate, nor distribute it to anyone else or use it in any unauthorized manner. Doing so is strictly prohibited and may be unlawful. If you receive this email by mistake, please advise the sender immediately by using the reply function in your mail software and delete it from your computer.



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

**DATE:** August 17, 2010

**FILE:** **b5,b6,b7C,b7E**

**MEMORANDUM FOR:** Assistant Chief Patrol Agent  
Tucson Sector

**FROM:** Assistant Chief Counsel  
Tucson

**SUBJECT:** **b5,b7E**

ATTORNEY WORK PRODUCT/PRIVILEGED COMMUNICATION – CIRCULATION RESTRICTED

THIS DOCUMENT CONTAINS ATTORNEY WORK PRODUCT AND/OR PRIVILEGED ATTORNEY/CLIENT COMMUNICATIONS. IT IS THEREFORE NOT AVAILABLE FOR RELEASE, DISCLOSURE, OR USE OUTSIDE OF CBP WITHOUT THE EXPRESS PRIOR APPROVAL OF THE COMMISSIONER OF CBP AND THE OFFICE OF THE CHIEF COUNSEL. **b6,b7C**

**b5,b7E**

U.S. Department of Homeland Security  
4742 North Oracle Road, Suite 111  
Tucson, AZ 85705



U.S. Customs and  
Border Protection

DATE: February 11, 2010

FILE: b5,b6,b7C,b7E

MEMORANDUM FOR:

DCPA b6,b7C  
Tucson Sector

FROM:

Assistant Chief Counsel  
Tucson, Arizona

SUBJECT:

b5,b7E

*ATTORNEY WORK PRODUCT/PRIVILEGED COMMUNICATION - CIRCULATION RESTRICTED*

THIS DOCUMENT CONTAINS ATTORNEY WORK PRODUCT AND/OR PRIVILEGED ATTORNEY-CLIENT COMMUNICATIONS. IT IS THEREFORE NOT AVAILABLE FOR RELEASE, DISCLOSURE, OR USE OUTSIDE OF CBP WITHOUT THE EXPRESS PRIOR APPROVAL OF THE COMMISSIONER OF CBP AND THE OFFICE OF THE CHIEF COUNSEL b6,b7C

b5,b7E

**b7E**

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



U.S. Customs and  
Border Protection

JUL 09 2008

MEMORANDUM FOR: All Chief Patrol Agents  
All Division Chiefs

FROM:

**b6,b7C**

Chief  
U.S. Border Patrol

SUBJECT:

Memorandum of Understanding between the United States  
Customs and Border Protection and United States Postal Inspection  
Service

Attached is a Memorandum of Understanding (MOU) between the United States Customs and Border Protection (CBP) and the United States Postal Inspection Service (USPIS). The purpose of this MOU is to establish a protocol for the inspection of vehicles lawfully transporting domestic United States mail by the United States Border Patrol (USBP) during the course of its border protection function, as well as the handling of United States Mail which, during this inspection process, USBP personnel reasonably believe contain narcotics.

Chief Patrol Agents are responsible for ensuring that all Border Patrol agents under their supervision are aware of and comply with this memorandum and attached MOU.

Staff may direct questions to Associate Chief **b6,b7C** at **b6,b7C** or Assistant Chief **b6,b7C** at **b6,b7C**

Attachment





# UNITED STATES BORDER PATROL

## Complaint Report Form



Department of Homeland Security  
Bureau of Customs and Border Protection

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

**EMPLOYEE:** *(person taking information)*

Name: **b6,b7C** Star # **b6,b7C** 2/6/2012 4:30 pm  
(date) (time)

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

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

Name: **b6,b7C** \_\_\_\_\_

Address: \_\_\_\_\_

Phone: **b6,b7C** \_\_\_\_\_ ☐ NO CONTACT

**RELEVANT INFORMATION:** *(criminal activity to report)*

☒ **OFFICER RELATED COMPLAINT:**

Name of Officer(s): Unknown

Date/Time of incident: 2/6/2012 12:30 p.m.

Location of Incident: Rd/Hwy SR 83 north of Sonoita, AZ

Landmark(s) **b7E**

On 2/6/2012, at approximately 4:30 p.m., I received a call from a **b6,b7C**. **b6,b7C** stated that while driving down to Patagonia from Tucson, a black sedan was following her. When **b6,b7C** pulled off the road to call her husband, the vehicle passed her and also pulled off the road. Once **b6,b7C** proceeded to drive, she passed the vehicle and it also pulled out again to follow her. She said this happened more than once. Once she was near the Checkpoint on State Route 83, she pulled in and told the agents what was going on. The black vehicle turned around and came through the Checkpoint. **b6,b7C** did not get any names of the agents working at the Checkpoint, but said she was told that they (the agents) knew and worked with the driver of the black vehicle. **b6,b7C** felt content at the time and continued to her friends. As she drove north to Tucson, she spoke with BPA **b6,b7C** at the Checkpoint who advised she could call and discuss this with a supervisor.

**b6,b7C** complaint is she fears someone may have called in her license plate and now has her address, etc. with no reason or cause. She also feels that if this was an agent, they may

**b7E**

have received her information for the wrong reasons and illegally. b6,b7C asked if I could find out if anyone ran her plates earlier and gave me her license plate number (b6,b7C).

After ending my conversation with b6,b7C per her request, I called Tucson Radio in order to find out if anyone ran her plates within the past 4 hours. I was advised that information would not be available if no traffic stop had been initiated.

---

☐ **STATION RELATED COMPLAINT:**

Number of Officers Involved: \_\_\_\_\_ Date/Time of incident: \_\_\_\_/\_\_\_\_/08 \_\_\_\_\_ am/pm

Location of Incident: Rd/Hwy \_\_\_\_\_ Milepost \_\_\_\_\_ Community \_\_\_\_\_

Landmark(s) \_\_\_\_\_

Description of Incident: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

Other AGENCIES involved: \_\_\_\_\_

---

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

Per the caller's request, I called Dispatch in Tucson and asked if someone ran the license plate within the past five hours. Dispatch advised they would only have that information if the vehicle was pulled over. I spoke with BPA b6,b7C who said he was the agent working at the Checkpoint that spoke with b6,b7C. BPA b6,b7C said the agent in the black vehicle was BPA b6,b7C who gave b6,b7C's license plate number to BPA b6,b7C for further action if needed. BPA b6,b7C advised no one ran the plate that he was aware of. I called b6,b7C back and advised her of the situation (I did not give her BPA b6,b7C's name). She was happy the situation was followed up on, and only asks that someone higher up the Chain of Command call her back so she knows the report was filed.

---

**AFTER ACTION:** ☐ NONE ☐ YES (explain) \_\_\_\_\_

---

Completed by: \_\_\_\_\_ (name) \_\_\_\_\_ (date) \_\_\_\_\_ (time)

---

b7E



Department of Homeland Security  
Bureau of Customs and Border Protection

# UNITED STATES BORDER PATROL

## Complaint Report Form



Report # **b6,b7C,b7E**  
Station: Sonoita.

**EMPLOYEE:** *(person taking information)*

Name: **b6,b7C** Star # **b6,b7C** 01/07/2011 9:30 pm  
(date) (time)

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

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

Name: **b6,b7C**

Address: Not provided

Phone: Not provided ☐ NO CONTACT

**RELEVANT INFORMATION:** *(criminal activity to report)*

☒ **OFFICER RELATED COMPLAINT:**

Name of Officer(s):

**b6,b7C**

Date/Time of incident: 01/07/2011 9:00p.m.

Location of Incident: Rd/Hwy SR 82 SR 83 Intersection

Landmark(s) **b7E**

On January 7, 2011 at approximately 9:30 p.m., I responded with SBPA **b6,b7C** to BPA **b6,b7C** who requested a Supervisor to respond for a citizen's complaint. I responded to the intersection of SR 82 and SR 83 and interviewed the citizen identified as **b6,b7C** stated that the Agent who pulled him over had no reason to do so and lied to him by telling him that his vehicle had been used for smuggling previously. He also stated that the Agent shined a flashlight in his eyes. I explained to **b6,b7C** that records indicated that his vehicle had been previously used for smuggling and that the Agents had articulated to me that they had sufficient suspicion to perform the vehicle stop. I also explained that the Agent using a flashlight was for officer safety. **b6,b7C** said that he felt that the Agent was lying. I told **b6,b7C** that the Agents were not

**b7E**



lying and he stated that "Of course they are, I'm a **b6,b7C** Officer and we lie all of the time!"

I advised **b6,b7C** that he could file a formal complaint if he would like and he agreed to do so.

---

☐ **STATION RELATED COMPLAINT:**

Number of Officers Involved: \_\_\_\_\_ Date/Time of incident: \_\_\_\_/\_\_\_\_/10 \_\_\_\_\_ am/pm

Location of Incident: Rd/Hwy \_\_\_\_\_ Milepost \_\_\_\_\_ Community \_\_\_\_\_

Landmark(s) \_\_\_\_\_

Description of Incident: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

---

Other AGENCIES involved: \_\_\_\_\_

---

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

BPA **b6,b7C** (initial contact) and BPA **b6,b7C** (backup) wrote memos detailing the incident.

---

**AFTER ACTION:** ☐ NONE ☐ YES (explain) \_\_\_\_\_

Completed by:

SBPA **b6,b7C** \_\_\_\_\_ 01/07/2011 \_\_\_\_\_ 10:15 p.m.

**b7E**



# UNITED STATES BORDER PATROL

## Tucson Sector Citizen Comment Form



*This form is provided so you may make the Tucson Sector aware of any comments, concerns or complaints. The information requested in this form will help us to facilitate a response to your questions or comments. Your comments will help us gauge how we are doing and how we might better serve you in the future. Thank you for taking the time to complete this form.*

**REPORTING CITIZEN:** (Please include your information. ALL names and information are treated as confidential)

Name: **b6,b7C**

Address: \_\_\_\_\_

Phone: **b6,b7C** ☐ WISH TO REMAIN ANONYMOUS

**RELEVANT INFORMATION:** (Please include all pertinent information – leave sections blank that do not apply.)

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

Date/Time of incident: 10/12/2011 2:50 PM am/pm

Location of Incident: Rd/Hwy Hwy. 92 Milepost \_\_\_\_\_ Community **b6,b7C** AZ

Landmark(s) **b6,b7C** Parking Lot

**SYNOPSIS:** (Narrative description of event, attach additional sheets if necessary)

**b6,b7C** was pulled over because her **b7E** information returned back with **b7E**  
**b7E** Upon request to search (which was denied by **b6,b7C**), the agents informed her they were going to call a K9 unit. The agents returned to their vehicle. When the agents went to their vehicle, **b6,b7C** left the scene of the stop. The agents followed her **b6,b7C,b7E**  
pulled over into the parking lot of **b6,b7C**. Agents removed **b6,b7C** from her vehicle and called for a supervisor and Bisbee Police Department. K9 Agent, SBPAs, BPD arrived on scene. Upon investigation of the vehicle (yielding no contraband), **b6,b7C** was released.

**AFTER ACTION:** ☐ NONE ☒ YES (explain) **b6,b7C** is alleging the agents never informed her why they were pulling her over. Upon speaking with both agents they said they told her it was an immigration inspection. I asked them if they asked her about her immigration status. They said **b6,b7C** told them she was **b6,b7C**. I then asked after she had fulfilled the

immigration inspection why was she still detained and was any reason communicated to b6,b7C

b6,b7C To which, they said they did not tell her any more information regarding the reason for the  
stop or the inquiry to search. b6,b7C says that she was requesting to speak to a supervisor,  
but she never spoke with one. I asked both agents about b6,b7C request. They responded  
by saying that they called for a supervisor. When I further inquired about "calling a supervisor" I  
asked if they told the supervisor about b6,b7C request, to which they had no response. I told  
them that they should have ensured 1.) the agents should have informed the supervisor if  
someone was requesting to speak to a supervisor, 2.) the agents should ensure that the  
supervisor responding on scene makes contact with the requesting party.

---

Completed by: b6,b7C 10/13/11 1800  
(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: Willcox

**EMPLOYEE:** *(person taking information)*

Name: **b6,b7C** Star #: **b6,b7C** 05/06/2012 2:30 PM  
(date) (time)

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

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

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

**RELEVANT INFORMATION:** *(criminal activity to report)*

☒ **OFFICER RELATED COMPLAINT:**

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

Date/Time of incident: 05/06/2012 1400 pm

Location of Incident: SEE ABOVE Milepost \_\_\_\_\_ Community **b6,b7C** AZ  
Landmark(s) \_\_\_\_\_

Description of Incident:

On May 6, 2012, BPA **b6,b7C** and **b6,b7C** pulled over a vehicle registered to **b6,b7C** **b6,b7C** at the residence of **b6,b7C** at approximately 1400. The son **b6,b7C** called to state that the two border patrol agents were racial profiling his father **b6,b7C**, and that they followed his father for approximately 15 miles, but did not stop the vehicle until he pulled into the property. The complaint is that the agents should not have their M4's on their person on their private property and that they were trespassing along with the racial profiling.

- Over -

CBP00001566



☐ **STATION RELATED COMPLAINT:**

Number of Officers Involved: \_\_\_\_\_ Date/Time of incident: \_\_\_\_\_ pm

Location of Incident: Milepost \_\_\_\_\_ Community \_\_\_\_\_

Landmark(s) \_\_\_\_\_

Description of Incident: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other AGENCIES involved: None.

**IMMEDIATE ACTION TAKEN:** ☐ *NONE* ☒ *YES (explain)* Memorandums requested from  
all Agents involved. b6,b7C requested to speak to my supervisor AFOS b6,b7C

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AFTER ACTION:** ☐ *NONE* ☒ *YES (explain)* \_\_\_\_\_

I explained memos will be requested from the above mentioned agents..

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Completed by: \_\_\_\_\_

**b6,b7C**

(name)

5/6/2012

(date)

1440

(time)

b7E

200 S Rex Allen Jr Dr  
Willcox, Arizona 85643



U.S. Customs and  
Border Protection

May 9, 2012

MEMORANDUM FOR:

b6,b7C

Chief Patrol Agent  
Tucson Sector

FROM:

b6,b7C

Patrol Agent In Charge  
Willcox Station

b6,b7C

SUBJECT:

Citizen Complaint from b6,b7C

On 5/6/12, SBPA b6,b7C took Complaint # b6,b7C,b7E from an b6,b7C b6,b7C stated that Agents b6,b7C and b6,b7C had stopped his father on b6,b7C's property at b6,b7C b6,b7C alleged that the Border Patrol did not have the authority to pull his father over, that we were inept, and that we were racially profiling. He also complained about BPA b6,b7C having his M-4 weapon out.

