

Requested Records	Relevant Entity	Documents Provided
<p>1 Formal or informal policies, guidance, procedures, bulletins, memoranda, and/or legal opinions pertaining to TTRTs, including but not limited to, records concerning:</p>		
<p>1(a) How travelers are screened and/or targeted for interviews or inspection by TTRTs</p>	(b) (5), (b) (7)(E)	(b) (5), (b) (7)(E)
<p>1(b) Profiling based on race, religion, ethnicity, and/or national origin and their proxies, such as name or appearance;</p>	(b) (5), (b) (7)(E)	
<p>1(C) Whether and how a watchlist nomination may result from TTRT interviews or inspection</p>	(b) (5), (b) (7)(E)	
<p>1(d) The retention, storage, sharing, and/or deletion of information about travelers subject to TTRT interviews or inspection</p>	CBP Systems Policy	
<p>2 Training and/or course materials for TTRT officers, whether developed by CBP or by other agencies, including but not limited to materials related to reliance on race, religion, ethnicity, and/or national origin and their proxies;</p>	(b) (5), (b) (7)(E)	(b) (5), (b) (7)(E)
<p>3 Formal or informal reports, evaluations, audits, or analyses concerning the effectiveness of TTRTs</p>	(b) (5), (b) (7)(E)	
<p>4 Records sufficient to show, since January 1, 2017</p>		
<p>4(a) The number of individuals denied entry as a result of TTRT activities and their immigration status and/or basis for application for admission</p>		
<p>4(b) The races, ethnicities, and/or national origins of the individuals denied entry as a result of TTRT activities</p>		
<p>5 Records sufficient to show, since January 1, 2017</p>		
<p>5(a)</p>	<p>The number of individuals targeted for interview or inspection by TTRTs and their immigration status and/or basis for application for admission</p>	
<p>5(b)</p>	<p>The races, ethnicities, and/or national origins of the individuals targeted for interview or inspection by TTR Ts</p>	
<p>5(c)</p>	<p>The number of individuals targeted for interview or inspection by TTRTs for the purpose of gathering information about third parties, including watchlisted persons</p>	

Requested Records	Relevant Entity	Documents Provided
6 Records sufficient to show the number of individuals nominated to a watchlist by TTRTs since January 1, 2017		
7 Records sufficient to show, since January 1, 2017		
7(a) The number of individuals targeted for interview or inspection by TTR Ts who were asked to but declined to sign Form 1-275, "Withdrawal of Application for Admission"		
7(b) The number of individuals targeted for interview or inspection by TTRTs who signed Form 1-275		
7(c) The number of individuals targeted for interview or inspection by TTRTs for whom Forms 1-867 A, which contains a record of the basis for CBP's determination that an individual is subject to Expedited Removal, and/or I- 867B, which consists of questions designed to assess whether a traveler has a fear of returning to his or her country, were prepared		
7(d) The number of individuals targeted for interview or inspection by TTR Ts for whom Form 1-870, "Notice and Order of Expedited Removal," was prepared		
8 Records concerning complaints, grievances, and/or concerns raised by CBP officers or other government officials related to TTRTs	(b) (5), (b) (7)(E)	
9 Records concerning investigations of and/or disciplinary action related to TTRT officers;	(b) (5), (b) (7)(E)	
10 All records created, sent, received, referenced, and/or used in fulfilling and/or responding to this Request.		





U.S. Customs and  
Border Protection

MAY 22 2019

MEMORANDUM FOR: Directors, Field Operations

(b) (7)(E)

FROM:

Executive Operations  
Office of Field Operations

SUBJECT: *Border Search of Electronic Devices – Field Guidance (Revised)*

In an effort to enhance U.S. Customs and Border Protection's (CBP) efforts (b) (7)(E) (b) (7)(E) the Office of Field Operations, Tactical Operations Division, is updating the January 12, 2018, memo to (b) (7)(E) Please carefully review CBP Directive 3340-049A, *Border Search of Electronic Devices* and the updated muster and ensure that you are familiar with all of its requirements. (b) (7)(E)

(b) (7)(E)

If an Advanced Search is to be performed on the device of an individual arrested at the time of CBP's examination, the search must be undertaken as part of a border search and not as a search incident to arrest. Following the Supreme Court's decision in *Riley v. California*, 134 S. Ct. 2473 (2014), law enforcement may not conduct a search incident to arrest of information in an arrestee's cell phone or other electronic media or storage device.

(b) (7)(E)

The guidance outlined in the attached muster must be disseminated to all CBP Officers performing border searches. CBP managers and supervisors must be personally involved in ensuring that this Directive and related guidance is followed. If you have any questions, please have a member of your staff contact (b) (6), (b) (7)(C) TOD Director at (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Program Manager at (b) (6), (b) (7)(C)

Attachment

Weekly Muster for CBP Officers

**Week of Muster:** May 13, 2019  
**Topic:** *Border Search of Electronic Devices* – Directive 3340-049A  
**Headquarters POC:** (b) (6), (b) (7)(C)  
**Office:** Office of Field Operations, Tactical Operations Division

U.S. Customs and Border Protection (CBP), Office of Field Operations (OFO), Tactical Operations Division, is reaffirming policy and providing guidance regarding the updated CBP Directive 3340-049A, *Border Search of Electronic Devices*, issued January 4, 2018 and additional guidance to the muster issued January 12, 2018. The additional guidance can be found in the last bullet of this muster. Please carefully review the updated Directive in particular 5.1.4 and ensure that you are familiar with all of its requirements. Border searches of electronic devices (including but not limited, to cell phones, laptops, hard drives, flash drives, and SIM cards) must be performed judiciously and responsibly and with close adherence to CBP policy.

Many factors may constitute a national security concern or create reasonable suspicion of a violation of the laws enforced or administered by CBP. All articulable factors resulting in an Advanced Search should be clearly documented. In accordance to OFO policy, (b) (7)(E)

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If an Advanced Search is to be performed on the device of an individual arrested at the time of CBP's examination, the search must be undertaken as part of a border search and not as a search incident to arrest. Following the Supreme Court's decision in *Riley v. California*, 134 S. Ct. 2473 (2014), law enforcement **may not** conduct a search incident to arrest of information in an arrestee's cell phone or other electronic media or storage device.

(b) (7)(E)

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(b) (7)(E)

Travelers are obligated to present electronic devices and the information contained therein in a condition that allows inspection of the device and its contents. If a traveler refuses to provide a password, or present the phone for inspection, Officers should consult a supervisor regarding possible detention of the device.

In addition, as set forth in section 5.2 of the Directive, Officers will contact the CBP Associate/Assistant Chief Counsel office prior to any border search of files or other materials that are identified or have been asserted to be protected by attorney-client privilege or attorney work product privilege. During the inspection and interaction with the traveler, Officers will seek clarification, if practicable in writing, from the individual asserting this privilege as to specific files, file types, folders, categories of files, attorney or client names, email addresses, phone numbers, or other particulars that may be of assistance in identifying privileged information.

An IOEM must be completed for every border search of an electronic device, whether basic or advanced. As noted in prior guidance, all narratives must include a clear and detailed description of the reasons for the Officer's decision to search or to detain an electronic device, or copies thereof, for further inspection.

Supervisors must thoroughly review and confirm this information prior to approving the report.

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**DEPARTMENT OF HOMELAND SECURITY  
U.S. Customs and Border Protection**

**CBP DIRECTIVE NO. (b) (7)(E)**

**DATE:** June 7, 2014

**ORIGINATING OFFICE:** OFO:NTC

**REVIEW DATE:** June 2017

**SUBJECT: Passenger Analytical Unit Procedures for Targeting High-Risk Travelers**

**1 PURPOSE.**

The purpose of this directive is to provide operational guidance and communication protocols for personnel assigned to passenger targeting duties as part of U.S. Customs and Border Protection's layered border enforcement strategy.

**2 POLICY.**

2.1 CBP's priority mission is to safeguard the American homeland and protect the public against terrorists and instruments of terror, by detecting and interdicting the cross-border movement of terrorists and their funding, weapons, and instruments, including weapons of mass effect (WME) and their precursors.

2.2 CBP identifies high risk travelers arriving at or departing from a U.S. port of entry (POE). Once identified, CBP conducts additional research and analysis and takes appropriate action, which includes but is not limited to interdicting, preventing boarding, denying entry, arresting, pursuing criminal prosecution, conducting secondary examination, or collaborating with investigative and intelligence partners to further investigations or enforcement actions.

**3 DEFINITIONS.**

3.1 ***Automated Targeting System (ATS):*** Decision support tool that compares traveler, cargo, and conveyance information against law enforcement, intelligence, and other enforcement data using risk-based targeting scenarios and assessments and assists CBP personnel in identifying individuals who, and cargo which, warrant additional inspection or examination.

3.2 ***CBP Personnel:*** For the purpose of this directive, is defined as CBP Officers (CBPO), CBP Agricultural Specialists (CBPAS), and supervisory CBPO or CBPAS.

3.3 ***Counter-Terrorism Response (CTR):*** A capability available at each port of entry commensurate with operational requirements to respond to known or suspected terrorists attempting to enter the United States.

3.4 ***High-Risk Traveler:*** Those travelers deemed by CBP to pose a potential threat to the safety or security of the homeland or those likely to be inadmissible upon arrival to the United States.

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(b) (7)(E)

3.6 Immigration Advisory Program (IAP)/Joint Security Program (JSP): CBP officers deployed to key transit hubs overseas to work with border control authorities, foreign law enforcement, and air carriers to identify and prevent terrorists and other high-risk passengers from boarding aircraft destined to the United States.

3.7 No Board Recommendation: Recommendation to carriers to deny the boarding of certain high-risk individuals.

(b) (7)(E)

3.9 Passenger Analytical Units (PAU): Any Field Office or Port unit, in any operational environment, involved in the targeting or analysis of passengers destined to or departing from the United States to include, but not limited to, officially designated PAUs, Regional Carrier Liaison Groups (RCLGs), or CBP personnel assigned to perform (b) (7)(E)

3.10 PAU Supervisor: CBP supervisor responsible for the management and oversight of Passenger Analytical Units (PAUs).

3.11 Ports of Entry: Designated locations (seaports, airports, or land border ports) where CBP personnel are authorized to accept entries of merchandise, inspect travelers, collect duties, and enforce the various provisions of CBP and other agency laws.

3.12 Post Seizure Analysis: The process of analyzing the facts and circumstance surrounding a significant enforcement action to identify additional links and/or methods of operations that may result in additional seizures or intercepts.