On 5/7/9, at approximately 0900, I received a telephone call from b6,b7C reiterated the above complaint. He stated that the Agents followed his father, b6,b7C and his child from b6,b7C. He stated that the Agents were trespassing on his property. He also complained about an Agent having the M-4 displayed. He further stated that he did not want any Border Patrol Agents on his property, and that he owned property on both sides of the road. During this conversation b6,b7C was agitated and difficult to converse with. He would repeatedly try to talk over my responses. I advised him that I would get the facts of the stop, and that I would follow up with him on the complaint.

On 5/8/12, I received the attached memorandums from BPAs b6,b7C and b6,b7C. The memorandums and addendum articulate their reasonable suspicion of illegal alienage to substantiate the vehicle stop. It should be noted that b6,b7C is near b6,b7C AZ. b7E

b7E

b7E

b7E

b7E

The Agents stated that the vehicle was a 1998 grey Volvo station wagon bearing b6,b7C license plates. They stated that the vehicle was also traveling at approximately 60 mph which was an excessive rate of speed for that road. They initiated the traffic stop by turning on their overhead lights on b6,b7C. The vehicle traveled approximately another 1/4 mile before it turned into the drive at b6,b7C. The Agents stated that they were initially concerned that the vehicle was failing to yield.

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

Page 2

Agent **b6,b7C** made contact with the driver, **b6,b7C** and Agent **b6,b7C** took backup position with his Service M-4. **b6,b7C** made contact with the Agents during the stop. **b6,b7C** was very confrontational with the Agents, cursing at them, demanding that they leave the property and at one point touching Agent **b6,b7C**'s hand. Agent **b6,b7C** stated that **b6,b7C** was gesturing with his hands while talking, and not trying to assault him. The Agents determined that there was no illegal activity involved and completed their traffic stop. They left the scene.

On 5/9/12, at approximately 0930, I received a second call from **b6,b7C**. I explained that the Agents developed Reasonable Suspicion to make the stop. I explained what Reasonable Suspicion of illegal alienage was. He asked what the articulable facts were. I explained some of the basics such as **b7E**, vehicle style, vehicle speed, and driver actions. **b6,b7C** was not satisfied. He stated that he wanted a list of all of the facts, and requested a copy of the report. I referred him to Tucson Sector, ACPA **b6,b7C** and briefly explained the FOIA request.

I told **b6,b7C** that the driver continued to drive after the Agents turned on their overhead lights to initiate the stop. I told him that this heightens Agents concerns for officer safety, and that was one of the reasons that BPA **b6,b7C** had his M-4. He was again not satisfied with the explanation.

I explained our Service Mission. **b6,b7C** stated that he does not agree with or support our mission, and he requested to speak with my immediate supervisor. I advised him that my Supervisor was (A) DC **b6,b7C** provided the complaint number, and the **b6,b7C** number. That ended the conversation.

On 5/9/12, at 1345, I received a call from the driver, **b6,b7C**. He reiterated the same complaint again. He stated that Agent **b6,b7C** told him they were looking for a red vehicle when he asked why they stopped him. He also stated that we had no right to be on his private property. I went over the same above facts that I discussed with **b6,b7C**. He stated that he was detained for about thirty minutes. He did mention possible lawyer involvement. He stated that he was going to call **b6,b7C**.

Agent **b6,b7C** did tell them that they were looking for a grey vehicle. They were detained for about thirty minutes while running record checks. This was clarified by both Agents in their addendum memorandums.

- Attachments:
1. Citizen Complaint # **b6,b7C,b7E**
  2. Memorandum from SBPA **b6,b7C**
  3. Article 31B and Memorandum from BPA **b6,b7C**
  4. Memorandum-Addendum from BPA **b6,b7C**
  5. Article 31B and Memorandum from BPA **b6,b7C**
  6. Memorandum-Addendum from BPA **b6,b7C**



b7E

May 7, 2012



200 Rex Allen Road  
Tucson, Arizona 85643

U.S. Customs and  
Border Protection

MEMORANDUM FOR:

b6,b7C

Patrol Agent In Charge  
Willcox Station

FROM:

b6,b7C

Supervisory Border Patrol Agent  
Willcox Station

b6,b7C

SUBJECT:

Citizen Complaint

On May 6, 2012, at approximately 1430, I received a phone call from b6,b7C reference a complaint he had against BPA b6,b7C and b6,b7C (Complaint log# b6,b7C,b7E). b6,b7C was extremely upset and rude as he indicated we did not have the authority to pull over his father as he pulled into their property at b6,b7C. He also stated several times we, (the Border Patrol) were inept at our job, we racially profiled individuals to include his father, and that BPA b6,b7C resembled a 'Nazi'. During the conversation, he refused to acknowledge any questions I posed as I was attempting to gather his statements or clarify the situation. b6,b7C continued to state he did not like the idea that both agents were armed with their M4 rifles. I attempted several times to calm b6,b7C down and possibly explain the agent's actions, but could not get a word in to him. At one point, he repeatedly asked for my work schedule and I refused to answer, explaining this was not relevant to the case at hand. I also spoke with b6,b7C (father). I explained to him that several actions on the agent's were within policy, but he refused to acknowledge that they were racially profiling him. The complaint was logged out under b6,b7C,b7E and a copy given to the respective supervisors



b7E

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

May 06, 2012



U.S. Customs and  
Border Protection

MEMORANDUM FOR:

b6,b7C  
Patrol Agent in Charge  
Willcox Station

FROM:

b6,b7C  
Border Patrol Agent  
Willcox Station

b6,b7C

SUBJECT: Officer Related Complaint

On May 6, 2012, I, Border Patrol Agent (BPA) b6,b7C and BPA b6,b7C were observing traffic b7E in a marked Border Patrol vehicle (b6,b7C,b7E). I noticed a gray Volvo station wagon pass our location with a b6,b7C state license plate. The vehicle had a storage unit fixed on top of the roof, and a young child sitting in the rear cargo area of the vehicle facing the rear window. b7E

b7E  
As I attempted to close in on the vehicle to read its license plate, I noticed the vehicle was travelling at a high rate of speed. It should be noted that Cascabel Rd. is a winding road with numerous blind spots. I requested a vehicle registration check through Tucson Sector Dispatch b7E, then initiated a vehicle stop at approximately b6,b7C. The vehicle did not decrease its speed until it turned into the entrance of b6,b7C near the intersection of b6,b7C.

The driver of the vehicle, later identified as b6,b7C, stepped out of his vehicle and moved towards the driver's side door of my vehicle. b6,b7C stated that we were not allowed to be on private property and for BPA b6,b7C to remove his rifle. I stated that I understood his concern, however, we were doing our jobs. b6,b7C stated that he came from b6,b7C to drop off his son, who was sitting in the rear of the vehicle, and that we were on his son's property. I asked for b6,b7C's driver license and requested a want/warrant and criminal history check through b7E. While we waited for the driver's license check to return, a male individual came out of the house on the property, began to yell profanities, and demanded that we leave his property while making various gestures at BPA b6,b7C and myself. I attempted to speak to the individual and explain our presence, however, the individual continued to yell profanities and demanded that we leave his property. I decided to explain to b6,b7C that we were currently waiting for his record checks to return and was interrupted numerous times by the individual. I again attempted to establish a dialogue with the male individual. The individual

b6,b7C

CBP00001571

MEMORANDUM FOR:  
SUBJECT:

b6,b7C  
Officer Related Complaint

Page 2

continued to yell profanities and repeatedly jabbed his left index finger towards me. The individual hit my right hand with his left index finger which caused him to become apologetic. He then moved to BPA b6,b7C and continued to yell profanities.

As I was attempting to hear b7E transmission, I was continuously interrupted by the male individual's yelling. This resulted in several attempts to verify b6,b7C's records. The male individual wrote down our names and demanded to speak with our supervisor. I wrote down the phone number to the Willcox Border Patrol Station and informed b6,b7C that he was free to go. I shook b6,b7C's hand and attempted to shake the male individual's hand which resulted in more insults. The male individual ordered b6,b7C to take photographs and videos of us. The male individual also took out his mobile phone then came into close proximity of our vehicle, which prevented me from closing the driver's side door. I was unable to make a U-turn due to the male individual's interference and reversed out of the premises.

**b7E**

May 06, 2012



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

U.S. Customs and  
Border Protection

MEMORANDUM FOR:

**b6,b7C**

Border Patrol Agent  
Willcox, Arizona

**b6,b7C**

FROM:

**b6,b7C**

Field Operations Supervisor  
Willcox, 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**

Employee's Signature

5/6/2012  
Date



b7E

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

May 09, 2012



U.S. Customs and  
Border Protection

MEMORANDUM FOR:

b6,b7C  
Patrol Agent in Charge  
Willcox Station

FROM:

b6,b7C b6,b7C  
Border Patrol Agent  
Willcox Station

SUBJECT:

Addendum to Memorandum Regarding Officer Related Complaint

On May 6, 2012, I, Border Patrol Agent (BPA) b6,b7C, and BPA b6,b7C were observing traffic b7E in a marked Border Patrol vehicle b6,b7C,b7E. At approximately 1:30 P.M., I noticed a gray Volvo station wagon pass our location with a b6,b7C state license plate. b7E

b7E The driver of the vehicle, later identified as b6,b7C looked directly ahead and did not acknowledge us. b7E

b7E The vehicle had a storage unit fixed on top of the roof, and a young child sitting in the rear cargo area of the vehicle facing the rear window. The child seemed to have been sitting on top of something; however, I could not see a child seat. The child did not acknowledge us and was expressionless. b7E

b7E As I attempted to close in on the vehicle to read its license plate, I noticed the vehicle was travelling at a high rate of speed. In an effort to close in on the vehicle I had reached speeds of approximately 60 MPH and engaged my brakes heavily in order to make the turns. b7E

b7E It should be noted that Cascabel Rd. is a winding road with numerous blind spots.

Once I caught up to the vehicle, I requested a vehicle registration check through Tucson Sector Dispatch b7E The check returned to a b6,b7C vehicle registration. b7E

b7E I also noticed that the child remained expressionless and did not acknowledge us. Based on my observations, I suspected that b6,b7C was engaged in smuggling and initiated a vehicle stop at approximately b6,b7C The vehicle did not decrease its speed

b6,b7C

CBP00001574

MEMORANDUM FOR:  
SUBJECT:

b6,b7C

Page 2

Addendum to Memorandum Regarding Officer Related Complaint

or yield until it turned into the entrance of b6,b7C near the intersection of b6,b7C b6,b7C

b6,b7C stepped out of his vehicle and moved towards the driver's side door of my vehicle. I identified myself as a Border Patrol Agent. b6,b7C stated that we were not allowed to be on private property and for BPA b6,b7C to remove his rifle. I stated that I understood his concern, however, we were doing our jobs. b6,b7C stated that he came from b6,b7C to drop off his son, who was sitting in the rear of the vehicle, and that we were on his son's property. Due to b6,b7C's behavior leading up to the vehicle stop, I asked for b6,b7C's driver license and requested a want/warrant and criminal history check through b7E in order to determine if b6,b7C had any prior deportations or criminal history. While we waited for the driver's license check to return, a male individual came out of the house on the property, began to yell profanities, and demanded that we leave his property while making various gestures at BPA b6,b7C and myself. I attempted to speak to the individual and explain our presence, however, the individual continued to yell profanities and demanded that we leave his property. I decided to explain to b6,b7C that we were currently waiting for his record checks to return and was interrupted numerous times by the other individual. I again attempted to establish a dialogue with the male individual. The individual continued to yell profanities and repeatedly jabbed his left index finger towards me. The individual hit my right hand with his left index finger which caused him to become apologetic. He then moved to BPA b6,b7C and continued to yell profanities.

As I was attempting to hear b7E transmission, I was continuously interrupted by the male individual's yelling. After several attempts to verify b6,b7C's records, I was finally able to verify that b6,b7C did not have prior deportations or smuggling related crimes. This satisfied my investigation of b6,b7C's immigration status and criminal history. The male individual wrote down our names and demanded to speak with our supervisor. I wrote down the phone number to the Willcox Border Patrol Station and informed b6,b7C that he was free to go. I shook b6,b7C's hand and attempted to shake the male individual's hand which resulted in more insults. The male individual ordered b6,b7C to take photographs and videos of us. The male individual also took out his mobile phone then came into close proximity of our vehicle, which prevented me from closing the driver's side door. I was unable to make a U-turn due to the male individual's interference and reversed out of the premises. The vehicle stop lasted approximately 30-40 minutes due to continuous interruptions from and aggressive nature of the male individual.



b6,b7C

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



U.S. Customs and  
Border Protection

b7E

May 07, 2012

MEMORANDUM FOR:

b6,b7C

Patrol Agent in Charge  
Willcox, Arizona

FROM:

b6,b7C

Border Patrol Agent  
Willcox, Arizona

SUBJECT:

Officer Related Complaint

On May 6, 2012, Border Patrol Agent b6,b7C and I were conducting traffic operations b7E b7E We observed a gray Volvo station wagon with one male driver and a male child in the very back facing backwards. The vehicle had a b6,b7C license plate. Agent b6,b7C and I decided to get a closer look at the vehicle. We started to follow the vehicle at b6,b7C but we were unable to initiate a stop until b6,b7C due to the speed that the vehicle was traveling. When we activated our emergency equipment lights, the vehicle did not slow down until it pulled into the driveway of b6,b7C where it stopped. The subject immediately got out of his vehicle, walked up to our vehicle, stated that we were on private property, and that we were not allowed to be there. He also stated that I was not allowed to have my Service issued rifle on the property. I did not respond to the subject. Agent b6,b7C requested the driver's license and requested a record check through dispatch of the driver. The driver was later identified as b6,b7C. While we waited for the checks to come back, an individual from inside of the house came outside and walked up to our vehicle yelling profanities, telling us "I bet you all are some country hick mother fuckers," and "Get the fuck off of my property! No one wants you here!" We were unable to hear the radio and BPA b6,b7C calmly told the individuals that we were trying to do our job, that we could not hear our radio because they were yelling at us, and that we would leave as soon as we were done. The individuals continued to yell profanities at us while we were communicating with dispatch. The owner of the house told the driver to record us and take pictures. They began to appear to take pictures of us with their cell phones. Dispatch, after having to repeat their transmissions a few times, responded and said that the driver had a criminal history, but no history of smuggling of humans or contraband. BPA b6,b7C wrote down the number to the Border Patrol Station and told the driver that he could get in touch with our supervisor at this number. We thanked the individuals for their time and the owner of the house told us, "Fuck you! Get off of my property!" We then left.

b6,b7C

b6,b7C

b7E

May 06, 2012

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



U.S. Customs and  
Border Protection

MEMORANDUM FOR:

b6,b7C

Border Patrol Agent  
Willcox, Arizona

b6,b7C

FROM:

b6,b7C

Field Operations Supervisor  
Willcox, 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

Employee's Signature

05/07/2012

Date

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



U.S. Customs and  
Border Protection

b7E

May 09, 2012

MEMORANDUM FOR:

b6,b7C

Patrol Agent in Charge  
Willcox, Arizona

FROM:

b6,b7C

Border Patrol Agent  
Willcox, Arizona

SUBJECT:

Addendum to Memorandum Regarding Officer Related Complaint

On May 6, 2012, Border Patrol Agent b6,b7C and I were conducting traffic operations b7E  
b7E Cascabel Road spans from Interstate 10 in Benson to State  
Route 77 near San Manuel and State Route 77 to Interstate 10 where a vehicle can travel to  
Phoenix or Tucson. b7E

b7E  
b7E The drivers of most of the vehicles that passed our location that day turned  
towards us to acknowledge us and wave at us. At approximately 1:30 P.M. we observed a Gray  
Volvo station wagon with b6,b7C license plates pass our location. b7E

b7E  
b7E We saw an  
adult male driver, but he did not acknowledge us and he continued looking straight ahead.

b7E  
b7E In the cargo area we saw a young child facing directly towards the  
rear window of the vehicle. The child appeared to be sitting higher than usual, as if on top of  
something, however, I did not see straps for a child seat. b7E

b7E  
b7E  
b7E The child also appeared motionless and expressionless and did not  
seem to acknowledge us.