3.13 Pre-Departure Targeting: A review of high-risk traveler data, prior to the departure of a carrier which transmits advance traveler data, to identify those who may pose a threat to that carrier or to national security or who would likely be inadmissible upon arrival to the United States.

3.14 Regional Carrier Liaison Groups (RCLG): CBP components, established in Honolulu, Miami, and New York, that function as regional points of contact for international carriers and foreign immigration authorities. The RCLG respond to carrier inquiries concerning the validity of travel documents presented or admissibility of travelers. Additionally, CBP officers at the NTC-P work with the RCLG officers to make recommendations to foreign carriers that boarding be denied to individuals traveling to the United States who have been identified as being national security related threats, ineligible for admission or who are traveling on fraudulent or fraudulently obtained documents prior to boarding a flight to the United States.

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3.15 **Targeting**: Risk assessment conducted through research using all available information, including U.S. government systems and open source information in conjunction with established analytical techniques and procedures to identify high-risk individuals.

3.16 **Targeting Framework (TF)**: A case management system comprised of customizable framework components for intelligence-based research and vetting. It is the case management system used by the National Targeting Center and is available to field personnel.

3.17 **Terrorist Screening Database (TSDB)**: Database maintained by the Terrorist Screening Center containing sensitive but unclassified identifiers (ex. names and dates of birth) of individuals who, based on reasonable suspicion, are known or suspected terrorists. (b) (7)(E)

(b) (7)(E)

3.18 **Transnational Organized Crime**: Organized crime coordinated across international borders, involving groups or networks of individuals working in more than one country to plan and execute illegal business ventures.

#### 4 AUTHORITY/REFERENCES.

- *Immigration and Nationality Act (INA)*;
- *Title 19 of the U.S. Code*;
- *Responding To Potential Terrorists Seeking Entry into the United States*, Directive (b) (7)(E)

- *Commissioner's Situation Room Reporting*, Directive (b) (7)(E)

- *Incident Management Coordination*, Directive (b) (7)(E)

- (b) (7)(E)

- *NTC and Passenger Analytical Units (PAUs) memo and muster*, April 2012;

- *National Targeting Center Reorganization memo*, January 2012;

- (b) (7)(E)

- *National Passenger Targeting Programs and Policies memo and muster*, January 2010;

- *Use of Regional Carrier Liaison Groups (RCLGs) in Support of the National Targeting Center – Passenger (NTC-P) Operations memo*, January 2010;

- (b) (7)(E)

- *Outbound Passenger Operations memo*, June 2010;

- *Modification to the Automated Targeting System-Passenger (ATS-P) Processing Procedures for Outbound Targeting memo*, February 2009;

- (b) (7)(E)

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- *Port of Entry Use of the Intelligence and Operations Framework System memo*, October 2009;
- *National Targeting Center – Passenger Outbound Targeting Initiative* (b) (7)(E) memo, September 2009;
- (b) (7)(E)
- *Preclearance Alert Procedures memo and muster*, August 2008;
- (b) (7)(E)
- *CBP Air Advanced Passenger Information System (APIS) Guide*, April 2008;
- *DHS Policy for Internal Information Exchange and Sharing*, February 2007;
- *Seaport and Airport Passenger Analysis Unit Memo*, December 2006.

## **5 RESPONSIBILITIES.**

### **5.1 Office of the Commissioner**

5.1.1 The Commissioner has overall responsibility for establishing policy regarding CBP targeting of high risk travelers.

### **5.2 Office of Field Operations**

5.2.1 The Assistant Commissioner, Office of Field Operations (OFO), is responsible for ensuring this directive is provided to and adhered to by all Field Offices.

5.2.2 The Executive Director, National Targeting Center (NTC), is responsible for providing policy and program oversight for PAUs operating in the air, land, and maritime environments.

5.2.3 The Executive Directors, NTC and Operations (OPS), are responsible for facilitating collaboration between PAU and Tactical Analytical Units (TAU).

5.2.4 The Executive Director, Admissibility and Passenger Programs (APP) is responsible for ensuring coordination between IAP/JSP and PAUs.

5.2.5 The Executive Director, Mission Support, is responsible for coordinating PAU related training in collaboration with NTC.

5.2.6 The Director, NTC-Passenger, is responsible for conducting strategic targeting and analysis related to travelers arriving at, destined to, or departing from the United States and providing tactical information and analytical support to the field, including PAUs.

5.2.7 Directors, Field Operations (DFO), shall ensure that POE(s) under their supervision have developed procedures consistent with this directive. DFOs are responsible for ensuring compliance with the National Treasury Employees Union (NTEU) agreement regarding bid, rotation, and placement of CBP personnel within PAUs.

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### 5.3 National Targeting Center - Passenger (NTC-P)

5.3.1 NTC-P has the primary responsibility for targeting high-risk passengers prior to boarding a commercial carrier bound for the United States in the air and sea environments, and coordinating appropriate responses with the field, including PAUs, RCLG and IAP.

5.3.2 NTC-P is responsible for coordinating CBP field-level activities related to anti-terrorism efforts with other headquarters-level government agencies, including the Terrorist Screening Center.

### 5.4 Port Management

5.4.1 Port Directors are responsible for ensuring that local procedures are developed consistent with this directive.

5.4.2 Port Directors are responsible for ensuring that CBP personnel assigned to PAUs adhere to the provisions of this directive and local procedures.

5.4.3 Port Directors, or their designees, are responsible for maintaining appropriate levels of PAU staffing during operational hours and ensuring that those personnel possess the skill sets necessary to identify and fully assess suspected high-risk travelers. At those locations where limited resources preclude the establishment of a PAU, Port Directors are responsible for assigning CBP personnel to vet travelers consistent with the policies and procedures in this directive.

5.4.4 Port Directors, or their designees, are responsible for ensuring that PAUs conduct targeting and risk assessment on passengers for all modes of travel pertinent to the operational environments within their area of responsibility.

5.4.5 Port Directors, or their designees, are responsible for ensuring that PAUs review the appropriate Automated Targeting System (ATS) (b) (7)(E) (b) (7)(E) for their locations in order to coordinate inbound/outbound examinations and enforcement actions.

5.4.6 Port Directors, or their designees, are responsible for identifying and ensuring PAUs in their area of responsibility receive the mandated passenger targeting training appropriate to their environments and operational requirements (b) (7)(E) (b) (7)(E) when available.

5.4.7 Port Directors, or their designees, are responsible for ensuring designated PAU personnel obtain and maintain access to ATS, TECS, and other law enforcement and/or passenger targeting databases, as appropriate.

5.4.8 Port Directors, or their designees, are responsible for ensuring that all findings with a

(b) (7)(E)

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5.4.9 Port Directors, or their designees, are responsible for ensuring necessary reporting, to include Commissioner's Situation Room notification, is completed, as required.

5.4.10 Port Directors, or their designees, are responsible for acquiring resources (e.g. equipment, available technology, etc.) required by PAUs to enhance the effective identification and assessment of suspected high-risk travelers.

5.4.11 The PAU Supervisor, or their designee, is responsible for maintaining user accesses to the respective PAU group mail list to facilitate collaboration with other targeting, analytical, intelligence, or investigative units.

## **5.5 CBP Personnel Assigned to PAUs**

5.5.1 CBP personnel are required to abide by the procedures set forth within this directive and all other existing policies and directives.

5.5.2 CBP personnel are responsible for obtaining and maintaining access to the appropriate targeting and research systems in addition to maintaining subject matter expertise in the use of those systems. CBP personnel must remain knowledgeable of system updates and targeting techniques as they become available.

5.5.3 CBP personnel are required to complete mandated passenger targeting training appropriate to their environment and operational requirements (b) (7)(E)

(b) (7)(E)  
when available and as soon as is operationally feasible.

5.5.4 CBP personnel must apply comprehensive research and analysis methodologies to detect

(b) (7)(E)  
high-risk travelers. PAU must also be able to document enforcement findings in a timely and accurate manner in accordance with existing policy, coordinate appropriate enforcement actions, access and review classified information as appropriate, and be able to effectively represent CBP as a liaison with internal and external stakeholders.

## **5.6 Office of Intelligence and Investigative Liaison (OIL)**

5.6.1 The Office of Intelligence and Investigative Liaison is responsible for providing OFO with tactical information and analytical support to facilitate and refine strategic targeting.

## **5.7 Office of Training and Development (OTD)**

5.7.1 The Office of Training and Development is responsible for facilitating the training needs and requirements of OFO.

## **5.8 Office of Information and Technology (OIT)**

5.8.1 The Targeting & Analysis Systems Program Directorate (TASPD) is responsible for maintaining existing targeting systems and enhancing such systems to meet OFO targeting needs and requirements.

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**6 PAU PROCEDURES.**

**6.1 Access and System Requirements**

6.1.1 At a minimum, PAU must have access to and be knowledgeable in the use of the following source systems:

(b) (7)(E)

6.1.2 PAU must, at a minimum, set (b) (7)(E)  
(b) (7)(E)

- (b) (7)(E)
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**6.2 PAU Targeting Procedures**

6.2.1 PAU must utilize all available automated tools to conduct advance targeting and risk assessments on travelers arriving in their area of responsibility to identify those who are high risk due to issues including, but not limited to:

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6.2.2 PAU must conduct the below (b) (7)(E)

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6.2.3 PAU must identify and coordinate, with appropriate notifications and/or lookouts, the examination of suspected high risk travelers consistent with the procedures established within this directive and existing CBP policy.

6.2.4 If PAU discovers any possible link to (b) (7)(E) (b) (7)(E) (b) (7)(E) or other high level concern while conducting research on identified travelers, and there is imminent travel to the United States, they must notify management at the POE immediately.

6.2.5 Following port management notification, the PAU must notify NTC-P when information is developed which (b) (7)(E) (b) (7)(E) (b) (7)(E)

(b) (7)(E)

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**(b) (7)(E)**

6.2.11 PAU must ensure that notifications and coordination with ICE/HSI, FBI/JTTF, and local law enforcement are conducted as appropriate and in accordance with existing policy.

**(b) (7)(E)**

6.2.14 PAU must provide all pertinent details to the appropriate CBP personnel to ensure that all necessary notifications are made and after-action reporting is detailed and accurate.

6.3 ATSP **(b) (7)(E)**

6.3.1 PAU must monitor the ATSP **(b) (7)(E)** identify high risk travelers for the purpose of coordinating secondary examinations and enforcement actions, as appropriate.

**(b) (7)(E)**

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(b) (7)(E)

6.4 ATS-P (b) (7)(E)

(b) (7)(E)

6.4.3 PAU must immediately notify management at the POE of any issues or concerns identified during research and coordinate with NTC-P, as appropriate.

6.5 ATS-P (b) (7)(E)

(b) (7)(E)

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**(b) (7)(E)**

**6.6 TECS Subject Record Procedures**

6.6.1 PAU personnel are responsible for ensuring that information included in TECS subject records, for which they are the owner, be complete, accurate, and relevant in order to enhance CBP's targeting, enforcement, and facilitation operations.

6.6.2 The primary responsibility for the quality of TECS subject records rests with the owner of the record. Record owner responsibilities include:

- Ensuring that information contained in a TECS subject record serves a legitimate law enforcement or regulatory purpose;
- Ensuring the validity, comprehensiveness, and accuracy of the original data provided;
- Making appropriate modifications to existing records whenever new information is developed or original information becomes obsolete;
- Updating records to provide details of operational or enforcement related events and/or results.

**(b) (7)(E)**

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6.7

(b) (7)(E)

(b) (7)(E)

**6.8 Immigration Advisory Program (IAP) / Joint Security Program (JSP) Coordination Procedures**

6.8.1 The PAU will be the primary point of contact for matters requiring coordination between IAP/JSP and the U.S. POE, except as detailed below in 6.8.2.

6.8.2 IAP/JSP must continue to coordinate through the NTC-P related to matters with a nexus  
(b) (7)(E)  
(b) (7)(E) or other high level concerns.

6.8.3 Telephonic contact is required from the IAP/JSP location to the PAU with responsibility over the U.S. POE for all matters of a time sensitive nature and/or requiring concurrence/coordination (e.g. (b) (7)(E)  
(b) (7)(E)

6.8.4 Upon telephonic contact the PAU must conduct research on the (b) (7)(E) facilitate engagement with port management, and enter subject records, as appropriate.

6.8.5 Electronic notification to the PAU group mail list may be appropriate for matters that are not time sensitive and do not require concurrence/coordination from the POE.

**6.9 Post Seizure Analysis (PSA)**

6.9.1 PAU must conduct a PSA following any significant enforcement action within their area of responsibility as soon as possible after the occurrence of the enforcement action.

(b) (7)(E)

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**(b) (7)(E)**

6.9.4 As appropriate based upon the results of the PSA, the PAU will produce

**(b) (7)(E)**

6.9.5 PAU will collaborate with the TAU to **(b) (7)(E)**  
**(b) (7)(E)** that may be of value to other field or national components.

**7 NO PRIVATE RIGHT OF ACTION.**

7.1 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 DISCLOSURE OF INFORMATION.**

8.1 This directive contains information which may be exempt from public disclosure pursuant to U.S. law, including the Freedom of Information Act (5 U.S.C. § 552) and executive privilege. Information may not be disclosed to the public to include any court proceeding without express written authority of the NTC, in consultation with the Office of Chief Counsel, as appropriate.

**(b) (6), (b) (7)(C)**

John P. Wagner  
Acting Assistant Commissioner  
Office of Field Operations

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U.S. Customs and Border Protection's Office of Field Operations established Tactical Terrorism Response Teams (TTRTs) to provide immediate counterterrorism (CT) response capabilities at and between our nation's Ports of Entry (POEs). Utilizing skillsets that (b) (7)(E) TTRT members are tasked with responding to and effectively countering current and evolving U.S. National Security threats. (b) (7)(E) is responsible for TTRT oversight, providing resources to field TTRTs, and fostering partnerships with national and international law enforcement entities in support of the CT mission. TTRT is active at (b) (7)(E) throughout the U.S. and Pre-Clearance, and (b) (7)(E) (b) (7)(E)

## TTRT Synopsis



### Training

(b) (7)(E)



### Duties and Responsibilities

Examine and interview travelers (b) (7)(E)  
(b) (7)(E)

Review, prioritize, and operationalize  
(b) (7)(E)

Conduct research and analysis to  
(b) (7)(E)

Coordinate and synchronize efforts among teams and units (b) (7)(E) within the local area of responsibility.

Conduct various law enforcement activities including (b) (7)(E) securing of evidence, and (b) (7)(E) (b) (7)(E)

Brief and manage recurring dissemination of relevant information and intelligence to senior management and frontline personnel, to include sensitive and classified briefings to senior management for decision-making purposes.

Attend bi-weekly classified briefings.



### Statistics

In Fiscal Year (FY) 17, TTRT conducted a total of (b) (7)(E) exams resulting in 1,626 denials of admission.

(b) (7)(E)

In FY 18, TTRT conducted a total of (b) (7)(E) exams resulting in 2,485 denials of admission.

(b) (7)(E)

**From:** (b) (6), (b) (7)(C)  
**To:**  
**Cc:**  
**Subject:** Tactical Terrorism Response Team (TTRT) Role and Responsibilities  
**Date:** Thursday, August 4, 2016 4:03:13 PM

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ALCON,

This a reminder that the Tactical Terrorism Response Team (TTRT) has a defined mission to provide immediate counter terrorism response capabilities at our nation’s ports of entry. Participants are responsible for identifying, interviewing, and processing known and suspected terrorists. Due to their performance of duties that are directly related to National Security, their access to classified information, and their receipt of regular classified briefings, TTRT participants are excluded from the bargaining unit.

Although the travel of (b) (7)(E) will always be of significant concern and a primary TTRT responsibility, (b) (7)(E) (b) (7)(E) Identification of these individuals is central to the TTRT mission requiring active engagement with arriving and departing persons. As such, TTRT members not specifically assigned to a team analytical role should spend the majority of their workday directly addressing high risk flights and subjects of interest.

In light of these defined duties and the need for team members to diligently address the potential threat through direct contact with passengers (b) (7)(E) please refrain from, to the greatest extent possible, assigning TTRT personnel non-discretionary duties that are not necessary to support their activities and require significant time away from flight operations (i.e. (b) (7)(E) (b) (7)(E)

Your support in this effort is greatly appreciated.

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

(b) (6), (b) (7)(C)  
SCBPO, Border Security Coordinator  
(b) (6), (b) (7)(C)

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Tactical Terrorism Response Team -  
(b) (7)(E)

TTRT - (b) (7)(E)



# Terrorism

- As defined by Title 22 Chapter 38 U.S. Code § 2656f terrorism is: premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents.
  - The use of violence or the threat of violence in the pursuit of political, religious, ideological or social objectives
  - Can be committed by state (undercover) or non-state actors
  - It reaches more than the immediate target victims and is also directed at targets consisting of a larger spectrum of society

# Roles and Responsibilities

U.S. Customs and Border Protection's Office of Field Operations established Tactical Terrorism Response Teams (TTRTs) to provide immediate counterterrorism response capabilities at and between our nation's ports of entry. Utilizing skillsets that focus on enhanced interviewing techniques, analytics, and media exploitation, TTRT members are tasked with responding to and effectively countering current and evolving national security threats. The National Targeting Center's (NTC) (b) (7)(E) (b) (7)(E) is responsible for TTRT oversight, providing support to the field while fostering partnerships with national and international law enforcement entities in support of the counterterrorism mission. TTRT is active at (b) (7)(E) throughout the U.S. and preclearance and has been established in (b) (7)(E) US Border Patrol sectors.



# TTRT Officers

- Responsible for the examination of travelers known or suspected of having a nexus to terrorism at and in between Ports of Entry (POE).
- Review, prioritize, and operationalize sensitive and classified information and intelligence.
- (b) (7)(E) research and analysis to identify (b) (7)(E)
- Coordinate and synchronize efforts among teams and units with a CT nexus within the local area of responsibility.
- Conduct various law enforcement activities including (b) (7)(E) securing of evidence, and (b) (7)(E) exams.
- Briefing, and recurring dissemination of, relevant information and intelligence to senior management and frontline personnel, to include sensitive and classified briefings to senior management for decision-making purposes.
- Forfeit Bargaining Unit rights in order to (b) (7)(E) (b) (7)(E) as well as Active Shooter Training
- (b) (7)(E)

# Trainings

- (b) (6), (b) (7)(C), (b) (7)(E)
- 
- 
- 
- 
-



# Terrorist Screening Database (TSDB)

- The TSDB is an Unclassified// For Official Use Only database for all individuals that the intelligence community has at least some reasonable suspicion to believe are engaged in terrorist activities in some capacity.
- It is considered “The Watchlist” and contains both US and non-US citizens.
- Contains only select information on subjects, such as biographic and biometric information.
- It is maintained by the [REDACTED] (b) (7)(E) [REDACTED] (b) (7)(E) an agency created to consolidate the Government’s approach to watchlisting individuals.

(b) (7)(E)

# Terms to Know

## Abbreviation & Acronym Guide

**ACE** - Automated Commercial Environment

**ACRQ**- American Citizen Record Query, US Passport Database (CCD)

**ACS**- Automated Commercial System

**AFI** – Analytical Framework for Intelligence

**AMS**- Automated Manifest System

(b) (7)(E)

**ATS**- Automated Targeting System (P-Passenger, L-Land)

(b) (7)(E)

**BI**- Background Investigation

(b) (7)(E)

**CCD**- Consular Consolidated Database (DOS)

**CFR** - See Code of Federal Regulations.

**CIS**- Citizenship and Immigration Services (DHS)

**CLASS**- Consular Lookout and Support System (DOS Lookout System, CCD)

**COA**- Class of Admission (E.G. B1, F1, Etc.)

**COB**- Country of Birth

**COC**- Country of Citizenship

(b) (7)(E)

**CTAB**- Counter Terrorism Advisory Board

(b) (7)(E)

**CTR**- Counter Terrorism Response (Replaced By TIRT)

**DOE**- Date of Entry

(b) (7)(E)

**DOS**- Department of State

**DV**- Diversity Visa (Visa Lottery)

(b) (7)(E)

(b) (7)(E)

**Fincon**- Financial Crimes Enforcement Network

**FNU**- First Name Unknown

**FOUO**- For Official Use Only

(b) (7)(E)

**GES** – Global Enrollment System (Trusted Travelers Programs)

(b) (7)(E)

**HSI VSP**- Homeland Security Investigations, Visa Security Program

**IAP**- Immigration Advisory Program (NTCP Work Unit & Overseas Advisors)

**IRS**- Intelligence Reporting System

**ITAR**- International Traffic in Arms Regulations (controls export & import of defense-related items / weapons)

**IV**- Immigrant Visa

(b) (7)(E)

**KST**- Known or Suspected Terrorist

**LNU**- Last Name Unknown

**NAILS**- National Automated Immigration Lookout System

**NCIC**- National Crime Information Center (TECS)

**NCTC**- National Counterterrorism Center

(b) (7)(E)

**NIV**- Nonimmigrant Visa

**NMI**- No Middle Initial

**NTCC**- National Targeting Center Cargo

**NTCP**- National Targeting Center Passenger

(b) (7)(E)

**OCONUS**- Outside the Contiguous United States

**OI**- CBP Office of Intelligence (Formerly OIL)

# Terms to Know

**OIIL**- CBP Office of Intelligence and Investigative Liaison (Now OI)

**PCQS** – Person Centric Query Service

**PD**- Pre-Departure (NTCP Work Unit)

**POB**- Place of Birth

(b) (7)(E)

**TECS**- Treasury Enforcement Computer System (Law Enforcement Computer System - Green Screen)

(b) (7)(E)

**TSDB**- Terrorist Screening Database

(b) (7)(E)

**UPAX**- Unified Passenger Vetting System (Replacing TF)

**VRS**- Visa Revocation Service (CCD)

(b) (7)(E)

**WLS**- Watchlisting Service (ATS-P or UPAX)

(b) (7)(E)


(b) (7)(E)



# (b) (7)(E) TTRT Members

- Since the March 2016 roll-out for TTRT at (b) (7)(E) there have been (b) (7)(E) members assigned to the team.