We attempted to get a closer look at the vehicle, but the vehicle was traveling at a very high rate  
of speed. Cascabel is a winding road and the maximum speed limit is 45 miles per hour. In an  
effort to catch up to the vehicle I noticed that our vehicle was swaying from side to side on the  
turns. b7E

b7E As soon as we got close  
enough to the vehicle to read its license plate we requested vehicle registration checks on the  
vehicle from Tucson Sector Dispatch. The registration checks came back to b6,b7C

b6,b7C

CBP00001578



MEMORANDUM FOR:  
SUBJECT:

b6,b7C

Page 2

Addendum to Memorandum Regarding Officer Related Complaint

b6,b7C out of b6,b7C b7E

b7E

b7E

As soon as dispatch responded with the results of the vehicle registration checks we initiated our emergency equipment lights, at approximately b6,b7C in an effort to pull the vehicle over. The vehicle, however, did not decrease its speed or yield, and continued driving for approximately another quarter of a mile before it turned into the driveway of b6,b7C b6,b7C. When the vehicle finally came to a stop we initiated a traffic stop.

The subject immediately got out of his vehicle and walked towards the driver's side of our vehicle. I identified myself as a Border Patrol Agent. The driver then stated that we were on private property, and that we were not allowed to be there. He also stated that I was not allowed to have my Service issued rifle on the property. I did not respond back to the subject. Agent b6,b7C requested the driver's license and requested a record check through Tucson Sector Dispatch of the driver. While we waited for the checks to come back, an individual from inside of the house came outside and walked up to our vehicle yelling profanities, telling us, "I bet you all are some country hick Midwest mother fuckers!" and "Get the fuck off of my property! No one wants you here!" We were unable to hear the radio and BPA b6,b7C calmly told the individuals that we were trying to do our job, that we could not hear our radio because they were yelling at us, and that we would leave as soon as we were done. The individuals continued to yell profanities at us while we were communicating with dispatch. The owner of the house told the driver to record us and take pictures. They then began to take pictures of us with their cell phones.

Due to the yelling and profanity of the subjects, we were unable to hear the radio and therefore the traffic stop was extended to approximately a total of 30 to 40 minutes. Dispatch, after having to repeat their transmissions a few times, responded and said that the driver was identified as b6,b7C and had a criminal history, but no history of smuggling of humans or contraband. This satisfied our investigation of immigration status and our suspicion of illegal alien and narcotic smuggling. We then terminated the traffic stop. BPA b6,b7C wrote down the number to the Border Patrol Station and told the driver that he could get in touch with our supervisor at this number. We thanked the individuals for their time and the owner of the house told us, "Fuck you! Get off of my property!" We then left.

b6,b7C

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



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

November 8, 2012

MEMORANDUM FOR: b6,b7C  
Acting Chief Patrol Agent  
U.S. Border Patrol

FROM: b6,b7C  
Border Patrol Agent  
Willcox Station

SUBJECT: Highway 80 Checkpoint Complaint

On November 8, 2012, I was performing canine duties at the U.S. Border Patrol State Route 80 Checkpoint near Tombstone, Arizona. At approximately 1930 hours while working the preprimary inspection area, a white full sized sedan approached my location. As the vehicle passed by, service canine b6,b7C, alerted to an odor b7E. At this time I notified the primary Agent to divert the vehicle to the secondary inspection area.

Once in the secondary inspection area, the single occupant was asked to exit the vehicle. I noticed that the driver was upset. I informed the driver that she had been referred to secondary because my service canine alerted to her vehicle. She stated "your dogs are stupid because they always do that, but you guys never find anything". She also stated that she had been sent to secondary at least five times for the same reason. I explained to her that my service canine is trained to detect the odors of narcotics. I asked the driver, if she minded if I searched her vehicle, she said "go ahead". I searched the vehicle and the source b7E could not be located.

I informed the driver that I was done searching the vehicle. I then asked her if I could suggest something. She opened her cell phone held it up in my direction and nodded her head indicating yes, she was still upset. I stated to her "you told me that multiple service dogs have alerted to your vehicle, I would suggest shampooing the interior of the vehicle. At this point I could hear people yelling, as the driver had put her parents on speaker phone. I identified myself as the canine handler that had referred their daughter to secondary. The driver's mother stated that we (Border Patrol Agents) are always harassing her daughter and accused us of racial profiling. During this conversation she stated that her husband is a retired b6,b7C Sheriff's deputy that had been a canine handler in the past. She also stated that she has been through our checkpoint and has seen our service canine's alert to other vehicles and we did nothing about it. At some point the driver's father (later identified as b6,b7C) entered the conversation and said that he called the Department of Public Safety (DPS) because I was intimidating and

Memorandum for Acting Chief Patrol Agent b6,b7C

Page 2

Subject: Highway 80 Checkpoint Complaint

harassing his daughter and that I would be arrested for kidnapping. He concluded the conversation by stating that I was in big trouble and he would be filing a lawsuit. I stated to the driver "have a good night" and she drove off. The whole encounter lasted between 5 to 10 minutes.

b6,b7C

**From:** b6,b7C  
**Sent:** Tuesday, January 21, 2014 12:36 PM  
**To:** b6,b7C  
**Cc:** b6,b7C  
**Subject:** RFI: Noncompliant Motorist (SIR b7E  
**Attachments:** Noncompliant Motorist (SIR b7E).pdf

Sir,

Here is the SIR you requested.

V/r,

Joint Field Command - Arizona  
Joint Intelligence & Operations Center

b6,b7C

-----Original Message-----

**From:** b6,b7C  
**Sent:** Friday, December 06, 2013 11:59 PM  
**To:** b6,b7C  
**Cc:** b6,b7C  
**Subject:** Noncompliant Motorist (SIR b7E

**EXECUTIVE SUMMARY:** Willcox Station Border Patrol Agents (BPA) encountered a noncompliant motorist at the State Route 80 (SR 80) Checkpoint near Tombstone, AZ. The adult male b6,b7C became argumentative and refused to follow instructions by a BPA. A search of the vehicle yielded negative results. b6,b7C was subsequently released without any further incident. No injuries were reported.

**NARRATIVE:** On December 6, 2013, at approximately 1625 hours (MST), Willcox Station BPAs at the SR 80 Checkpoint near Tombstone, AZ referred a 1994 White Chevrolet sedan to secondary for inspection. The driver, later identified as an adult male b6,b7C, became argumentative, refusing to follow instructions to drive his vehicle to the secondary inspection area. The driver eventually complied and drove his vehicle to the secondary inspection area.

In secondary, the driver was asked by a BPA if there were weapons in the vehicle, and he abruptly reached for the glove-box compartment. After a brief struggle, the BPAs removed the driver from the vehicle and handcuffed him.

A search of the vehicle yielded negative results.

The driver was released with his vehicle without further incident.

b7E

The driver is the registered owner of the vehicle.

No injuries were reported.

All appropriate notification and documentation were completed.

**BORDER PATROL  
REPORT OF APPREHENSION OR SEIZURE**

FDIN:

<b>Office or Agency</b> CHIEF PATROL AGENT CBP - BORDER PATROL (CBPBP) TUCSON SECTOR HEADQUARTERS 2430 SOUTH SWAN ROAD TUCSON, AZ	<b>File CASE No:</b> WCX1412000013
	<b>Sector TCA/WCX</b>
	<b>Date 12/06/2013</b>

Patrol Agents **b6,b7C** WILLCOX of the WILLCOX station  
☐ assisted the \_\_\_\_\_ (Agency) \_\_\_\_\_ (City and State)

in the apprehension and seizure of the following:

☐ apprehended/interviewed:

<b>Name (Surname in CAPS)</b> <b>b6,b7C</b>	<b>First</b>	<b>Middle</b>	<b>Date and Place of Birth</b> <b>b6,b7C</b>
<b>Address of person apprehended/interviewed</b>			<b>Nationality</b> UNITED STATES

☐ and seized/recovered:

**VESSEL, VEHICLE OR AIRCRAFT**

Description (Year, Make Model, Color)	Motor or Serial No.	Registry or License No.	Value (Est.)

**CONTRABAND, MERCHANDISE OR OTHER**

Quantity	Description	Value (Est.)

<b>Place of Apprehension or Seizure</b> TOMBSTONE, AZ 80 CHECKPOINT	<b>Date and Hour</b> 12/06/2013 1630	<b>Offense</b>
--	---	----------------

**NARRATIVE:** (Include Circumstances of apprehension and seizure and facts to which apprehending officers can testify.)

**INCIDENT COORDINATES:**

**b7E**

...(CONTINUED ON I-831)

**b6,b7C**

Signature of Reporting Officer

Received above persons and items:

<b>Details regarding "HOLD" placed</b>
--

\_\_\_\_\_  
Signature and Title  
CBP - BORDER PATROL (CBPBP)  
Office or Agency

\_\_\_\_\_  
Date



Alien's Name b6,b7C	File Number Event No: WCX1412000013	Date 12/06/2013
ARRESTING AGENTS: b6,b7C of the WILLCOX station		
ASSISTING ASSETS: b7E		
Narrative Title: Report of Apprehension or Seizure 12/06/2013		
<p>On today's date I was assigned to work at the State Route 80 Immigration Checkpoint as a Border Patrol Agent Detection Canine Handler. At approximately 4:25 pm I was inside the Checkpoint office when I heard Border Patrol Agent b6,b7C call for me. Agent b6,b7C stated he believed b7E at primary and advised me b7E.</p> <p>b7E Approximately sixty seconds later he again called for me to sniff a vehicle in primary that he thought may be smuggling concealed persons or narcotics. When I stepped out of the office I observed a white four door sedan displaying b6,b7C plates b6,b7C stopped at primary. I could hear some kind of an argument going on between the driver and Agent b6,b7C. I retrieved canine b6,b7C from his service kennel then began a sniff around the vehicle as the driver continued to argue and yell at Agent b6,b7C. Once I finished the sniff I signaled to Agent b6,b7C that I did not have canine alert. Listening to the argument at primary I could tell the driver was very upset as he yelled about Supreme Court case law. I noticed vehicles were beginning to back up on the highway because of this driver. I explained to the driver that the primary agent was giving him an order to move his vehicle to secondary for further immigration inspection. I asked him if he was refusing to move his vehicle to secondary and he replied "no". I then asked him to move his vehicle. The driver began to drive to the secondary inspection lane from the primary lane.</p> <p>As I walked over to the driver, I observed a Vietnam Veteran sticker on the driver's side rear bumper b7E. The driver seemed old enough to be a Veteran from the Vietnam War. This sticker also made me remember that persons in Arizona are allowed to carry concealed firearms and how often we encounter people carrying concealed pistols. I was concerned that the driver was probably armed as I approached the driver's side rear door. Considering the fact that I had just witnessed the driver screaming at Agent b6,b7C in primary, I was concerned for my safety and very aware of the driver's actions.</p>		
Signature b6,b7C	Title BORDER PATROL AGENT	

Alien's Name b6,b7C	File Number Event No:WCX1412000013	Date 12/06/2013
<p>I spoke to the driver through his window which was rolled down and asked how he was doing. He did not reply to me. He glanced back at me as he continued to smoke his cigarette and blow smoke out the window in my direction. I stood behind the B pillar of his driver door. I asked if he had a gun in the vehicle and he turned his head then simply stared at me. I could see his cheeks were quivering and his fingers were trembling. I could tell by his continued stare and silence that he was extremely angry. I asked several more times if he had a gun in the vehicle but he refused to answer me. Instead he shouted "Why do you want to know that!" and "I don't have to answer that!" I explained to the driver that I ask these types of questions to people at the Checkpoint for my safety to help reduce the chances of being shot during an encounter. The driver then made a quick movement with his right hand toward the passenger side seat. I immediately grabbed his left hand and tried to pull him away from the passenger seat while shouting "show me your hands". We struggled for a few seconds as he pulled his arm back into the vehicle away from me. Once he stopped struggling, he turned in his seat and thrust his right hand toward my face as I moved further behind the B pillar. I could see he had a black iPhone in his right hand. He held it up to my face as if to intimidate me with his phone. I told him not to move and he began laughing. I had just been asking him about a gun seconds before he reached for the passenger seat. I was under the impression this person was more than likely mentally unstable, dangerous and possibly suicidal. At this point I noticed Border Patrol Agent b6,b7C nearby as I was holding on to the drivers left arm. I told Agent b6,b7C that I thought the driver may have a gun and asked him to help me get him away from the vehicle. As we were struggling to remove the driver from the locked car he decided to let off the brake and the car began to roll away. I yelled at him to put it in park and he laughed. I was in between Agent b6,b7C on my right and canine b6,b7C on my left. I was holding the drivers left arm out the window and had the dog leash wrapped around my thumb also in my left hand. I was quickly side stepping to my left trying to keep up with the car as it rolled forward. I felt trapped in my position and became concerned that Agent b6,b7C or b6,b7C was going to be run over by the vehicle as it rolled away. The driver was smiling as I was telling him to put the vehicle in park. I used my right hand to grab the Taser from my duty belt and pointed it directly at the driver's center mass. I could see the red laser from the Taser aimed near the driver's abdomen. I again gave him one last command to put the car in park as I pointed the Taser at him. The driver slapped the Taser away using his right hand and complied by putting the car in park. The car jolted to a stop. I reached into the driver's door and found the lock. I unlocked the door and opened it. Agent b6,b7C reached in and unbuckled the driver then pulled him out. As the driver came out I stepped back and pulled canine b6,b7C away from the scene. Once I stepped back I noticed Supervisory Border Patrol Agent b6,b7C and Border Patrol Agent b6,b7C nearby ready to assist.</p> <p>Agent b6,b7C secured the driver by handcuffing him and performing a pat down for weapons. I secured canine b6,b7C in his service kennel then returned to the vehicle. I checked the area where the driver was reaching and found several pens. I did not find any firearms near the area where he was reaching. A search of the trunk or other areas was not performed. Only the areas the driver could have immediately reach during the encounter was checked.</p>		
Signature b6,b7C	Title BORDER PATROL AGENT	



Alien's Name b6,b7C	File Number Event No:WCX1412000013	Date 12/06/2013
<p>The driver still refused to provide any identification once secured in secondary. Agent b6,b7C,b7E to obtain the registration information, border crossings, driver's license, and physical descriptors of the registered owner which matched the person detained in secondary. A criminal history check revealed a prior arrest by the b6,b7C Police Department for b6,b7C Officer b6,b7C from the Department of Public Safety arrived to assist. I explained to him that the driver was initially holding up traffic on the highway but had since moved his vehicle. Officer b6,b7C left the checkpoint shortly after our conversation in the office.</p> <p>Border Patrol Agent b6,b7C of the b7E was contacted by phone and presented the facts of the case for assault of a Federal Agent charges. Agent b6,b7C relayed these facts to the b7E Attorney b6,b7C who declined to prosecute the driver. All pertinent information was documented during this encounter. No wants or warrants were found on the diver. SBPA b6,b7C spoke to the driver and released him from the Checkpoint once a decision from the AUSA was made.</p> <p>Vehicle- 1994 Chevrolet Corsica, b6,b7C Plate b6,b7C b6,b7C</p> <p>Driver- b6,b7C DOB b6,b7C FBI # b6,b7C,b7E SSN# b6,b7C</p>		
Signature b6,b7C	Title BORDER PATROL AGENT	



b6,b7C

**Subject:** FW: Confrontational Subject SPV

---

**From:** b6,b7C

**Sent:** Saturday, December 07, 2013 1:10 AM

**To:** b6,b7C

**Subject:** Confrontational Subject SPV

b6,b7C please be aware that this individual drove through 80C today and was extremely confrontational with Agents refusing to answer any questions.

The subject, b6,b7C lives in b6,b7C and travels through the checkpoints on weekly basis.

During the encounter the subject stated that "he will never cooperate and wished he could make trouble for Agents by recording the encounters at the checkpoint."

The subject has a prior arrest in b6,b7C Attached are the pictures of the vehicle and license plate.

b6,b7C

Stay Safe

b6,b7C



Department of Homeland Security  
Bureau of Customs and Border Protection

## UNITED STATES BORDER PATROL

### Complaint Report Form



Report # **b6,b7C**

Station: Willcox

**EMPLOYEE:** *(person taking information)*

Name (A) SBPA **b6,b7C** Star #: **b6,b7C** 11/08/2012 2005hrs  
(Date) (Time)

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

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

Name: **b6,b7C**

Address: Refused to provide

Phone: **b6,b7C** ☐ NO CONTACT

**RELEVANT INFORMATION:** *(criminal activity to report)*

☒ **OFFICER RELATED COMPLAINT:**

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

Date/Time of incident: 11/08/2012 0730hrs.

Location of Incident: Hwy 80 Checkpoint Milepost \_\_\_\_ Community Tombstone, AZ

Landmark(s) Checkpoint

**Description of Incident:**

On November 8, 2012 at approximately 20:05 hours, I received a phone call from **b6,b7C** **b6,b7C** in regards to his foster daughter. He stated that his daughter had come through the Highway 80 Checkpoint about forty minutes ago and that her civil rights were violated by her detention in secondary.

**b6,b7C**'s daughter approached the primary lane of the checkpoint in a white full sized sedan at approximately 19:30 hours. BPA **b6,b7C**'s service canine alerted to the vehicle during the pre-primary inspection and she was subsequently referred to secondary for examination. I remained on primary while BPA **b6,b7C** and BPA **b6,b7C** **b6,b7C** followed the vehicle to secondary. **b6,b7C**'s daughter was asked to step

- Over -

out of the vehicle while the BPA **b6,b7C** and his service canine attempted to pinpoint the source of the alert. During this time **b6,b7C**'s daughter utilized her cellular telephone to contact **b6,b7C**. BPA **b6,b7C** spoke with the foster parents and explained that his service canine alerted providing him with probable cause to search and further delay their daughter. This conversation caused the detention to take longer than would have been necessary if the agents would have been allowed to follow procedure and release her following the search. The search and conversation were completed in approximately five to ten minutes and she was allowed to proceed on her way.

During my conversation with **b6,b7C** he stated that he has driven through the checkpoint in the same vehicle and has never been sent to secondary while his daughter has been sent five times by different service canines since taking a job in **b6,b7C**. As I began to question him in regards to this he cut me off and continued his rant on how her detention was "kidnapping" and violated her civil rights. When he finished, he asked if I was in secondary with his daughter to which I replied that I was in fact not but I was on primary. He then asked if what I saw during the secondary inspection was within United State Border Patrol policy, I replied that it was and I saw nothing that would have led me to believe that any actions that violated policy leave alone unconstitutional. At this time **b6,b7C** stated that we will see at eight o'clock in the morning and hung up.

Approximately fifteen minutes following my conversation with **b6,b7C** Cochise County Sheriff Deputy **b6,b7C** arrived at the checkpoint. He advised that **b6,b7C** had contacted Arizona Department of Public Safety to lodge a civil rights violation complaint. Arizona DPS contacted the sheriff's office to respond. Deputy **b6,b7C** further stated that he needed to respond in order to document the call for his report.

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

Memorandums have been requested from agents on duty during the alleged incident.

**AFTER ACTION:** ☒ NONE ☐ YES (explain) \_\_\_\_\_

Completed by: \_\_\_\_\_ (A)SBPA **b6,b7C** 11/08/2012 2150hrs  
(name) (date) (time)



b6,b7C

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



U.S. Customs and  
Border Protection

November 8, 2012

MEMORANDUM FOR:

b6,b7C

Acting Chief Patrol Agent  
U.S. Border Patrol

FROM:

b6,b7C

b6,b7C

Acting Supervisory Border Patrol Agent  
Willcox Station

SUBJECT:

Highway 80 Checkpoint Complaint

On November 8, 2012 at approximately 20:05 hours, I received a phone call from b6,b7C b6,b7C in regards to his foster daughter. He stated that his daughter had come through the Highway 80 Checkpoint about forty minutes ago and that her civil rights were violated by her detention in secondary.

b6,b7C's daughter approached the primary lane of the checkpoint in a white full sized sedan at approximately 19:30 hours. BPA b6,b7C's service canine alerted to the vehicle during the pre-primary inspection and she was subsequently referred to secondary for examination. I remained on primary while BPA b6,b7C and BPA b6,b7C followed the vehicle to secondary. b6,b7C's daughter was asked to step out of the vehicle while the BPA b6,b7C and his service canine attempted to pinpoint the source of the alert. During this time b6,b7C b6,b7C's daughter utilized her cellular telephone to contact b6,b7C BPA b6,b7C spoke with the foster parents and explained that his service canine alerted providing him with probable cause to search and further delay their daughter. This conversation caused the detention to take longer than would have been necessary if the agents would have been allowed to follow procedure and release her following the search. The search and conversation were completed in approximately five to ten minutes and she was allowed to proceed on her way.

During my conversation with b6,b7C he stated that he has driven through the checkpoint in the same vehicle and has never been sent to secondary while his daughter has been sent five times by different service canines since taking a job in b6,b7C. As I began to question him in regards to this he cut me off and continued his rant on how her detention was "kidnapping" and violated her civil rights. When he finished, he asked if I was in secondary with his daughter to which I replied that I was in fact not but I was on primary. He then asked if what I saw during the secondary inspection was within United State Border Patrol policy, I replied that it was and I saw nothing that would have led me to believe that any actions that violated policy leave alone unconstitutional. At this time b6,b7C stated that we will see at eight o'clock in the morning and hung up.

b6,b7C

Memorandum for Acting Chief Patrol Agent  
Subject: Highway 80 Checkpoint Complaint

Page 2

Approximately fifteen minutes following my conversation with [b6, b7C] Cochise County Sheriff Deputy [b6, b7C] arrived at the checkpoint. He advised that [b6, b7C] had contacted Arizona Department of Public Safety to lodge a civil rights violation complaint. Arizona DPS contacted the sheriff's office to respond. Deputy [b6, b7C] further stated that he needed to respond in order to document the call for his report.

# ARTICLE 31 B (3) ADVISEMENT

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

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

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

**b6,b7C**

Su

11/08/12  
Date of Advisement

**b6,b7C**

Employee's Signature

11/8/12  
Date of Receipt

b6,b7C,b7E

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



U.S. Customs and  
Border Protection

November 8, 2012

MEMORANDUM FOR:

b6,b7C

Acting Chief Patrol Agent  
U.S. Border Patrol

FROM:

b6,b7C

b6,b7C

Border Patrol Agent  
Willcox Station

SUBJECT:

Citizens Complaint at Highway 80 Checkpoint

On November 8, 2012, at approximately 1930hrs, a white sedan driven by a young lady came through the primary inspection lane of the Highway 80 Checkpoint, located near Tombstone, AZ. A K-9 unit, Agent b6,b7C and his K-9 partner were on duty at the time. When the car was at primary, while I questioned the occupant, Agent b6,b7C notified me that his partner alerted to an odor he has been trained to detect and to divert the vehicle inspection area. I requested identification from the lady driving the vehicle and asked her to park her vehicle in the secondary inspection area.

Once she was parked in secondary I asked her to turn off the vehicle and place the keys on the roof and to then step away from the vehicle and sit down. The young lady began to cry and I asked if she has ever been sent to secondary before. She said "yes, this is getting ridiculous; you guys do this all the time". Agent b6,b7C asked if other K-9's have alerted to her vehicle before and she said "Yes, I keep getting sent to secondary and your dogs never find anything, your dogs are stupid". She then indicated that she was going to call her mother and I asked her to stay off her phone until we have concluded our inspection. Agent b6,b7C and his partner then arrived to further inspect the vehicle. Agent b6,b7C asked the lady if the vehicle was hers and if he could search the vehicle, she said "go ahead". She then began talking to her mother about the current situation. When Agent b6,b7C was prepared to release the lady and explain further why she was referred to secondary and how to prevent it in the future, she put her mother on speaker phone so she could hear the conversation. The mother and the father then began to accuse Agent b6,b7C of harassment, unlawful detention and profiling. I returned the lady's ID and she was released from secondary. The entire encounter lasted between five and ten minutes.

b6,b7C

CBP00001593



# ARTICLE 31 B (3) ADVISEMENT

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

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

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

**b6,b7C**

**b6,b7C**

Employee's Signature

11/08/12

Date of Advisement

11/08/12

Date of Receipt



U.S. Customs and  
Border Protection

April 16, 2013

MEMORANDUM FOR: b6,b7C  
Acting Chief Patrol Agent  
Tucson Sector

FROM: b6,b7C  
Supervisory Border Patrol Agent  
Casa Grande Station

SUBJECT: Uncooperative Subject Encounter

On April 15, 2013 at approximately 8:15 P.M., I Supervisory Border Patrol Agent (SBPA) b6,b7C, arrived at the scene of a vehicle stop made by SBPA b6,b7C. The location was Federal Route 15 near the intersection for Federal Route 34, south of the village of Santa Rosa on the Tohono O'odham Indian Reservation.

Upon exiting my vehicle I could see SBPA b6,b7C talking to the driver of the vehicle and Border Patrol Agents b6,b7C and b6,b7C taking up secondary positions on the passenger's side of the vehicle. As I approached I could hear SBPA b6,b7C order the driver, later identified as b6,b7C b6,b7C, to exit the vehicle. The driver refused and became verbally confrontational with SBPA b6,b7C. SBPA b6,b7C then opened the driver's door and again ordered b6,b7C to exit the vehicle and she refused. SBPA b6,b7C attempted to verbally deescalate the situation and again explained to b6,b7C that she needed to exit the vehicle. Since b6,b7C continued to be uncooperative and confrontational and refused the commands of the Agents on scene, SBPA b6,b7C attempted to extract the driver.

SBPA b6,b7C grabbed b6,b7C's left arm in an attempted to remove her from the vehicle. b6,b7C flailed her arm and broke away from SBPA b6,b7C's grasp and grabbed the steering wheel and braced her left leg against door frame of the vehicle. SBPA b6,b7C again attempted to verbally deescalate the situation. I went to the passenger side of the vehicle and told b6,b7C to comply with the commands of the Agents and she refused. SBPA b6,b7C got a better hold of her arm and with the assistance of Agent b6,b7C extracted b6,b7C from the vehicle. During the struggle to extract b6,b7C I ordered her to stop resisting I then saw her reach towards the gear shift lever of the vehicle. I immediately reached across the passenger seat and quickly turned the ignition off and removed the keys in order to keep b6,b7C from engaging the transmission and using the vehicle as a weapon against the Agents.

Once removed from the vehicle b6,b7C continued to resist the Agents and refused to move from the southbound lane of traffic. The Agents were finally successful in guiding her to the rear of the vehicle despite her continued resistance.

Uncooperative Subject Encounter  
Page 2

For her safety, I told [b6,b7C] to move from between her vehicle and SBPS [b6,b7C]'s marked vehicle to further off the shoulder of the road. I then asked if she had a weapon on her or in the vehicle. She mumbled and response that was unintelligible. I asked again and she yelled "I don't have a fucking weapon; I wish I did because I would use it!" This response was indicative of the entire encounter as [b6,b7C] was extremely combative and uncooperative.