(b) (7)(E) have been promoted to Supervisor  
(b) (7)(E) have taken positions with the JTTF  
(b) (7)(E) have were hired as Special Agents with HSI  
(b) (7)(E) was hired as a Special Agent with FBI  
(b) (7)(E) is now and Intel Research Specialist with the (b) (7)(E)  
(b) (7)(E) served on a TDY to Immigrant Advisory Program in London, England  
(b) (7)(E) served on TDY to the (b) (7)(E) at Headquarters



Standard  
Operating  
Procedures

Tactical Terrorism Response Team

(b) (7)(E)

We are the guardians of our Nation's borders.

We are America's frontline.

We safeguard the American homeland  
at and beyond our borders.

We protect the American public against terrorists  
and the instruments of terror.

We steadfastly enforce the laws of the United States  
while fostering our Nation's economic security  
through lawful international trade and travel.

We serve the American public with  
vigilance, integrity and professionalism.

AREA PORT OF (b) (7)(E)  
STANDARD OPERATING PROCEDURES

ISSUE DATE: 01/16/2017  
REVISED:

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**SUBJECT: TACTICAL TERRORISM RESPONSE TEAM (TTRT)**

---

**PURPOSE:** The purpose of this document is to provide (b) (7)(E) U.S. Customs and Border Protection (CBP) officers and managers with local standard operating procedures (SOP) regarding the responsibilities of the Tactical Terrorism Response Team (TTRT).

**OVERVIEW:**

- Comprised of personnel with a specialization in analytics, task force operations, counter terrorism response, and/or enforcement operations.
- TTRT members are required to obtain and maintain (b) (7)(E)
- Immersed in the current and developing threat picture through the continuous review of sensitive and classified information and engagement with all relevant stakeholders.
- Serve as key conduit of information at both the officer/agent level and the senior managerial level.
  - For example, TTRT personnel would serve as the primary contact at the port for coordination with the (b) (7)(E)
- In constant and direct contact with the National Targeting Center (NTC) on issues related to sensitive information.
- Personnel assigned to the TTRT will serve three-year assignments with two optional one-year extensions.

**DUTIES:**

- Interviewing of and collecting information on known or suspected terrorists.
- Liaising with stakeholders to include federal, state, and local counterparts as well as trade and community partners.
  - (b) (7)(E)
- Required to have regular access to classified information.
  - Reviewing, prioritizing, and operationalizing sensitive and classified information and intelligence.
- Recurring dissemination of relevant information and intelligence to senior management and frontline personnel, to include sensitive and classified briefings to senior management for decision-making purposes.
- Conducting various law enforcement activities including (b) (7)(E) securing of evidence



and potential crime scenes, and document and media exploitation.

- Conducting research and analysis to determine (b) (7)(E)  
(b) (7)(E)
  - (b) (7)(E)
  - (b) (7)(E)
- (b) (7)(E) and conducting special operations that address (b) (7)(E)  
(b) (7)(E)
- Coordinating and synchronizing efforts among teams and units with a CT nexus within the local area of responsibility.

**RESPONSIBILITIES:**

- TTRT will be responsible for conducting an intensive secondary inspection, document review, interview/questioning, and examination to identify known or suspected terrorists or terrorist instruments.
- Will document and record all pertinent information regarding the encounter with the subject to include (b) (7)(E)
- Will update all applicable CBP systems with the appropriate information pertaining to the counter-terrorism interview/examination.
- The TTRT Officer will be responsible for updating inspection results within (b) (7)(E)  
(b) (7)(E)
  - TTRT will correctly document work performed by TTRT, per NTC guidelines.

(b) (7)(E)

- Provide travelers with CBP Form 6065 (Comment Card) following all negative inspections and/or searches.
- Personal searches of travelers are required to reflect set guidelines found in the Personal Search Handbook (CIS HB 3300-04B).
- It is the responsibility of TTRT members to comply with all applicable DHS and CBP use of force and firearms guidelines and policies.

**BORDER SEARCH OF ELECTRONIC DEVICES:**

- Supporting CBP Policy:

- Border Search of Electronic Devices Containing Information (CBP Directive No. 3340-049).

• (b) (7)(E)

- Searches of electronic devices will be documented in (b) (7)(E) and be conducted in the presence of a supervisor. In circumstances where operational considerations prevent a supervisor from remaining present for the entire search, or where a supervisory presence is not practicable, the examining Officer shall, as soon as possible, notify the appropriate supervisor about the search and any results thereof.
  - Documentation within (b) (7)(E) must explain the reason for the search.
- An Officer may detain electronic devices, or copies of information contained therein, for a brief, reasonable period of time to perform a thorough border search. The search may take place on-site or at an off-site location, and is to be completed as expeditiously as possible. Unless extenuating circumstances exist, the detention of devices ordinarily should not exceed five (5) days.
- The Officer will obtain consent from traveler when applicable.
- The searching Officer must provide traveler with CBP “tear sheet” Inspection of Electronic Devices following search of all media devices.

(b) (7)(E)

• (b) (7)(E)

• (b) (7)(E)

• (b) (7)(E)

• (b) (7)(E)

(b) (7)(E)



• (b) (7) (E)  
•  
•

**NOTIFICATIONS:**

- All (b) (7)(E) to NTC and/or (b) (7)(E) require immediate Supervisor notification.
- Proper and timely notifications must be made to the TTRT Program Management Office whenever the TTRT has an encounter that would (b) (7)(E)

(b) (7) (E)

**SUPPORTING CBP POLICIES:**

- CBP Directive No. (b) (7)(E)  
(b) (7)(E)
- CBP Directive No. 5410-003: (b) (7)(E)
- CBP Directive No. 3340-049: (b) (7)(E)  
(b) (7)(E)

JAN 1 1 2017



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

MEMORANDUM FOR: Executive Directors  
Directors, Field Operations  
(b) (6), (b) (7)(C)

FROM: Executive Director  
*for* National Targeting Center

SUBJECT: Tactical Terrorism Response Team System Reporting

The purpose of this memorandum is to provide updated guidance to Tactical Terrorism Response Teams (TTRT) regarding the recording of secondary inspection results in their respective database(s). This guidance supersedes previous memorandums regarding TTRT inspection closeouts.

On February 1, 2017, NTC- (b) (7)(E)

(b) (7)(E)

In order to accurately document work performed by TTRT, this memorandum provides guidance

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

Further guidance is in the attached muster.

(b) (7)(E)

Please direct personnel to the (b) (7)(E) to ensure proper documentation of inspections.

Should you have any questions, please have a member of your staff contact Program Manager

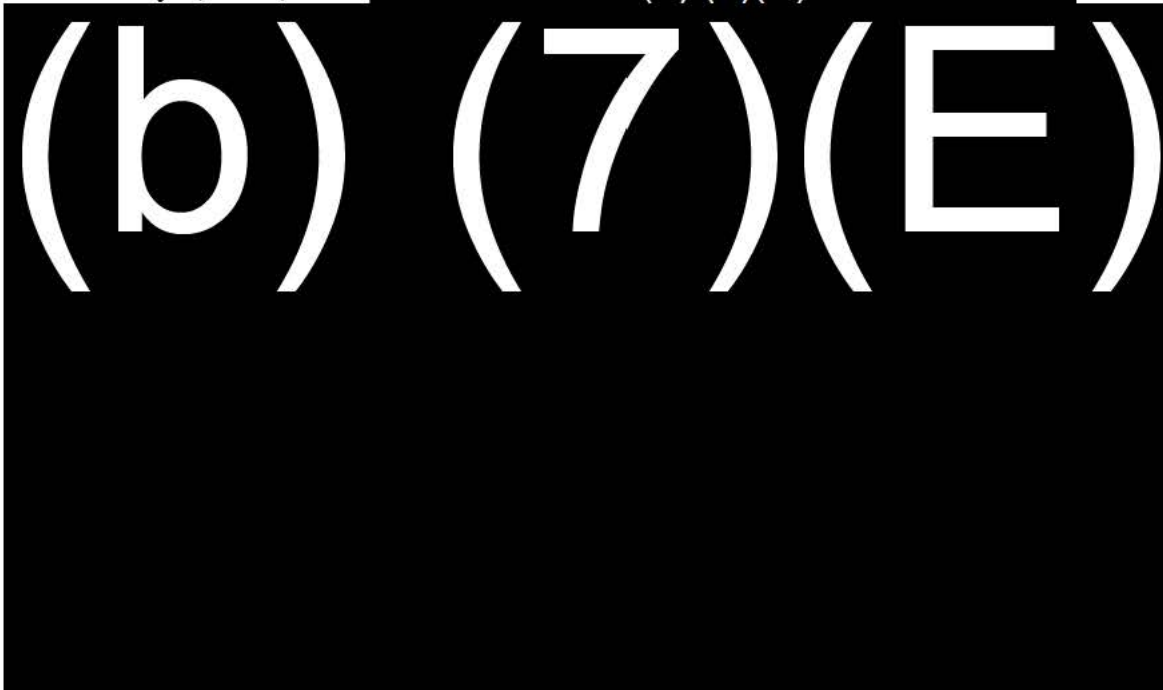
(b) (6), (b) (7)(C) at (b) (6), (b) (7)(C) or at (b) (6), (b) (7)(C) or Program Manager  
(b) (6), (b) (7)(C) at (b) (6), (b) (7)(C) or at (b) (6), (b) (7)(C)

**Muster 2017-01**

**Week of Muster:** Upon Receipt  
**Headquarters POC:** Operations, Counter Terrorism Division  
**Subject:** Tactical Terrorism Response Team System Reporting

- On February 1, 2017, NTC-

(b) (7)(E)





TTRT Closeout Code Box

Type of Referral	Referring Officer Code	Reason Code
(b)	(7)	(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

MEMORANDUM FOR: See Distribution

FROM: Executive Director  
National Targeting Center  
Office of Field Operations

SUBJECT: Tactical Terrorism Response Team Responsibilities

In 2015 U.S. Customs and Border Protection (CBP) established the Tactical Terrorism Response Teams (TTRTs) to provide immediate counterterrorism response capabilities at our nation's ports of entry. In collaboration with the (b) (7)(E) TTRT is the primary unit responsible for the inspection and processing of known and suspected terrorists and those (b) (7)(E). In accordance with current policy, the port of entry is ultimately responsible for the determination of admissibility, taking into account the (b) (7)(E).