A Border Patrol K9 was requested and responded directly from [b7E]. Records checks were performed using the [b6,b7C] driver's license presented by [b6,b7C]. At approximately 8:50 P.M. the K9 Agent arrived and performed an exterior sniff of [b6,b7C]'s vehicle. Once SBPA [b6,b7C]'s investigative inquiries were satisfied he immediately released the driver.

[b6,b7C] entered her vehicle, started it and revved the engine. She then put the vehicle in gear and spun the rear tires as she pulled away.

During the entire encounter SBPA [b6,b7C] and the other Agents involved used the minimum force needed and gave [b6,b7C] more than enough opportunities to comply.



b6,b7C,b7E

2430 South Swan Road  
Tucson, Arizona 85711



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

May 21, 2013

MEMORANDUM FOR:

b6,b7C

Patrol Agent in Charge  
Tucson Station

FROM:

b6,b7C

b6,b7C

Border Patrol Agent  
Tucson, Station

SUBJECT:

Vehicle Stop: Subject b6,b7C

On May 21, 2013, I was assigned patrol duties in the area East of Sasabe, AZ. At approximately 14:30, I stopped to back up another agent who had performed a traffic stop on a vehicle at mile marker 43 on State Route (SR) 286. While assisting the other agent, a concerned citizen stopped at our location and informed me that he had seen a van turn around on SR 286 and drive down Diamond Bell Ranch Road after seeing our emergency lights that had been activated for the traffic stop. The citizen described the vehicle as being an extremely dirty, grey colored, dodge caravan type of vehicle. After receiving the information from the citizen I left the traffic stop to search for the vehicle in question.

Upon reaching Diamond Bell Ranch Road, using the service issued vehicle radio, I put out an open air call to any Border Patrol unit in the area to be on the lookout for the vehicle in question. Border Patrol Agents (BPA) b6,b7C and b6,b7C responded that they had witnessed the van going south from the intersection of Diamond Bell Ranch Road and Sierrita Mountain Road. BPAs b6,b7C and b6,b7C also notified that they were attempting to maneuver behind it.

When I reached the intersection of Diamond Bell Ranch Road and Sierrita Mountain Road I was able to see the dust cloud from both the subject vehicle and BPA vehicle attempting to follow it. From the appearance of the dust cloud, it appeared as if the the subject vehicle was moving at a very high rate of speed considering the condition of the dirt road it was traversing. Using the directions that BPA b6,b7C had put out over the service radio, I was able to catch up to the vehicles at OJ Ranch Road.

I arrived on scene approximately a few minutes after BPA b6,b7C had made contact with the driver, later identified as b6,b7C and immediately took up a cover position from the passenger side of the vehicle. From my position I was able to see multiple individuals in the vehicle, but because of the darkly tinted windows I was unable to see how many or any other

details about the passengers. It was not until closer inspection that I realized the passengers were children.

I do not know what transpired before my arrival, but although the passenger side window was rolled up, I was able to hear some of the conversation between BPA [b6,b7C] and [b6,b7C]. During the encounter, [b6,b7C] displayed a very aggressive attitude. I was able to hear her tell BPA [b6,b7C] that she was going to drive off and I heard her exclaim multiple times that we did not have probable cause to pull her over. At one point during the encounter, BPA [b6,b7C] asked for her to step out of the vehicle, which she verbally refused to do. BPA [b6,b7C] again told her to step out of the vehicle and she refused again, stating that we had no cause to pull her over and that she was going to drive away. I was unable to hear BPA [b6,b7C]'s response, but it was at this point that he took the keys out of the ignition and placed them on the roof. After another brief conversation with [b6,b7C] that I was unable to overhear, BPA [b6,b7C] asked BPA [b6,b7C] if he was carrying his service issued "TASER". BPA [b6,b7C] exclaimed that he was carrying his Electronic Control Device (ECD) and started to approach the vehicle. My focus went back to the driver and I was able to see her exit the vehicle and hand an identification card to BPA [b6,b7C].

When [b6,b7C] exited the vehicle I went over to the driver's side of the vehicle and engaged the driver in conversation in order to calm her down. I attempted to explain to her the reason for the stop and what transpired before that led to vehicle stop. No more than ten minutes after she exited the vehicle we released her.

b6,b7C,b7E

2430 South Swan Road  
Tucson, Arizona 85711



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

May 22, 2013

MEMORANDUM FOR:

b6,b7C

Border Patrol Agent  
Tucson Station

FROM:

b6,b7C b6,b7C

Supervisory Border Patrol Agent  
Tucson Station

SUBJECT:

Notice of Right to Union Representation

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

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

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

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

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

I acknowledge receipt of this memorandum.

b6,b7C

05/22/2013  
Date



b6,b7C,b7E

2430 South Swan Road  
Tucson, Arizona 85711



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

May 22, 2013

MEMORANDUM FOR:

b6,b7C  
Patrol Agent in Charge  
Tucson Station

FROM:

b6,b7C b6,b7C  
Border Patrol Agent  
Tucson Station

SUBJECT:

Vehicle Stop

On May 21, 2013, Border Patrol Agent b6,b7C and I were assigned patrol duties in the Three Points, Arizona area of operation. At approximately 3:00 p.m., BPA b6,b7C and I were observing traffic at the intersection of Diamond Bell Ranch Road and Sierrita Mountain Road when we heard Agent b6,b7C put out a look-out for a silver/grey Chrysler minivan. Agent b6,b7C announced that a concerned citizen had observed the minivan attempting to avoid agents on State Route 286 near Three Points. At approximately the same time, Agent b6,b7C and I observed a dilapidated silver/grey minivan matching the agents' description turn south from Diamond Bell Ranch Road onto the dirt portion of Sierrita Mountain Road. The minivan was covered in dust b7E

b7E As I observed the minivan turn south, I realized that it was most likely the same vehicle that Agent b6,b7C was attempting to locate and I began following its dust cloud as it drove south.

As I began following the vehicle, I noticed that it was traveling at a high rate of speed and I began following at a safe distance referencing the dust cloud as it turned east onto OJ Ranch Road. After following the dust cloud east on OJ Ranch Road for approximately a mile, I observed the minivan traveling at a slow rate of speed with what appeared to be a nearly flat tire on the rear passenger side. Agent b6,b7C immediately began running the vehicles license plate through a law enforcement database called b7E and successfully ran record checks on both the vehicle and registered owner. As Agent b6,b7C was running the record checks, I observed through the rear window what I believed to be multiple occupants in the rear portion of the vehicle. However, I was not able to identify how many due to the excessive dust covering the vehicle's windows.

After running records checks on both the vehicle and the registered owner, I initiated a vehicle stop by turning on my marked Border Patrol vehicle's emergency equipment. The minivan yielded to my emergency equipment and I exited the vehicle. As I approached the driver's side



door, I greeted the female driver through the open window and identified myself as a Border Patrol Agent and asked her to state her citizenship. The driver immediately became belligerent and started asking me why I pulled her over. I sensed that she was trying to deflect my questions. I then asked the driver if I had permission to open the sliding door on the side of the van to see what was in the back, but she declined permission to do so. The driver then immediately asked why I wanted to look in the back of her vehicle since she only had her children in it. I replied that I wanted to observe the passenger compartment to make sure that there were no illegal aliens or illegal narcotics in it. The driver then became extremely defensive and I felt that she was attempting to pressure me out of looking into the back window.

During my encounter with the driver, I saw Agent [b6,b7C] observing the driver from the passenger side window. I then moved to the sliding door and attempted to peer through the dark tint on the dust covered window. At that moment the driver verbally indicated that she was going to drive away from the scene. I immediately returned to her open window and instructed her not to move the vehicle as I had not finished my inspection. The driver once again attempted to verbally escalate the situation by responding to my questions with belligerent questions and accusations of unprofessionalism. I responded to her escalation by requesting that she provide me with an identification document. The driver responded that she had a driver's license but refused to give it to me. I asked the driver several times to provide her documents and she continued to object to my request.

I then asked the driver to turn off the vehicle and exit, to which she immediately stated that she would not. I then ordered her to exit the vehicle to which she once again refused. After the driver had refused several times, I became concerned that she might attempt to flee the scene, possibly injuring one of my partners or the children inside the vehicle. Furthermore, still unaware of what was in the passenger compartment of the vehicle, for officer safety, I quickly reached into the vehicle and turned off the ignition and placed the keys on the roof. I then opened the driver's door and once again ordered her to exit the vehicle. After she once again failed to comply, I removed my seat belt cutting tool from its sheath and informed her that failing to follow my instructions would result in my cutting her seatbelt and forcibly removing her from the vehicle. At that moment I observed Agent [b6,b7C] approaching and I quickly asked him if he had his Agency-issued electronic control device (ECD/Taser). Agent [b6,b7C] responded that he did and the driver having overheard, exited the vehicle and immediately provided me with her driver's license. I then handed the document to Agent [b6,b7C] who returned to our marked vehicle to run [b7E] checks.

As Agent [b6,b7C] ran the driver's license, Agent [b6,b7C] and I attempted to calm down the driver who was belligerent and demanding to know why we had pulled her over. I attempted to de-escalate the situation by explaining why we stopped her. After records checks of her driver's license reaffirmed our previous checks, I returned the document to the driver and informed her that she was free to leave. As she left the scene, I met with Supervisory Border Patrol Agent [b6,b7C] and explained what had happened. Furthermore, at no time, other than to open the door, did I touch the vehicle or its tires.



b6,b7C,b7E

2430 South Swan Road  
Tucson, Arizona 85711



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

May 22, 2013

MEMORANDUM FOR:

b6,b7C

Border Patrol Agent  
Tucson Station

FROM:

b6,b7C b6,b7C

Supervisory Border Patrol Agent  
Tucson Station

SUBJECT:

Notice of Right to Union Representation

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

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

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

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

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

I acknowledge receipt of this memorandum.

b6,b7C

Employee's Signature

05/22/2013  
Date

investigate further. I then asked the subject what she was doing in the vicinity of Shiloh and Hereford Road, the subject stated she had relatives in the area. I then asked the subject if I could search her vehicle and at the time she said no and became very irritated, vulgar, and uncooperative. I told the subject that I intended to call for a canine. The subject asked why she was pulled over and I told her to standby. At that time, Agent [b6,b7C] continued to watch the subject and I began making my way over to my vehicle to call for a Canine [b7E]

[b7E] At no time did I tell the subject she was free to leave nor did I hear Agent [b6,b7C] tell the subject she was free to leave. Upon reaching my vehicle, I observed the subject leaving the scene, traveling eastbound on State Route 92 again, in which I stated over the radio.

Again, I got behind the vehicle, activated the lights and sirens and the vehicle stopped approximately 200 yards east of the original location in the parking lot of [b6,b7C] [b6,b7C] Agent [b6,b7C] and I approached the vehicle and told the subject to turn off the vehicle and step out. The subject was again uncooperative, very irritated, continued to use vulgar language towards us. At the time Agent [b6,b7C] physically removed the subject from the vehicle and placed her in handcuffs as she had already fled from us before. Agent [b6,b7C] then requested a supervisor and Bisbee Police for assistance. Several minutes later Supervisory Border Patrol Agent [b6,b7C] and Supervisory Border Patrol Agent [b6,b7C] arrived at the scene. Canine Handler [b6,b7C] and several Officers from the Bisbee Police Department arrived around the same time as well. Bisbee Police then spoke to the subject as to what had happen and she began to calm down. I then notified SBPA [b6,b7C] as to what had transpired. At that time Canine Handler [b6,b7C] conducted an exterior sniff of the vehicle with negative results. I then took some biographical information from the driver and she was released. Subject was identified as [b6,b7C] DOB: [b6,b7C] DL # [b6,b7C]



b6,b7C



U.S. Customs and  
Border Protection

October 12, 2011

MEMORANDUM FOR:

b6,b7C

Patrol Agent In Charge  
Naco Station

FROM:

b6,b7C

Border Patrol Agent  
Naco, Arizona

SUBJECT:

Melody Lane Vehicle Stop

On October 12, 2011, I, Border Patrol Agent

b6,b7C,b7E

b7E

At approximately 2:00 P.M., the Naco Border Patrol dispatch received a G-123 (Citizen's Report) of four possible illegal aliens carrying large packs, traveling northbound near State Route 92 and Hereford Road. b7E Agent b6,b7C cut for foot sign in the area and had located foot sign for several individuals. Agent b6,b7C then began to follow the foot sign north towards Shiloh Road. Canine Handler b6,b7C was also assisting in locating the individuals.

b7E

b7E

Approximately 30 minutes later, I observed a single female occupant driving a silver SUV leaving the immediate vicinity of where Agent b6,b7C last had foot sign for the suspected mules. b7E

b7E

I then pulled behind the vehicle and observed it for several miles. The vehicle was traveling at a faster rate of speed and then slowed down upon me traveling behind her in a Border Patrol Marked Unit b7E The driver also appeared nervous and continually began looking in the rearview mirror. At that time, I ran the license plate b6,b7C Plate b6,b7C through Tucson Sector Dispatch. The vehicle came back to a 1999 Toyota 4Runner registered out of b6,b7C,b7E

b7E

I then continued to follow the vehicle eastbound on State Route 92 until I had backup to conduct a vehicle stop.

Upon reaching Melody Lane and State Route 92, Agent b6,b7C pulled behind me and I activated my emergency lights and the vehicle yielded. I then walked up to the vehicle and identified myself as a Border Patrol Agent. I observed a single female driver and several miscellaneous items in the back including a blanket and some garments b7E

b7E

I questioned the subject as to her citizenship and the subject stated she was b6,b7C However, due to the totality of the circumstances I had reasonable suspicion that the subject was involved in criminal activity and made the decision to

b6,b7C



U.S. Customs and  
Border Protection

March 15, 2013

MEMORANDUM FOR:

b6,b7C

Acting Chief Patrol Agent  
Tucson Sector

FROM:

b6,b7C

b6,b7C

Supervisory Border Patrol Agent  
Casa Grande Station

SUBJECT:

Uncooperative Subject

On March 15, 2013, at approximately 8:15 P.M., I Supervisory Border Patrol Agent b6,b7C  
b6,b7C was traveling south on Federal Route 15 (FR 15) towards my assigned patrol area in my  
marked Border Patrol vehicle. b7E

b7E

While traveling south bound on FR 15, I observed an older Ford F150 also traveling south bound  
on FR 15 in front of me. I continued to follow the pickup and observed that the license plate was  
recently issued. b7E

b7E

b7E

b7E

I contacted Tucson  
Sector Radio and requested a registration check on the displayed license plate

(b6,b7C). The registration returned to a 2005 Ford F150 owned by b6,b7C  
b6,b7C with a P.O. Box in b6,b7C, b7E

b7E

b7E I then decided to conduct a vehicle stop to investigate the situation  
further. I activated my emergency equipment and the driver yielded on FR 15 near milepost 14  
at approximately 2021 hours.