Today, over (b) (7)(E) CBP Officers and Agents are assigned to field-based TTRT Teams located at (b) (7)(E) Ports of Entry (POEs), including Pre-Clearance locations, and at (b) (7)(E) U.S. Border Patrol (USBP) Sectors. In addition, TTRT officers go on TDYs in support of many CBP initiatives such as the Immigration Advisory Program (IAP) and Joint Security Program (JSP).

CBP Officers who are assigned to TTRT are subject matter experts in Counterterrorism (CT) response (b) (7)(E) and are immersed in the current and developing threat picture through the continuous review (b) (7)(E). Because members of TTRT perform duties which directly affect national security, they are excluded from the bargaining unit.

At a minimum, TTRT members will perform the following functions to combat terrorism and protect national security:

#### AOR SPECIFIC OPERATIONS

TTRT members are expected to analyze local trends and gather intelligence to conduct operations. TTRT members can gauge the efficiency and effectiveness of the counterterrorism efforts conducted by maintaining a record of operations developed.

(b) (7)(E)  
(b) (7)(E) Although the results of an interview may not yield immediate results (e.g. arrest, seizure, or determination that an individual is inadmissible), the information derived from the interview and documented in the inspection remarks provide invaluable intelligence for immediate and/or future use. Documented exam findings are referenced (b) (7)(E)

(b) (7)(E)



feedback developed from negative and positive encounters, (b) (7)(E)  
(b) (7)(E) We encourage the TTRT members (b) (7)(E)  
(b) (7)(E)

(b) (7)(E)

(b) (7)(E)  
(b) (7)(E) remains a significant concern  
for DHS/CBP, (b) (7)(E)  
(b) (7)(E)

(b) (7)(E) In order to fulfill CBP's core mission of  
safeguarding the Homeland and protecting the American public against terrorism (b) (7)(E)

(b) (7)(E)

These (b) (7)(E) are meant to augment the skills, knowledge, and experience of our TTRT  
officers, who represent the best resource to identify individuals conducting activities that pose a  
terrorism risk. Customized training and a dedication to counterterrorism specific job functions  
provide TTRT members with the tools (b) (7)(E)

(b) (7)(E) Utilizing the training received, TTRT members must conduct exams on all  
subjects identified within (b) (7)(E)  
and other travelers suspected of having a nexus to terrorism (b) (7)(E)  
who arrive to a port of entry.

#### BRIEFINGS

(b) (7)(E)

While we continue to coordinate (b) (7)(E)  
(b) (7)(E)

(b) (7)(E)

(b) (7) (E)

Thank you for your continued support of the TTRT. If you have any questions concerning this memorandum, please have a member of your staff contact (b) (6), (b) (7)(C) Director, (b) (6), (b) (7)(C), (b) (7)(E)

Distribution:

Executive Director, Operations  
Director, Field Operations, Baltimore  
Director, Field Operations, Chicago  
Director, Field Operations, Detroit  
Director, Field Operations, Los Angeles  
Director, Field Operations, New York  
Director, Field Operations, San Diego  
Director, Preclearance Operations

**WARNING**



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**Welcome to the (b) (7)(E) TTRT  
presentation**

(b) (7)(E)



What does TTRT stands for?



TTRT is:

**T** - **Tactical**  
**T** - **Terrorism**  
**R** - **Response**  
**T** - **TEAM**

TTRT was a pilot program created by  
US CUSTOMS AND BORDER PROTECTION  
with the main purpose of **detecting**  
terrorists flying under the US Government  
radar



It's success rate was so high that the TEAMS became a **mandate** of the Department of Homeland Security





(b) (7) (E)

# TTRT- Tactical Terrorism Response Team



U.S. Customs and  
Border Protection

U.S. Customs and Border Protection's Office of Field Operations established Tactical Terrorism Response Teams (TTRTs) to provide immediate counterterrorism (CT) response capabilities at and between our nation's Ports of Entry (POEs). Utilizing skillsets that focus on enhanced interviewing techniques, analytics, and media exploitation, TTRT members are tasked with responding to and effectively countering current and evolving U.S. National Security threats. The National Targeting Center's (NTC) (b) (7)(E) is responsible for TTRT oversight, providing resources to field TTRTs, and fostering partnerships with national and international law enforcement entities in support of the CT mission. TTRT is active at (b) (7)(E) throughout the U.S. and Pre-Clearance, and at (b) (7)(E) U.S. Border Patrol Sectors.

## TTRT Synopsis



### Training

(b) (7)(E)



### Duties and Responsibilities

Examine and interview travelers known or suspected of having a nexus to terrorism at and in between POEs.

Review, prioritize, and operationalize sensitive and classified information and intelligence.

Conduct research and analysis to

(b) (7)(E)

Coordinate and synchronize efforts among teams and units with a CT nexus within the local area of responsibility.

Conduct various law enforcement activities including (b) (7)(E) securing of evidence, and (b) (7)(E) exams.

Brief and manage recurring dissemination of relevant information and intelligence to senior management and frontline personnel, to include sensitive and classified briefings to senior management for decision-making purposes.

Attend bi-weekly classified briefings.



### Statistics

In Fiscal Year (FY) 17, TTRT conducted a total of (b) (7)(E) exams resulting in 1,626 denials of admission.

(b) (7)(E)

In FY 18, TTRT conducted a total of (b) (7)(E) exams resulting in 2,485 denials of admission.

(b) (7)(E)

TTRT is a specialized unit with  
with the ability to:

(b) (7)(E)

- (b) (7)(E)

- Collect **intelligence** at the US Border

- Have **access** to one of the largest Data Base in the US Government



TTRT combines the TACTICAL PROFICIENCY  
with an ANALYTICAL ADVANTAGE



Within the Tactical Proficiencies TTRT  
is trained to conduct:

(b) (7)(E)

**CBP / TTRT, UNDER BORDER SEARCH AUTHORITY  
CAN:**

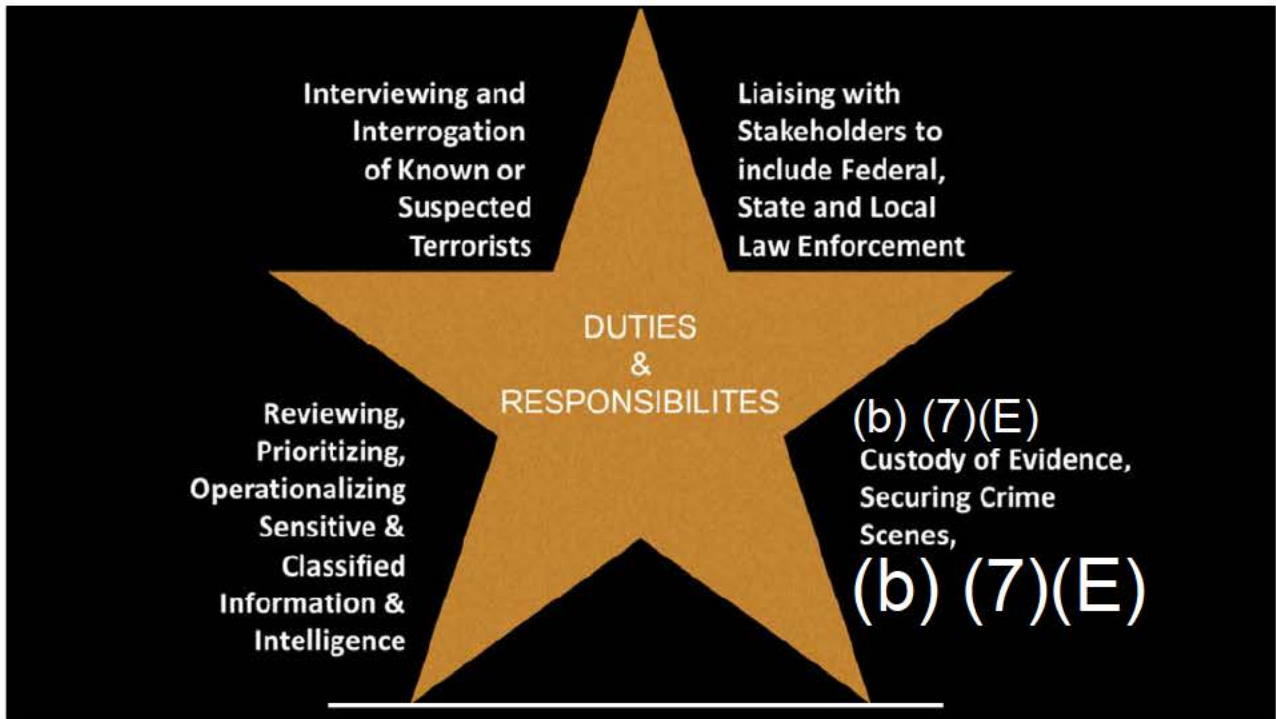
**CONDUCT AIRCRAFTS AND VESSELS SEARCHES THAT  
TRAVEL BETWEEN (b) (7)(E)**

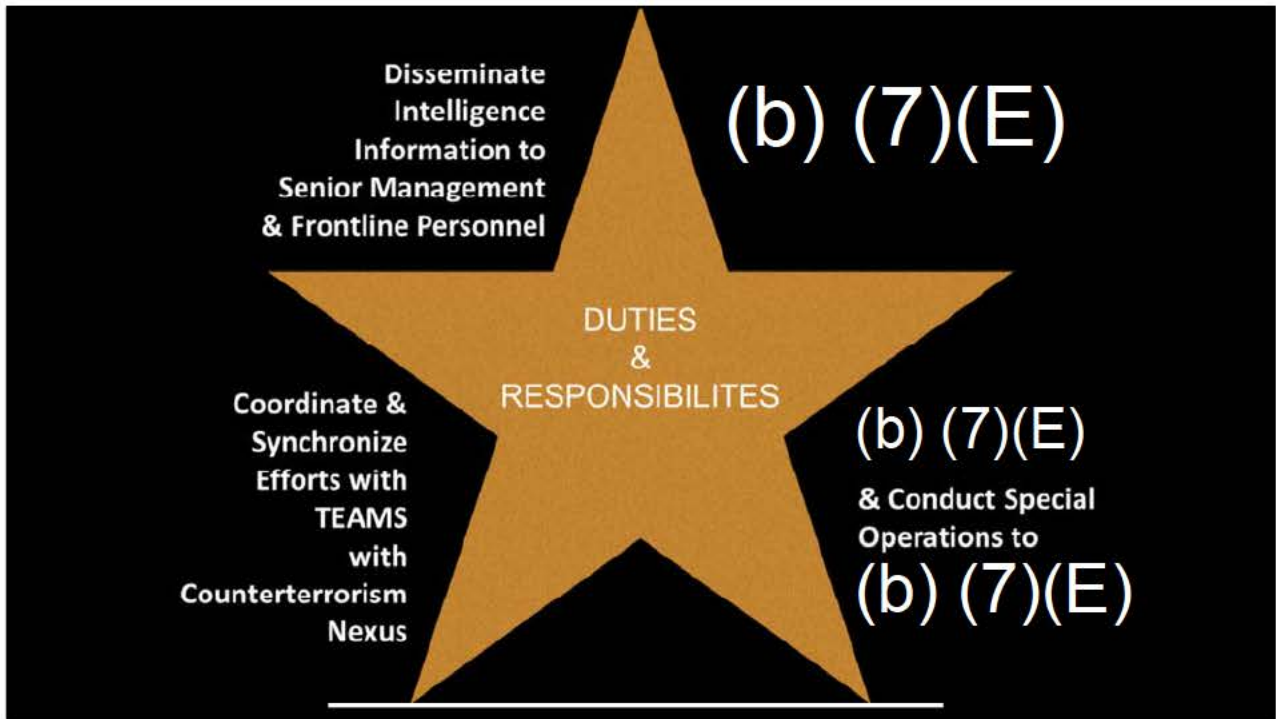
**AND**

**IMMIGRATION STATUS OF PASSENGERS THAT TRAVEL  
BETWEEN (b) (7)(E)**

**WITHOUT  
A  
WARRANT**







(b) (7) (E)

(b) (7)(E) (b) (7)(E)





(b) (6), (b) (7)(C), (b) (7)(E)

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(b) (6), (b) (7)(C), (b) (7)(E)

## Venezuela Intelligence Chief Exposes Organized Crime Links in Maduro Govt

ANALYSIS Written by Venezuela Investigative Unit - JUL 18, 2019

Cafel de los Boles Elites and Organized Crime Venezuela

IMAGE

A photograph showing General Manuel Ricardo Cristopher Figueroa in a military uniform, being honored or receiving a medal from another man in a suit. The man in the suit is General Manuel Ricardo Cristopher Figueroa, the former head of Venezuela's military intelligence service.

For the second time in six months, a former head of Venezuela's military intelligence service has made major revelations about the links between President Nicolás Maduro's administration and organized crime.

General Manuel Ricardo Cristopher Figueroa was the most prominent Venezuelan official to

Slide 24

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(b) (6), (b) (7)(C)

Add the Washington Post News about (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) 9/4/2019

(b) (6), (b) (7)(C)

Solo un ejemplo...hay que arreglarlo  
(b) (6), (b) (7)(C) 9/4/2019

The Americas

## Maduro's ex-spy chief lands in U.S. armed with allegations against Venezuelan government

Exclusive interview: Maduro's ex-spy chief reveals allegations against government



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- 1 A chaotic final night for Parliament leaves Johnson with bleak choices on the path to Brexit
- 2 The 'rebel alliance' teamed up to thwart Boris Johnson's plans. Can it stay united to steer Brexit?
- 3 U.S. got key asset out of Russia



(b) (6), (b) (7)(C), (b) (7)(E)

By **Anthony Faiola**  
June 24



(b) (7)(E)

TACTICAL TERRORISM RESPONSE TEAM

**(b) (6), (b) (7)(C), (b) (7)(E)**



(b) (6), (b) (7)(C), (b) (7)(E)



(b) (6), (b) (7)(C), (b) (7)(E)



(b) (6), (b) (7)(C), (b) (7)(E)

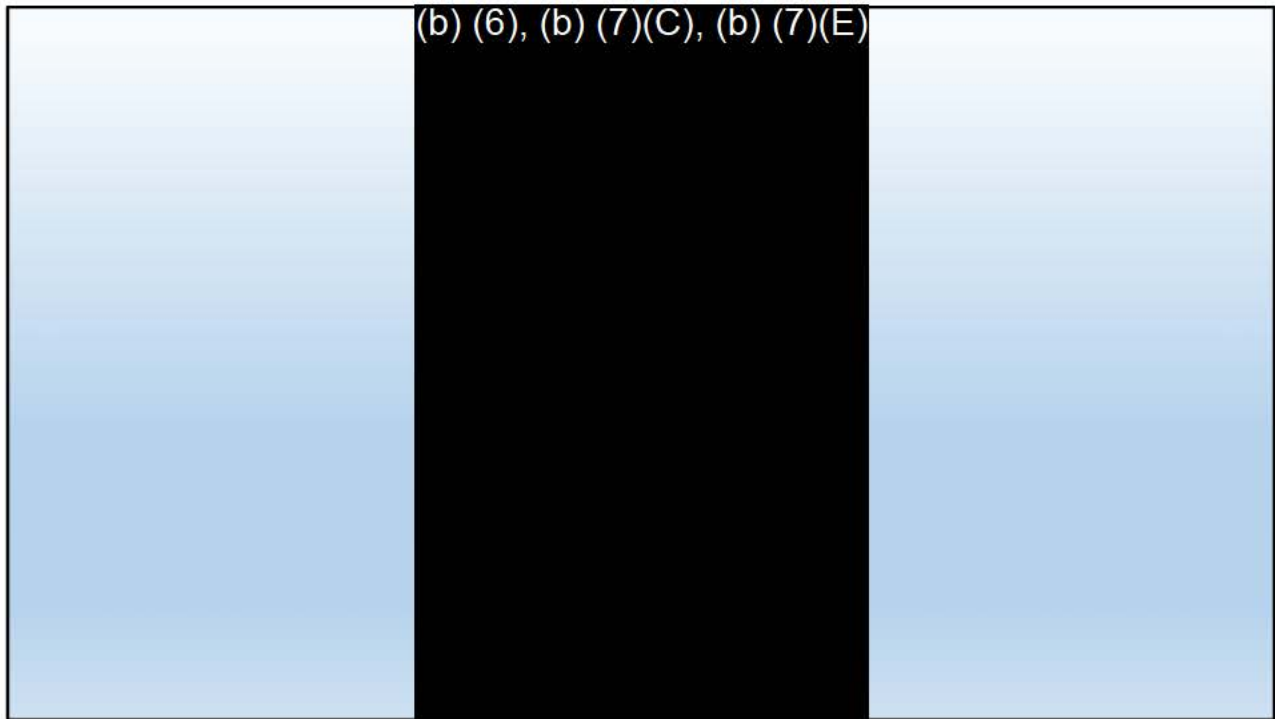
**(b) (6), (b) (7)(C), (b) (7)(E)**



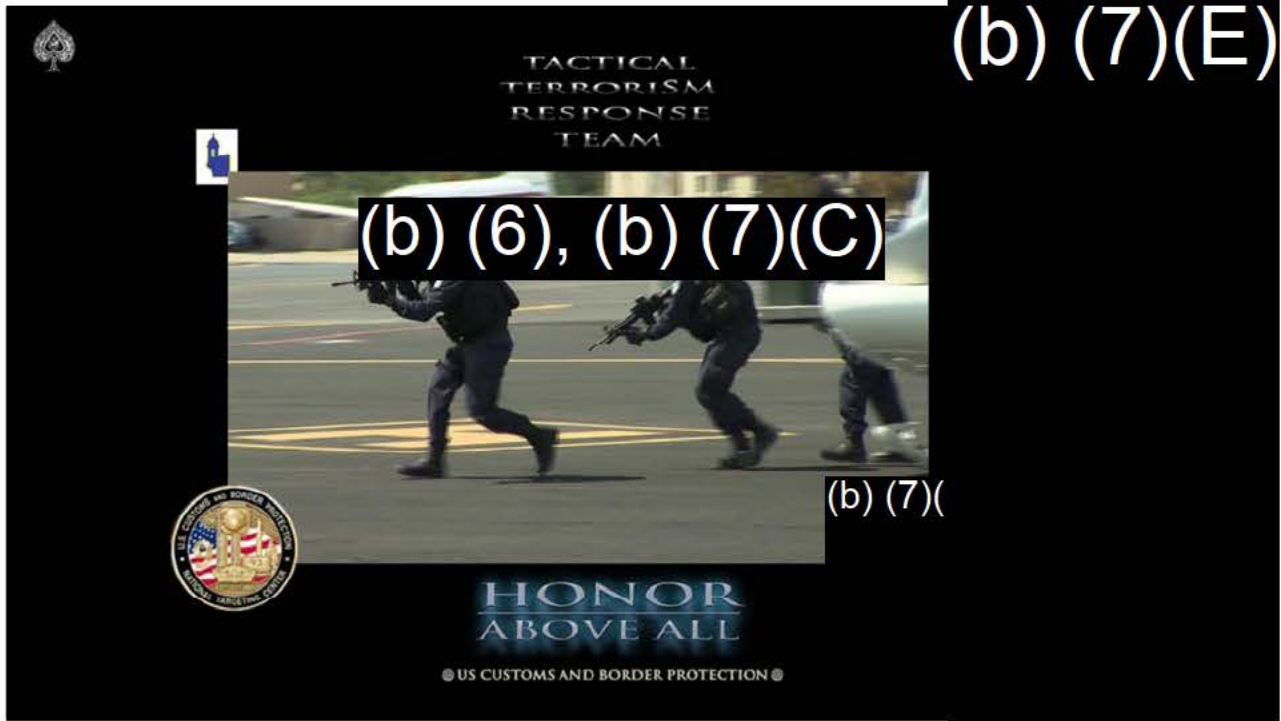


**(b) (6), (b) (7)(C), (b) (7)(E)**

(b) (7)(E)



(b) (6), (b) (7)(C), (b) (7)(E)





We are the guardians of our Nation's borders.