I approached the vehicle and made contact with the driver, later identified as **b6,b7C** **b6,b7C** the R.O. of the vehicle. I identified myself as a Border Patrol Agent and she was immediately confrontational and uncooperative. I asked to see her driver's license and she refused to give it to me. I had to ask her repeatedly to give it to me before she handed it to me. While I asked her questions she became more confrontational and uncooperative. When I asked **b6,b7C** to state her citizenship she simply said she was "illegal". She then refused to answer any more of my questions so I asked her to step out of the vehicle. She refused and demanded to know why I wanted her to get out of the vehicle. I told her that since she was being confrontational and uncooperative I felt that it would be safer for her and me if she was out of the vehicle while I conducted my investigation, especially now that she had said she was illegal. She still refused to comply with my directive. I tried to reason with her for over two minutes why I wanted her to exit the vehicle including explaining that, recently I found an undeclared weapon in a vehicle and so I was not taking any chances that there might be one in her vehicle, especially with the way she was behaving. I even told her she could remain in the vehicle if we could check it for weapons. She told me that we could not search her vehicle for any reason. It became clear that she was not going to exit the vehicle willingly so I opened the driver side door and took hold of her arm and told her to get out of the vehicle. She still refused and pulled away from me breaking my grip on her arm. I then took hold of her arm and put her wrist in a firm goose neck hold without applying painful pressure to insure that she did not break away from my grip again. She was holding a bag in her right hand and was moving her right arm in such a way that I thought she might be planning to strike me. I instructed another agent to unfasten her seatbelt from the passenger side of the vehicle. She briefly struggled with that agent to prevent him from doing so. Once he had unfastened the seatbelt I instructed Agent **b6,b7C** to take hold of her lower legs and help me turn her so she was facing the road which he did. Once she was facing the road we pulled her out of the vehicle and escorted her away from it. Immediately after she was clear of the vehicle we released our grip on her and asked her to walk to the side of the road by the cattle control fence for her safety. She refused to leave the roadway for about a minute and then finally walked over to the side of the road.

After **b6,b7C** was out of her vehicle record checks were requested **b7E** **b7E** for her criminal and immigration history. While waiting for the record checks to return I could see paperwork on the front seat of the vehicle from the Tucson Sector Asset Forfeiture Office. I was able to read the parts of the paperwork that were in plain view. The papers indicated that **b6,b7C,b7E**

**b6,b7C,b7E**

**b6,b7C,b7E**

**b7E**

**b7E**

**b7E**

**b6,b7C**

Immigration checks indicated that she is **b6,b7C**

A K9 was requested to respond to the location of the stop from the FR 15 checkpoint. Agent **b6,b7C** and his K9 partner responded. The K9 conducted an exterior sniff of the vehicle but did not alert to any odors that it has been trained to detect. After the K9 sniff was completed I immediately released **b6,b7C** from the stop at approximately 2050 hours.

Uncooperative Subject

Page 3

**b6,b7C** got back into her vehicle started it then revved the engine so high that some of the agent's on scene later stated they thought the engine might blow up. She then pulled away from the stop spinning her tires so much that gravel was thrown for several feet behind her vehicle.





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

**b6,b7C**

April 20, 2013

MEMORANDUM FOR: **b6,b7C**  
Acting Chief Patrol Agent  
Tucson Sector

FROM: **b6,b7C**  
Watch Commander  
Casa Grande Station

SUBJECT: **b7E** Encounter With Uncooperative Subject

On April 15, 2013 at approximately 8:20 pm, Supervisory Border Patrol Agent (SBPA) **b6,b7C** conducted a vehicle stop on FR15 milepost 14. The vehicle was a 2005 Ford F-150 with **b6,b7C** license plate **b6,b7C**. The vehicle is owned by **b6,b7C** with a post office box address in **b6,b7C,b7E**  
**b7E**

The driver of the vehicle, **b6,b7C** was very hostile, confrontational and uncooperative during the vehicle stop. When asked her citizenship status, **b6,b7C** stated that she was "illegal". She refused to provide SBPA **b6,b7C** with any identification. As SBPA **b6,b7C** asked her additional questions, **b6,b7C** became more confrontational and uncooperative. She then refused to answer any more of SBPA **b6,b7C**'s questions. At that time, SBPA **b6,b7C** asked **b6,b7C** to step out of the car because he felt that it would be safer if she were out of the vehicle while he conducted his investigation, especially since she had told him she was "illegal". She refused to get out of the vehicle. SBPA **b6,b7C** requested additional Agents at his location to assist him with the vehicle stop.

BPA **b6,b7C** and SBPA **b6,b7C** responded to the location. SBPA **b6,b7C** and BPA **b6,b7C** had to physically remove **b6,b7C** from the vehicle. Once they had **b6,b7C** out of the vehicle, SBPA **b6,b7C** had a K9 search the vehicle. The K9 search failed to detect any aliens or other contraband. SBPA **b6,b7C** requested record on **b6,b7C**. Records revealed that **b6,b7C** is indeed **b6,b7C**. Once the K9 search was completed, **b6,b7C** was allowed to depart. **b6,b7C** revved her engine extremely high and then accelerated out of the area spraying the Agents with gravel and dirt.

SBPA **b6,b7C** used the minimum amount of force necessary for the situation and gave **b6,b7C** numerous opportunities to comply with his commands.

**U.S. DEPARTMENT OF HOMELAND SECURITY**  
**U.S. Customs and Border Protection**  
**SIGNIFICANT INCIDENT REPORT**  
CBP Directive 3340-025C

1.	DATE OF INCIDENT: 12/6/2013	LOCATION OF INCIDENT:	SIR NUMBER:
	TIME OF INCIDENT: 4:25 PM	Tombstone, AZ	b7E
REPORTED TO COMMISSIONER'S SITUATION ROOM VIA PHONE ON:			
DATE: 12/6/2013      TIME: 11:11 PM      TO: b6,b7C			
2.	REPORTING OFFICE:	DFO/SECTOR:	POE/STATION:
	Office of Border Patrol	Tucson Sector	Willcox Station
	PERSON MAKING REPORT: b6,b7C		
	OFFICE PHONE: b6,b7C	CELL PHONE: b6,b7C	FAX NUMBER:
	POINT OF CONTACT: b6,b7C		
	OFFICE PHONE: b6,b7C	CELL PHONE: b6,b7C	FAX NUMBER:
3.	Type of Incident: <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		
	b7E		
4.	SYNOPSIS: (USE CONTINUATION SHEET IF NECESSARY)		
	See Attached Continuation		
	SEIZURE TYPE:	QUANTITY:	VALUE:
	NUMBER OF ARRESTS:	MALE:	FEMALE:      CITIZENSHIP:
5.	NOTIFICATIONS MADE:		
	1. <input checked="" type="checkbox"/> TELEPHONIC REPORT TO COMMISSIONER'S SITUATION ROOM	b7E	12/6/2013 11:11 PM
	2. <input type="checkbox"/>		
	3. <input type="checkbox"/>		
6.	INJURIES/FATALITIES:		
	NAME AND EXTENT OF INJURY:		AGENT      EAP ADVISED
	1.		
	2.		
	NAME OF FATALITIES:		
	1.		
	2.		
7.	ACTION TAKEN:		
	All appropriate notifications and documentations were completed.		
8.	MEDIA INTEREST EXPECTED:		
	No.		

# SIGNIFICANT INCIDENT REPORT

## Continuation Sheet

Page 2 of 3

DATE OF INCIDENT: 12/6/2013	LOCATION OF INCIDENT:	SIR NUMBER:
TIME OF INCIDENT: 4:25 PM	Tombstone, AZ	b7E

Synopsis: (cont.):
EXECUTIVE SUMMARY: Willcox agents assigned to the State Route 80 Checkpoint encountered an uncooperative motorist driving a Chevrolet sedan with b6,b7C license plates near Tombstone, Arizona.
The driver, later identified as a b6,b7C was referred to secondary inspection. Agents completed a physical inspection of the vehicle which yielded negative results. The driver was released without further incident. There were no injuries to the driver or agents.
NARRATIVE: On December 6, 2013 at approximately 1625 hours (MST), Willcox Border Patrol agents assigned to the State Route 80 Checkpoint encountered a 1994 white Chevrolet sedan bearing b6,b7C license plate b6,b7C driven by an adult male b6,b7C near Tombstone, Arizona. The driver, later identified as b6,b7C (DOB: b6,b7C), became argumentative and confrontational during primary inspection and refused to answer, listen to or follow instructions being given by agents.
The driver eventually agreed to drive his vehicle to the secondary inspection area of the checkpoint. In secondary, agents, for officer safety purposes, asked the driver if there were any guns or weapons in the vehicle. As the agents asked the question, the driver quickly reached for the glove-box on the passenger side of the vehicle. After a brief physical struggle, the agents removed the driver from the vehicle, searched him for weapons, hand-cuffed him, and placed him on a bench in the secondary inspection area. The pat-down of the driver was negative.
Throughout the encounter, the subject was combative and repeatedly cussed at agents. As the agents conducted a physical search of the vehicle, the driver was given an opportunity to share his concerns with a supervisory Border Patrol Agent. The search of the vehicle yielded negative results.
The driver was released without further incident. There were no injuries to the driver or agents.
Driver:
b6,b7C
DOB: b6,b7C



## SIGNIFICANT INCIDENT REPORT

### Continuation Sheet

Page 3 of 3

DATE OF INCIDENT: 12/6/2013	LOCATION OF INCIDENT:	SIR NUMBER:
TIME OF INCIDENT: 4:25 PM	Tombstone, AZ	b7E

FBI: b7E

SSN: b6,b7C

Address: b6,b7C

Criminal history: b6,b7C

Warrants: no

Vehicle:

1994 Chevrolet Corsica, b6,b7C Plate b6,b7C

b6,b7C

b6,b7C

b6,b7C

b7E

b7E

GPS: b7E

b7E

SIR was reviewed by Watch Commander b6,b7C

b6,b7C

From: b6,b7C  
Sent: Friday, December 06, 2013 11:59 PM  
To: b6,b7C  
Cc:  
Subject: Noncompliant Motorist  
Attachments: Noncompliant Motorist b7E.pdf

EXECUTIVE SUMMARY: Willcox Station Border Patrol Agents (BPA) encountered a noncompliant motorist at the State Route 80 (SR 80) Checkpoint near Tombstone, AZ. The adult male b6,b7C became argumentative and refused to follow instructions by a BPA. A search of the vehicle yielded negative results. b6,b7C was subsequently released without any further incident. No injuries were reported.

NARRATIVE: On December 6, 2013, at approximately 1625 hours (MST), Willcox Station BPAs at the SR 80 Checkpoint near Tombstone, AZ referred a 1994 White Chevrolet sedan to secondary for inspection. The driver, later identified as an adult male b6,b7C became argumentative, refusing to follow instructions to drive his vehicle to the secondary inspection area. The driver eventually complied and drove his vehicle to the secondary inspection area.

In secondary, the driver was asked by a BPA if there were weapons in the vehicle, and he abruptly reached for the glove-box compartment. After a brief struggle, the BPAs removed the driver from the vehicle and handcuffed him.

A search of the vehicle yielded negative results.

The driver was released with his vehicle without further incident.

b7E

The driver is the registered owner of the vehicle.

No injuries were reported.

All appropriate notification and documentation were completed.



b6,b7C

**From:** b6,b7C  
**Sent:** Friday, December 06, 2013 10:14 PM  
**To:** b6,b7C  
**Subject:** FW: Confrontational Subject SPV  
**Attachments:** b6,b7C PNG

b6,b7C

b7E An SIR is forthcoming.

b6,b7C  
Watch Commander  
Willcox Station  
b6,b7C desk  
BB

---

**From:** b6,b7C  
**Sent:** Friday, December 06, 2013 6:11 PM  
**To:** b6,b7C  
**Subject:** Confrontational Subject SPV

b6,b7C please be aware that this individual drove through 80C today and was extremely confrontational with Agents refusing to answer any questions.

The subject, b6,b7C, lives in b6,b7C and travels through the checkpoints on weekly basis.

During the encounter the subject stated that "he will never cooperate and wished he could make trouble for Agents by recording the encounters at the checkpoint."

The subject has a prior arrest in b6,b7C Attached are the pictures of the vehicle and license plate.

b6,b7C

Stay Safe

b6,b7C

b6,b7C

---

**From:** b6,b7C  
**Sent:** Friday, December 06, 2013 6:11 PM  
**To:** b6,b7C  
**Subject:** Confrontational Subject SPV  
**Attachments:** b6,b7C.PNG

b6,b7C please be aware that this individual drove through 80C today and was extremely confrontational with Agents refusing to answer any questions.

The subject, b6,b7C, lives in b6,b7C and travels through the checkpoints on weekly basis.

During the encounter the subject stated that "he will never cooperate and wished he could make trouble for Agents by recording the encounters at the checkpoint."

The subject has a prior arrest in b6,b7C. Attached are the pictures of the vehicle and license plate.

b6,b7C

Stay Safe

b6,b7C

From b6,b7C

To b6,b7C

Cc

Date Friday, December 06, 2013 10:45:58 PM

Subject (SIR) b7E

EXECUTIVE SUMMARY: Willcox agents assigned to the State Route 80 Checkpoint encountered an uncooperative motorist driving a Chevrolet sedan with b6,b7C license plates near Tombstone, Arizona. The driver, later identified as b6,b7C, was referred to secondary inspection. Agents completed a physical inspection of the vehicle which yielded negative results. The driver was released without further incident. There were no injuries to the driver or agents.

NARRATIVE: On December 6, 2013 at approximately 1625 hours (MST), Willcox Border Patrol agents assigned to the State Route 80 Checkpoint encountered a 1994 white Chevrolet sedan bearing b6,b7C license plate b6,b7C driven by an adult male b6,b7C near Tombstone, Arizona. The driver, later identified as b6,b7C (DOB: b6,b7C), became argumentative and confrontational during primary inspection and refused to answer, listen to or follow instructions being given by agents.