We are America's frontline.

We safeguard the American homeland  
at and beyond our borders.

We protect the American people against  
terrorists and the instruments of terror.

We steadfastly enforce the laws of the United States  
while fostering our Nation's economic security through  
lawful international trade and travel.

We serve the American people with vigilance,  
integrity, and professionalism.

*Thank you for watching!*

(b) (7)(E)

QUESTIONS?

# STANDARD OPERATING PROCEDURES

(b) (7)(E)

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(b) (7)(E)



(b) (7)(E)

OFFICE OF FIELD OPERATIONS

TACTICAL TERRORISM RESPONSE TEAM



US CUSTOMS AND BORDER PROTECTION



Originating Office (b) (7)(E)

Distribution: CBP (b) (7)(E) MANAGERS, SUPERVISORS, AND OFFICERS

---

AREA PORT OF (b) (7)(E)

ISSUE DATE: 01/20/2018

STANDARD OPERATING PROCEDURES

REVISED:

SUBJECT: TACTICAL TERRORISM RESPONSE TEAM (TTRT)

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**PURPOSE:** The purpose of this document is to provide (b) (7)(E) U.S. Customs and Border Protection (CBP) officers and managers with local standard operating procedures (SOP) regarding the responsibilities of the Tactical Terrorism Response Team (TTRT).

**OVERVIEW:**

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- Comprised of personnel with a specialization in analytics, task force operations, counter terrorism response, and/or enforcement operations.
- TTRT members are required to obtain and maintain (b) (7)(E)
- Immersed in the current and developing threat picture through the continuous review of sensitive and classified information and engagement with all relevant stakeholders.
- Serve as key conduit of information at both the officer/agent level and the senior managerial level.
  - For example, TTRT personnel would serve as the primary contact at the port for coordination with the (b) (7)(E)
- In constant and direct contact with the National Targeting Center (NTC) on issues related to sensitive information.
- Personnel assigned to the TTRT will serve three-year assignments with ~~two~~ optional one-year extensions.

**DUTIES:**

- Interviewing of and collecting information on known or suspected terrorists.
- Liaising with stakeholders to include federal, state, and local counterparts as well as trade and community partners.
  - (b) (7)(E)



(b) (7)(E)

- Required to have regular access to classified information.
  - Reviewing, prioritizing, and operationalizing sensitive and classified information and intelligence.
- Recurring dissemination of relevant information and intelligence to senior management and frontline personnel, to include sensitive and classified briefings to senior management for decision-making purposes.
- Conducting various law enforcement activities including (b) (7)(E) securing of evidence and potential crime scenes, and document and media exploitation.
- Conducting research and analysis to determine (b) (7)(E)
  - (b) (7)(E)
  - (b) (7)(E)
- (b) (7)(E) and conducting special operations that address (b) (7)(E)
- Coordinating and synchronizing efforts among teams and units with a CT nexus within the local area of responsibility.

**RESPONSIBILITIES:**

- TTRT will be responsible for conducting an intensive secondary inspection, document review, interview/questioning, and examination to identify known or suspected terrorists or terrorist instruments.
- Will document and record all pertinent information regarding the encounter with the subject to include (b) (7)(E) (b) (7)(E)
- Will update all applicable CBP systems with the appropriate information pertaining to the counter-terrorism interview/examination.
- The TTRT Officer will be responsible for updating inspection results within (b) (7)(E)
  - TTRT will correctly document work performed by TTRT, per NTC guidelines.

(b) (7)(E)

- ~~Provide travelers with CBP Form 6065 (Comment Card) following all negative inspections and/or searches.~~
- Personal searches of travelers are required to reflect set guidelines found in the Personal Search Handbook (CIS HB 3300-04B).
- It is the responsibility of TTRT members to comply with all applicable DHS and CBP use of force and firearms guidelines and policies.

**BORDER SEARCH OF ELECTRONIC DEVICES:**

- Supporting CBP Policy:
  - Border Search of Electronic Devices Containing Information (CBP Directive No. 3340-049A).



• (b) (7)(E)

- Searches of electronic devices will be documented in TECS IOEM and be conducted in the presence of a supervisor. In circumstances where operational considerations prevent a supervisor from remaining present for the entire search, or where a supervisory presence is not practicable, the examining Officer shall, as soon as possible, notify the appropriate supervisor about the search and any results thereof.
  - Documentation within IOEM must explain the reason for the search.
- An Officer may detain electronic devices, or copies of information contained therein, for a brief, reasonable period of time to perform a thorough border search. The search may take place on-site or at an off-site location, and is to be completed as expeditiously as possible. Unless extenuating circumstances exist, the detention of devices ordinarily should not exceed five (5) days.
- The Officer will obtain consent from traveler when applicable.
- The searching Officer must provide traveler with CBP “tear sheet” Inspection of Electronic Devices following search of all media devices.

(b) (7)(E)

• (b) (7)(E)

(b) (7)(E)

(b) (7)(E)

: (b) (7)(E)

**NOTIFICATIONS:**

- All (b) (7)(E) to NTC and/or (b) (7)(E) require immediate Supervisor notification.
- Proper and timely notifications must be made to the TTRT Program Management Office whenever the TTRT has an encounter that would (b) (7)(E)
  - (b) (7)(E)
  - (b) (7)(E)
  - (b) (7)(E)
  - (b) (7)(E)
  - (b) (7)(E)
  - (b) (7)(E)
  - (b) (7)(E)

**SUPPORTING CBP POLICIES:**

- CBP Directive No. (b) (7)(E)  
(b) (7)(E)

(b) (7)(E)

- CBP Directive No. (b) (7)(E)

(b) (7)(E)

- CBP Directive No. 3340-049A: Border Search of Electronic Devices Containing Information.

(b) (7)(E)

# Watchlisting Reference Guide



Homeland  
Security

## What is Watchlisting?

Watchlisting is the analysis of individual identities which consist of behavioral, biographic, biologic, and intangible elements, that, when combined in a nomination, have the potential to provide intelligence for the purpose of identifying and screening individuals to better protect the American people.

## Terrorism and/or Terrorist Activities:

Acts that: (a) involve violent acts or acts dangerous to human life, property, or infrastructure that may be a violation of US law, or may have been, if those acts were committed in the United States; and (b) appear intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation or coercion, or affect the conduct of government by mass destruction, assassination, kidnapping, or hostage-taking.

## Watchlisting Standard:

“Reasonable Suspicion” is the standard that must be met in order to nominate an individual. Nominators must rely on articulable intelligence or information, taken together with any rational inferences that can be drawn from that intelligence or information, that a subject is engaged, has been engaged, or intends to engage, in conduct constituting in preparation for, in aid or in furtherance of, or related to, terrorism and or terrorism activity.



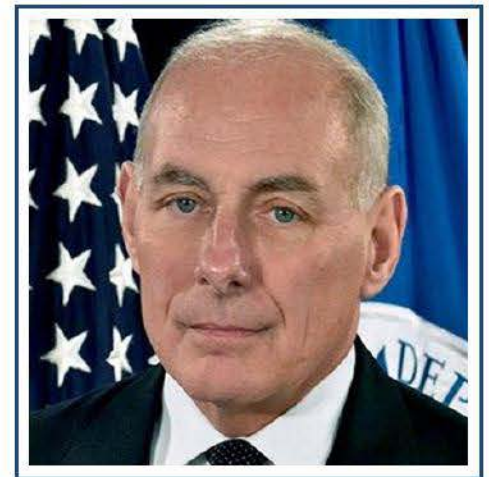
## Introduction

The consolidated terrorist watchlist, also known as the Terrorist Screening Database (TSDB), is one of the most effective counterterrorism tools used by the US Government. It supports the ability of frontline screening agencies to positively identify known or suspected terrorists (KST) trying to obtain visas, enter the country, board aircraft, or engage in other activity that could threaten the Homeland.

Homeland Security partners play a significant role in terrorist screening and a vast amount of terrorism information possessed by the Department of Homeland Security (DHS) is obtained during the encounter/screening process. Each encounter with a KST presents an opportunity to gain valuable intelligence and information. DHS has a responsibility to analyze and share this information.

The Terrorist Screening Center (TSC) maintains the TSDB (the Watchlist), which supports the ability of frontline screening agencies to positively identify KSTs. While undertaking these activities, TSC is also dedicated to ensuring the repository is maintained in a manner consistent with protecting the privacy and civil liberties of Americans.

The National Counterterrorism Center (NCTC), as established by the Intelligence Reform and Terrorism Prevention Act of 2004, manages the Terrorist Identities Datamart Environment (TIDE), which serves as the US Government’s central repository of information on *international* terrorist identities. TIDE data informs the Watchlist and various terrorist screening systems and supports the Intelligence Community’s overall counterterrorism mission.



*“As Secretary, you have my commitment to tirelessly protect our country from threats, secure our borders, and enforce the law while expediting lawful trade and travel. In pursuit of those missions, please know that I take seriously our legal responsibilities to balance the security of our homeland with the protection of privacy, civil rights, and civil liberties.”*

*General John Kelly  
Secretary of Homeland Security*

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# (b)(3), (b)(7)(E)

## NCTC/TIDE

### NCTC

- Created to serve as the central & shared knowledge bank on persons associated with International terrorism and terrorist groups
- Maintains identifying and derogatory information
- Final arbiter of TIDE

### TIDE

- Classified database that contains terrorism information and persons associated with international terrorism
- Can retain records not yet eligible for entry into the TSDB
- Can retain USPERs with a connection to International terrorism
- Standard for inclusion: *Information pertaining to terrorism*

## TSC/TSDB

### TSC

- Created to consolidate the Government's approach to terrorism watchlisting and screening
- Receives nominations of domestic terrorists from the FBI and international terrorists from NCTC
- Validates all nominations in the TSDB and confirms all encounter matches
- Final arbiter of TSDB and Identity resolution

### TSDB

- U//FOUO database with only Identifying Information (no derogatory information)
- Considered "The Watchlist"
- Can retain USPERs with a connection to domestic or international terrorism
- Standard for inclusion: *Reasonable Suspicion unless an applicable exception exists*

(b)(3), (b) (7)(E)



(b)(3), (b) (7)(E)

(b)(3), (b) (7)(E)

# Watchlisting Authorities and Protections

## Homeland Security Act (2002)

authorizes the DHS Office of Intelligence and Analysis [to] access, receive, and analyze law enforcement and intelligence information from federal, state, and local agencies and the private sector to identify the nature, scope, and identity of terrorist threats to the US.