The driver eventually agreed to drive his vehicle to the secondary inspection area of the checkpoint. In secondary, agents, for officer safety purposes, asked the driver if there were any guns or weapons in the vehicle. As the agents asked the question, the driver quickly reached for the glove-box on the passenger side of the vehicle. After a brief physical struggle, the agents removed the driver from the vehicle, searched him for weapons, hand-cuffed him, and placed him on a bench in the secondary inspection area. The pat-down of the driver was negative.

Throughout the encounter, the subject was combative and repeatedly cursed at agents. As the agents conducted a physical search of the vehicle, the driver was given an opportunity to share his concerns with a supervisory Border Patrol Agent. The search of the vehicle yielded negative results.

The driver was released without further incident. There were no injuries to the driver or agents.

## Driver:

b6,b7C

DOB: b6,b7C

FBI: b7E

SSN: b6,b7C

Address: b6,b7C

Criminal history: b6,b7C

Warrants: no

## Vehicle:

1994 Chevrolet Corsica, b6,b7C Plate b6,b7C

b6,b7C

b6,b7C

b6,b7C

b7E

b7E

b7E

SIR was reviewed by Watch Commander b6,b7C



**Confrontational Subject SPV**

b6,b7C

Sent: Friday, December 06, 2013 6:10 PM  
To: b6,b7C  
Attachments: @ b6,b7C

Alcon, please be aware that this individual drove through 80C today and was extremely confrontational with Agents refusing to answer any questions.

The subject, b6,b7C lives in b6,b7C and travels through the checkpoints on weekly basis.

During the encounter the subject stated that "he will never cooperate and wished he could make trouble for Agents by recording the encounters at the checkpoint."

The subject has a prior arrest b6,b7C Attached are the pictures of the vehicle and license plate.

Stay Safe

b6,b7C

b7E

CPD00001618

4/13/2014

b6,b7C



U.S. Customs and  
Border Protection

October 12, 2011

MEMORANDUM FOR:

b6,b7C

Patrol Agent In Charge  
Naco Station

FROM:

b6,b7C

Border Patrol Agent  
Naco, Arizona

SUBJECT:

Melody Lane Vehicle Stop

On October 12, 2011, I, Border Patrol Agent

b6,b7C,b7E

b7E

At approximately 2:00 P.M., the Naco Border Patrol dispatch received a G-123 (Citizen's Report) of four possible illegal aliens carrying large packs, traveling northbound near State Route 92 and Hereford Road. b7E Agent b6,b7C cut for foot sign in the area and had located foot sign for several individuals. Agent b6,b7C then began to follow the foot sign north towards Shiloh Road. Canine Handler b6,b7C was also assisting in locating the individuals.

b7E

b7E

Approximately 30 minutes later, I observed a single female occupant driving a silver SUV leaving the immediate vicinity of where Agent b6,b7C last had foot sign for the suspected mules. b7E

b7E

I then pulled behind the vehicle and observed it for several miles. The vehicle was traveling at a faster rate of speed and then slowed down upon me traveling behind her in a Border Patrol Marked Unit b7E The driver also appeared nervous and continually began looking in the rearview mirror. At that time, I ran the license plate b6,b7C Plate b6,b7C through Tucson Sector Dispatch. The vehicle came back to a 1999 Toyota 4Runner registered out of b6,b7C,b7E

b7E

I then continued to follow the vehicle eastbound on State Route 92 until I had backup to conduct a vehicle stop.

Upon reaching Melody Lane and State Route 92, Agent b6,b7C pulled behind me and I activated my emergency lights and the vehicle yielded. I then walked up to the vehicle and identified myself as a Border Patrol Agent. I observed a single female driver and several miscellaneous items in the back including a blanket and some garments b7E

b7E

I questioned the subject as to her citizenship and the subject stated she was b6,b7C However, due to the totality of the circumstances I had reasonable suspicion that the subject was involved in criminal activity and made the decision to

investigate further. I then asked the subject what she was doing in the vicinity of Shiloh and Hereford Road, the subject stated she had relatives in the area. I then asked the subject if I could search her vehicle and at the time she said no and became very irritated, vulgar, and uncooperative. I told the subject that I intended to call for a canine. The subject asked why she was pulled over and I told her to standby. At that time, Agent [b6,b7C] continued to watch the subject and I began making my way over to my vehicle to call for a Canine [b7E]

[b7E] At no time did I tell the subject she was free to leave nor did I hear Agent [b6,b7C] tell the subject she was free to leave. Upon reaching my vehicle, I observed the subject leaving the scene, traveling eastbound on State Route 92 again, in which I stated over the radio.

Again, I got behind the vehicle, activated the lights and sirens and the vehicle stopped approximately 200 yards east of the original location in the parking lot of [b6,b7C] [b6,b7C] Agent [b6,b7C] and I approached the vehicle and told the subject to turn off the vehicle and step out. The subject was again uncooperative, very irritated, continued to use vulgar language towards us. At the time Agent [b6,b7C] physically removed the subject from the vehicle and placed her in handcuffs as she had already fled from us before. Agent [b6,b7C] then requested a supervisor and Bisbee Police for assistance. Several minutes later Supervisory Border Patrol Agent [b6,b7C] and Supervisory Border Patrol Agent [b6,b7C] arrived at the scene. Canine Handler [b6,b7C] and several Officers from the Bisbee Police Department arrived around the same time as well. Bisbee Police then spoke to the subject as to what had happen and she began to calm down. I then notified SBPA [b6,b7C] as to what had transpired. At that time Canine Handler [b6,b7C] conducted an exterior sniff of the vehicle with negative results. I then took some biographical information from the driver and she was released. Subject was identified as [b6,b7C] DOB: [b6,b7C] DL # [b6,b7C].



b6,b7C,b7E

2430 South Swan Road  
Tucson, Arizona 85711



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

May 21, 2013

MEMORANDUM FOR:

b6,b7C

Patrol Agent in Charge  
Tucson Station

FROM:

b6,b7C

b6,b7C

Border Patrol Agent  
Tucson, Station

SUBJECT:

Vehicle Stop: Subject b6,b7C

On May 21, 2013, I was assigned patrol duties in the area East of Sasabe, AZ. At approximately 14:30, I stopped to back up another agent who had performed a traffic stop on a vehicle at mile marker 43 on State Route (SR) 286. While assisting the other agent, a concerned citizen stopped at our location and informed me that he had seen a van turn around on SR 286 and drive down Diamond Bell Ranch Road after seeing our emergency lights that had been activated for the traffic stop. The citizen described the vehicle as being an extremely dirty, grey colored, dodge caravan type of vehicle. After receiving the information from the citizen I left the traffic stop to search for the vehicle in question.

Upon reaching Diamond Bell Ranch Road, using the service issued vehicle radio, I put out an open air call to any Border Patrol unit in the area to be on the lookout for the vehicle in question. Border Patrol Agents (BPA) b6,b7C and b6,b7C responded that they had witnessed the van going south from the intersection of Diamond Bell Ranch Road and Sierrita Mountain Road. BPAs b6,b7C and b6,b7C also notified that they were attempting to maneuver behind it.

When I reached the intersection of Diamond Bell Ranch Road and Sierrita Mountain Road I was able to see the dust cloud from both the subject vehicle and BPA vehicle attempting to follow it. From the appearance of the dust cloud, it appeared as if the the subject vehicle was moving at a very high rate of speed considering the condition of the dirt road it was traversing. Using the directions that BPA b6,b7C had put out over the service radio, I was able to catch up to the vehicles at OJ Ranch Road.

I arrived on scene approximately a few minutes after BPA b6,b7C had made contact with the driver, later identified as b6,b7C and immediately took up a cover position from the passenger side of the vehicle. From my position I was able to see multiple individuals in the vehicle, but because of the darkly tinted windows I was unable to see how many or any other

details about the passengers. It was not until closer inspection that I realized the passengers were children.

I do not know what transpired before my arrival, but although the passenger side window was rolled up, I was able to hear some of the conversation between BPA [b6,b7C] and [b6,b7C]. During the encounter, [b6,b7C] displayed a very aggressive attitude. I was able to hear her tell BPA [b6,b7C] that she was going to drive off and I heard her exclaim multiple times that we did not have probable cause to pull her over. At one point during the encounter, BPA [b6,b7C] asked for her to step out of the vehicle, which she verbally refused to do. BPA [b6,b7C] again told her to step out of the vehicle and she refused again, stating that we had no cause to pull her over and that she was going to drive away. I was unable to hear BPA [b6,b7C]'s response, but it was at this point that he took the keys out of the ignition and placed them on the roof. After another brief conversation with [b6,b7C] that I was unable to overhear, BPA [b6,b7C] asked BPA [b6,b7C] if he was carrying his service issued "TASER". BPA [b6,b7C] exclaimed that he was carrying his Electronic Control Device (ECD) and started to approach the vehicle. My focus went back to the driver and I was able to see her exit the vehicle and hand an identification card to BPA [b6,b7C].

When [b6,b7C] exited the vehicle I went over to the driver's side of the vehicle and engaged the driver in conversation in order to calm her down. I attempted to explain to her the reason for the stop and what transpired before that led to vehicle stop. No more than ten minutes after she exited the vehicle we released her.



b6,b7C,b7E

2430 South Swan Road  
Tucson, Arizona 85711



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

May 22, 2013

MEMORANDUM FOR:

b6,b7C

Border Patrol Agent  
Tucson Station

FROM:

b6,b7C b6,b7C

Supervisory Border Patrol Agent  
Tucson Station

SUBJECT:

Notice of Right to Union Representation

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

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

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

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

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

I acknowledge receipt of this memorandum.

b6,b7C

Date

05/22/2013

b6,b7C,b7E

2430 South Swan Road  
Tucson, Arizona 85711



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

May 22, 2013

MEMORANDUM FOR:

b6,b7C  
Patrol Agent in Charge  
Tucson Station

FROM:

b6,b7C b6,b7C  
Border Patrol Agent  
Tucson Station

SUBJECT:

Vehicle Stop

On May 21, 2013, Border Patrol Agent b6,b7C and I were assigned patrol duties in the Three Points, Arizona area of operation. At approximately 3:00 p.m., BPA b6,b7C and I were observing traffic at the intersection of Diamond Bell Ranch Road and Sierrita Mountain Road when we heard Agent b6,b7C put out a look-out for a silver/grey Chrysler minivan. Agent b6,b7C announced that a concerned citizen had observed the minivan attempting to avoid agents on State Route 286 near Three Points. At approximately the same time, Agent b6,b7C and I observed a dilapidated silver/grey minivan matching the agents' description turn south from Diamond Bell Ranch Road onto the dirt portion of Sierrita Mountain Road. The minivan was covered in dust b7E b7E. As I observed the minivan turn south, I realized that it was most likely the same vehicle that Agent b6,b7C was attempting to locate and I began following its dust cloud as it drove south.

As I began following the vehicle, I noticed that it was traveling at a high rate of speed and I began following at a safe distance referencing the dust cloud as it turned east onto OJ Ranch Road. After following the dust cloud east on OJ Ranch Road for approximately a mile, I observed the minivan traveling at a slow rate of speed with what appeared to be a nearly flat tire on the rear passenger side. Agent b6,b7C immediately began running the vehicle's license plate through a law enforcement database called b7E and successfully ran record checks on both the vehicle and registered owner. As Agent b6,b7C was running the record checks, I observed through the rear window what I believed to be multiple occupants in the rear portion of the vehicle. However, I was not able to identify how many due to the excessive dust covering the vehicle's windows.

After running records checks on both the vehicle and the registered owner, I initiated a vehicle stop by turning on my marked Border Patrol vehicle's emergency equipment. The minivan yielded to my emergency equipment and I exited the vehicle. As I approached the driver's side



door, I greeted the female driver through the open window and identified myself as a Border Patrol Agent and asked her to state her citizenship. The driver immediately became belligerent and started asking me why I pulled her over. I sensed that she was trying to deflect my questions. I then asked the driver if I had permission to open the sliding door on the side of the van to see what was in the back, but she declined permission to do so. The driver then immediately asked why I wanted to look in the back of her vehicle since she only had her children in it. I replied that I wanted to observe the passenger compartment to make sure that there were no illegal aliens or illegal narcotics in it. The driver then became extremely defensive and I felt that she was attempting to pressure me out of looking into the back window.

During my encounter with the driver, I saw Agent [b6,b7C] observing the driver from the passenger side window. I then moved to the sliding door and attempted to peer through the dark tint on the dust covered window. At that moment the driver verbally indicated that she was going to drive away from the scene. I immediately returned to her open window and instructed her not to move the vehicle as I had not finished my inspection. The driver once again attempted to verbally escalate the situation by responding to my questions with belligerent questions and accusations of unprofessionalism. I responded to her escalation by requesting that she provide me with an identification document. The driver responded that she had a driver's license but refused to give it to me. I asked the driver several times to provide her documents and she continued to object to my request.

I then asked the driver to turn off the vehicle and exit, to which she immediately stated that she would not. I then ordered her to exit the vehicle to which she once again refused. After the driver had refused several times, I became concerned that she might attempt to flee the scene, possibly injuring one of my partners or the children inside the vehicle. Furthermore, still unaware of what was in the passenger compartment of the vehicle, for officer safety, I quickly reached into the vehicle and turned off the ignition and placed the keys on the roof. I then opened the driver's door and once again ordered her to exit the vehicle. After she once again failed to comply, I removed my seat belt cutting tool from its sheath and informed her that failing to follow my instructions would result in my cutting her seatbelt and forcibly removing her from the vehicle. At that moment I observed Agent [b6,b7C] approaching and I quickly asked him if he had his Agency-issued electronic control device (ECD/Taser). Agent [b6,b7C] responded that he did and the driver having overheard, exited the vehicle and immediately provided me with her driver's license. I then handed the document to Agent [b6,b7C] who returned to our marked vehicle to run [b7E] checks.

As Agent [b6,b7C] ran the driver's license, Agent [b6,b7C] and I attempted to calm down the driver who was belligerent and demanding to know why we had pulled her over. I attempted to de-escalate the situation by explaining why we stopped her. After records checks of her driver's license reaffirmed our previous checks, I returned the document to the driver and informed her that she was free to leave. As she left the scene, I met with Supervisory Border Patrol Agent [b6,b7C] and explained what had happened. Furthermore, at no time, other than to open the door, did I touch the vehicle or its tires.

b6,b7C,b7E

2430 South Swan Road  
Tucson, Arizona 85711



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

May 22, 2013

MEMORANDUM FOR:

b6,b7C

Border Patrol Agent  
Tucson Station

FROM:

b6,b7C b6,b7C

Supervisory Border Patrol Agent  
Tucson Station

SUBJECT:

Notice of Right to Union Representation

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

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

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

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

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

I acknowledge receipt of this memorandum.

b6,b7C

Employee's Signature

05/22/2013  
Date



U.S. Department of Homeland Security  
Bureau of Customs and Border Protection  
Operations Order Report

Op Order Name: b7E  
Op Order Number: b7E  
Op Dates: From: b7E  
Report Date:

EXECUTIVE SUMMARY

b7E a Homeland Security Grant Program that provides equipment and overtime funding for state, local, and tribal (SLT) law enforcement agencies (LEA) that are to be used in support of border security specific operations. b5,b7E

b5,b7E

b5,b7E

U.S. Department of Homeland Security  
4742 North Oracle Road, Suite 111  
Tucson, AZ 85705



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

**DATE:** November 29, 2010

**FILE:** b5,b6,b7C,b7E

**MEMORANDUM FOR:** b6,b7C  
Assistant Chief Patrol Agent  
Tucson Sector

**FROM:** Assistant Chief Counsel  
Tucson, Arizona

**SUBJECT:** b5,b7E

*ATTORNEY WORK PRODUCT/PRIVILEGED COMMUNICATION – CIRCULATION RESTRICTED*  
THIS DOCUMENT CONTAINS ATTORNEY WORK PRODUCT AND/OR PRIVILEGED ATTORNEY/CLIENT  
COMMUNICATIONS. IT IS THEREFORE NOT AVAILABLE FOR RELEASE, DISCLOSURE, OR USE OUTSIDE OF CBP  
WITHOUT THE EXPRESS PRIOR APPROVAL OF THE COMMISSIONER OF CBP AND THE OFFICE OF THE CHIEF  
COUNSEL. b6,b7C

b5,b7E

U.S. Department of Homeland Security  
4742 North Oracle Road, Suite 111  
Tucson, AZ 85705



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

**DATE:** September 23, 2010

**FILE:** b5,b6,b7C,b7E

**MEMORANDUM FOR:** b6,b7C  
Field Operations Supervisor  
Tucson Sector

**FROM:** Assistant Chief Counsel  
Tucson, Arizona

**SUBJECT:** b5,b7E

*ATTORNEY WORK PRODUCT/PRIVILEGED COMMUNICATION – CIRCULATION RESTRICTED*  
THIS DOCUMENT CONTAINS ATTORNEY WORK PRODUCT AND/OR PRIVILEGED ATTORNEY/CLIENT  
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WITHOUT THE EXPRESS PRIOR APPROVAL OF THE COMMISSIONER OF CBP AND THE OFFICE OF THE CHIEF  
COUNSEL, b6,b7C

b5,b7E

b5, b7E

b5, b6, b7C, b7E

, Attorney Work Product, Attorney/Client Privileged, and FOIA Exempt



b5,b7E

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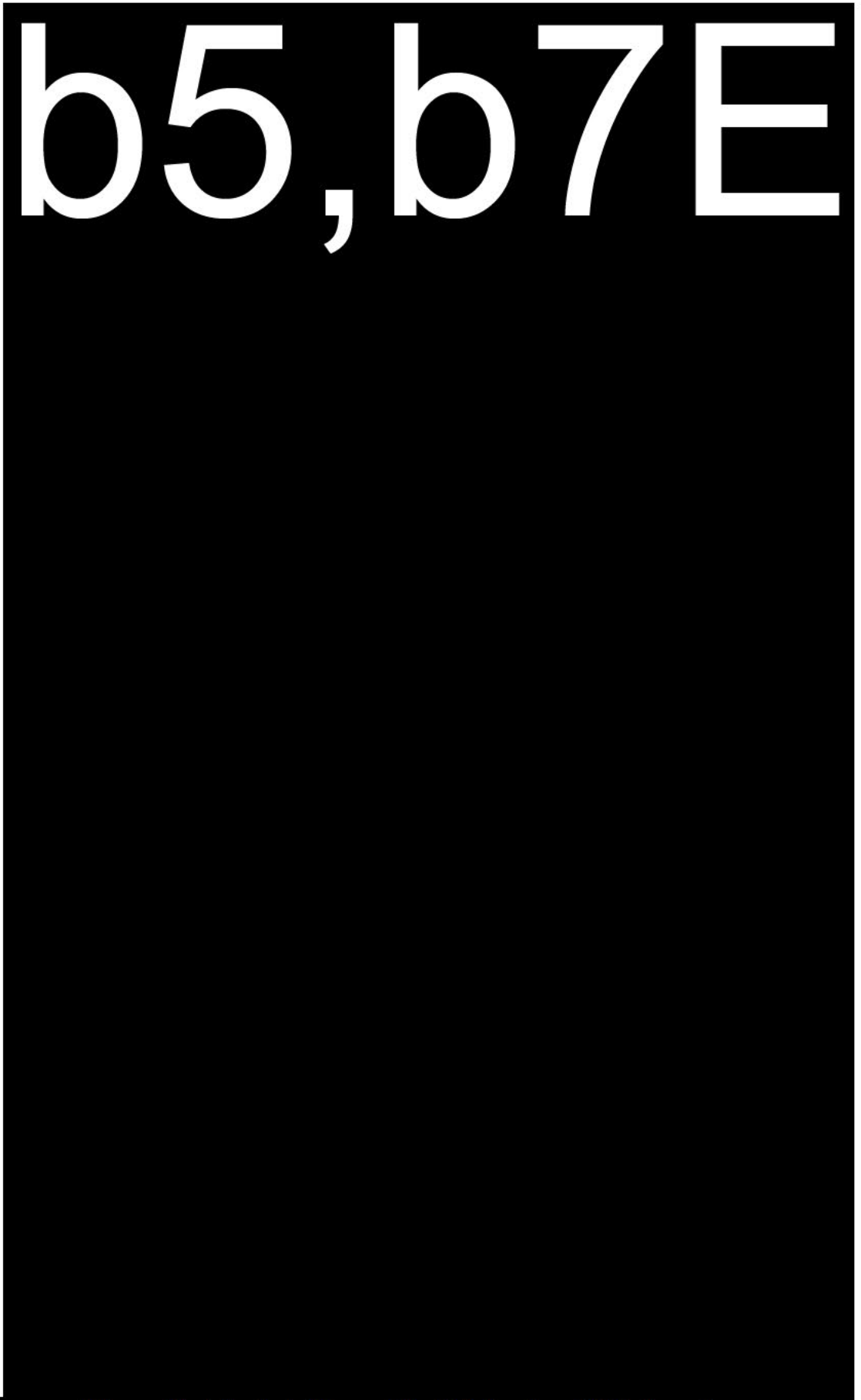


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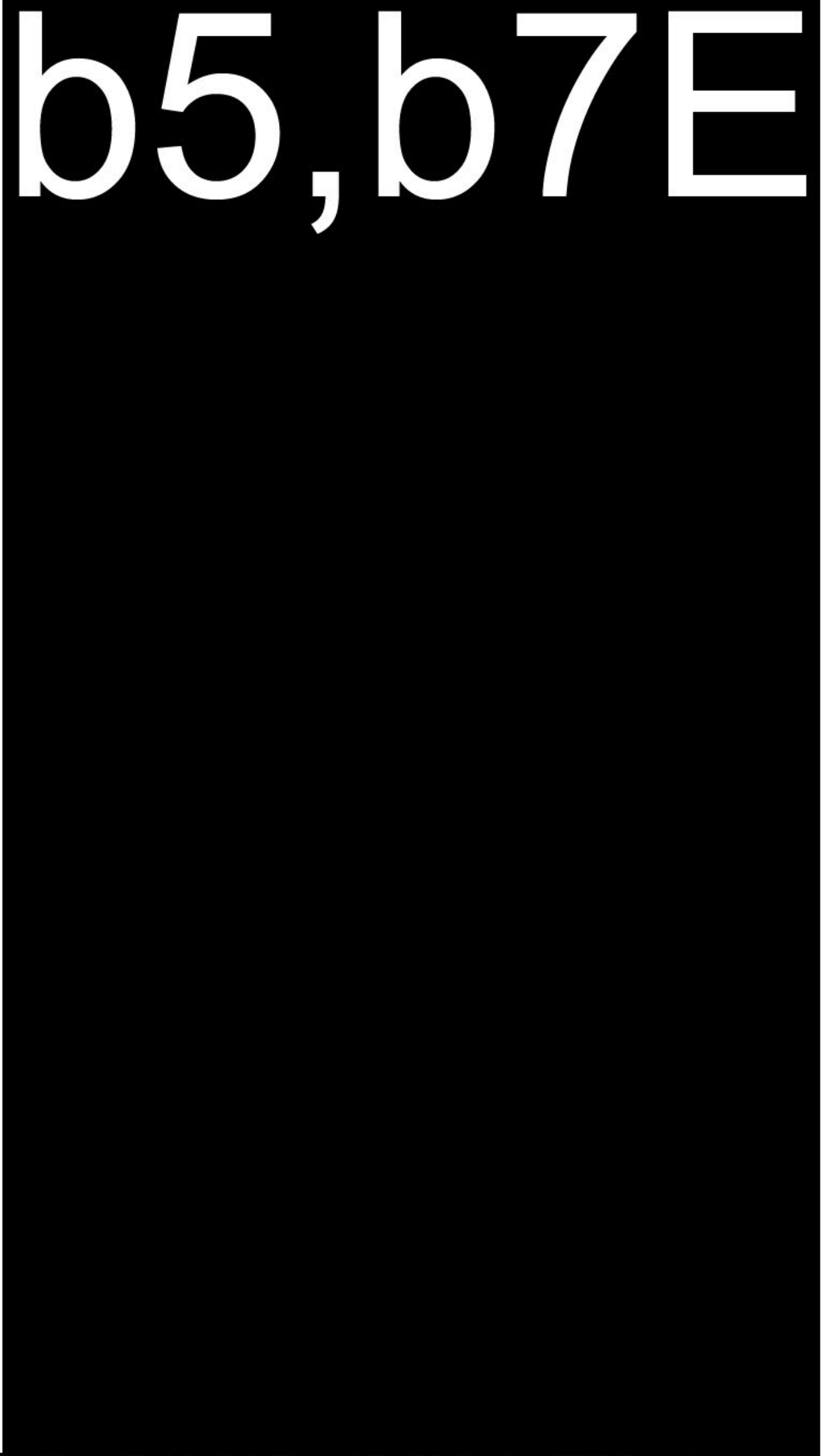
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b5, b6, b7C, b7E

Attorney Work Product, Attorney/Client Privileged, and FOIA Exempt

## Conduct check point operations

### 1. Conduct Pre-Primary Inspections

- a. Conduct K9 exterior conveyance free air sniff

### 2. Conduct Primary Inspections

- a. Inspect, examine and verify individuals and their identities, and as appropriate prevent unauthorized aliens, **potential terrorists**, illegal drugs, and contraband from entering further into the interior of the United States.
- b. Screen conveyances for potentially hazardous materials that may be used for terrorist activities.
- c. Refer conveyances to secondary inspections to resolve **immigration suspicions**, reasonable suspicions, probable cause, and Personal Radiation Detector (PRD) alerts.

### 3. Conduct Secondary Inspections

#### a. Resolve primary referrals.

##### i. Unauthorized aliens

##### 1. Detect hidden unauthorized aliens

- a. b7E [REDACTED]
- b. b7E [REDACTED]
- c. b7E [REDACTED]
  - i. b7E [REDACTED]
  - ii. b7E [REDACTED]
  - iii. b7E [REDACTED]

##### 2. Examine and verify documents

- a. b7E [REDACTED]  
b7E [REDACTED]
- b. b7E [REDACTED]

##### ii. **Potential terrorists**

##### iii. Illegal drugs

- 1. b7E [REDACTED]
- 2. b7E [REDACTED]
- 3. b7E [REDACTED]
  - i. b7E [REDACTED]
  - ii. b7E [REDACTED]
  - iii. b7E [REDACTED]

##### 4. b7E [REDACTED]

##### iv. Contraband

- 1. b7E [REDACTED]
- 2. b7E [REDACTED]
  - i. b7E [REDACTED]

- ii. b7E [REDACTED]
    - iii. b7E [REDACTED]
  - v. Personal Radiation Detector alerts
    - 1. b7E [REDACTED]
    - 2. b7E [REDACTED]
    - a. b7E [REDACTED]
      - b7E [REDACTED]
    - 3. b7E [REDACTED]
    - b7E [REDACTED]
    - a. b7E [REDACTED]
      - b7E [REDACTED]
- b. **Conduct Non-Intrusive Inspections on conveyances**
  - i. Z Backscatter Van (ZBV)
    - 1. b7E [REDACTED]
    - 2. b7E [REDACTED]
    - 3. b7E [REDACTED]
  - ii. K9
    - 1. b7E [REDACTED]
    - 2. b7E [REDACTED]
    - 3. b7E [REDACTED]
  - iii. Personal Radiation Detectors
    - 1. b7E [REDACTED]

#### **4. Conduct roving patrol**

- a. b7E [REDACTED]
  - i. b7E [REDACTED]
  - ii. b7E [REDACTED]
    - 1. b7E [REDACTED]
- b. b7E [REDACTED]
- c. Respond to citizens calls

#### **5. Provide Temporary detention capability**

- a. Temporarily detain apprehended individuals
- b. Coordinate transportation of apprehended individuals to main detention facility

#### **6. Conduct Seizures (Seize Materials)**

- a. Identify conveyances used for smuggling unauthorized aliens, potential terrorists, illegal drugs, and contraband
- b. Identify illegal drugs
  - i. Conduct Field Narcotic Test Kit
- c. Complete Report of Apprehension or Seizure (I-44)

#### **7. Conduct community relations**

- a. Interact with the public to address citizen concerns and reports

- b. Promote a positive image of the USBP

b7E

b7E



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

NOV 21 2012

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

FROM:

b6,b7C

Acting Chief Patrol Agent

SUBJECT: Guidance on Noncompliant Motorists Encountered at U.S. Border  
Patrol Checkpoints

Please see attached memorandum regarding Guidance on Noncompliant Motorists Encountered at U.S. Border Patrol Checkpoints dated November 8, 2012.

Questions regarding this memorandum should be referred to Executive Officer b6,b7C at b6,b7C.

Attachment