## Homeland Security Presidential Directive 24 (2008)

underscores the value of biometrics in achieving effective terrorism screening and emphasizes the need for a layered approach to identifying and screening of individuals, as no single mechanism is sufficient.

## The Intelligence Reform and Terrorism Prevention Act (2004)

created the NCTC and an information sharing environment for the sharing of terrorism information in a manner consistent with national security and with applicable legal standards relating to privacy and civil liberties. Additionally, it facilitated the availability of information in a form and manner that aids its use in analysis, investigations, and operations.

## Watchlisting Guidance (b) (7)(E)

standardized the watchlisting community's nomination and screening processes. The US Government's watchlisting process attempts to protect the American people from a terrorist attack, while safeguarding privacy, civil rights, and civil liberties.

## Homeland Security Presidential Directive 6 (2003)

instructed the US Attorney General to establish an organization to consolidate the Government's approach to terrorism screening and to provide for the appropriate and lawful use of terrorism information in screening processes. To implement the directive, the US Attorney General created the TSC.

(b) (7)(E)

## Executive Order 13368 (2005)

requires the head of each Department or Agency that possesses or acquires terrorism information to promptly give access to the information to the head of each other agency that has counterterrorism functions, unless otherwise directed by the President.

(b)(3), (b) (7)(E)

### WATCHLISTING PROTECTIONS:

- Nominations of US Persons receive special handling to ensure compliance with proscribed laws, policies, protections, and Executive Orders, as well as to ensure proper interagency coordination.
- First Amendment protected activity alone shall not be the basis for nominating an Individual for inclusion in the TSDB
- US persons nominated by DHS are reviewed annually to ensure they continue to meet watchlisting criteria
- Legal or Use Restrictions are in place to protect intelligence sources and methods and sensitive law enforcement techniques
- Collection, retention, and dissemination of US person information complies with intelligence oversight protections and policies stipulated in Executive Order 12333

(b) (7)(E)

- Individuals are eligible for removal if they no longer meet the criteria or the individual can apply for redress

(b)(3), (b) (7)(E)

**Common Acronyms/Definitions:**

(b) (7)(E)

- **Domestic Terrorism:** An act of Domestic Terrorism occurs primarily within the territorial jurisdiction of the U.S. and may include Domestic or International terrorist actors.
- **Domestic Terrorist (DT):** A Domestic Terrorist is not inspired by, and does not take direction from, an international terrorist group or foreign power.
- **Expanded Selectee (eSEL):** Persons selected for enhanced screening.
- **Known or Suspected Terrorist (KST):**
  - A known terrorist is a member of a terrorist group or an individual who has been arrested, charged, indicted, or convicted (etc.) of a crime related to terrorism.
  - A suspected terrorist is an individual who is reasonably suspected of engaging or intending to engage in terrorism.
- **National Crime Information Center (NCIC) KST File:** Law Enforcement access to the TSDB

(b)(3), (b) (7)(E)

- **No Fly:** Any person, regardless of citizenship, who represents one of the following.
  1. A threat of committing an act of international or domestic terrorism with respect to an aircraft.
  2. A threat of committing an act of domestic terrorism with respect to the homeland.
  3. A threat of committing an act of international terrorism against any U.S. Government facility abroad and associated or supporting personnel.
  4. A threat of engaging in or conducting a violent act of terrorism and is operationally capable of doing so

(b) (7)(E)

- **Selectee (SEL):** Individuals receive enhanced screening based on specified derogatory information.

(b)(3), (b) (7)(E)

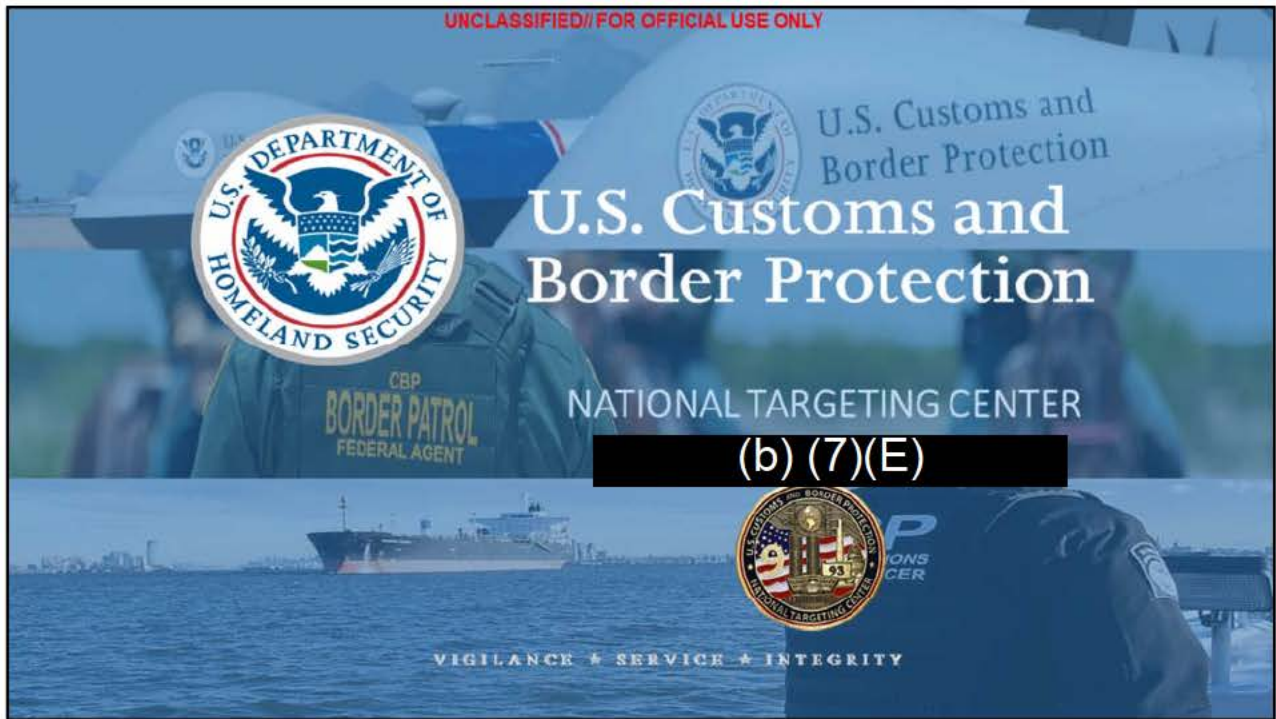
- **TECS:** Department of Homeland Security database used to screen travelers at US ports-of-entry and foreign departure points.
- **Terrorist Identities Datamart Environment (TIDE):** The US Government's central repository of information on international terrorist identities.

(b)(3), (b) (7)(E)

- **Terrorist Screening Database (TSDB):** Maintains the identities of domestic and international terrorists and other subjects for screening purposes by DHS, the Department of State, US Law Enforcement, and foreign partners.

(b)(3), (b) (7)(E)





Introductions/Salutations



# Welcome

## Tactical Terrorism Response Team Orientation 20-02

### Introductions

- Name
- Port
- Where were you on September 11, 2001?
- What are you hoping to get out of this course?





# Welcome

## Tactical Terrorism Response Team Orientation 20-02

### House Rules

- Hours of the training
- Bathroom
- Breaks
- Lunch
- Phones while instruction is given
- Respect the Brass



- 08-16, however be patient, work with times as we will have many presenters. Sometimes breaks, lunch, or class close will vary
- Go whenever you need, please don't be on your phones in class, step outside
- Get you as many as possible, usually 15 minutes but will vary
- Lunch will be 11-12
- Please do not be typing away on computers during class unless it's a section that is required to use computers
- Please stand everytime you see star and above



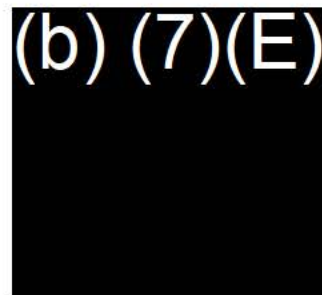
# Welcome

## Tactical Terrorism Response Team Orientation 20-02



### On the Job Training

- (b) (7)(E)
  - POC: Branch Chief (b) (6), (b) (7)(C)
  - Hours: 0800-1600
- (b) (7)(E)
  - POC: PM (b) (6), (b) (7)(C)
  - Hours: 1300-2100
- (b) (7)(E)
  - POC: PM (b) (6), (b) (7)(C)
  - Hours: 1200-2000
- (b) (7)(E)



- 08-16, however be patient, work with times as we will have many presenters. Sometimes breaks, lunch, or class close will vary
- Go whenever you need, please don't be on your phones in class, step outside
- Get you as many as possible, usually 15 minutes but will vary
- Lunch will be 11-12
- Please do not be typing away on computers during class unless it's a section that is required to use computers
- Please stand everytime you see star and above



# Welcome

## Tactical Terrorism Response Team Orientation 20-02

### Virginia/Washington DC

- One Loudoun
- Wineries
- Bicycles for rent
- National Mall
- White House
- Arlington Cemetery
- POV Rooftop
- Hamilton
- Old Ebbitt Grill
- Joe's Seafood and Steak
- Cuba Libre
- Washington Capitals Hockey
- DC United Soccer



- Things to do





# Welcome

## Tactical Terrorism Response Team Orientation 20-02

### Contact Information

- (b) (6), (b) (7)(C)
- [Redacted]
- (b) (6), (b) (7)(C)



Ronald Reagan Building  
1300 Pennsylvania Ave. NW (b) (7)(E)  
Washington, DC 20004

Email: (b) (7)(E)



# Welcome

(b) (6), (b) (7)(C), (b) (7)(E)

## Tactical Terrorism Response Team Orientation 20-02

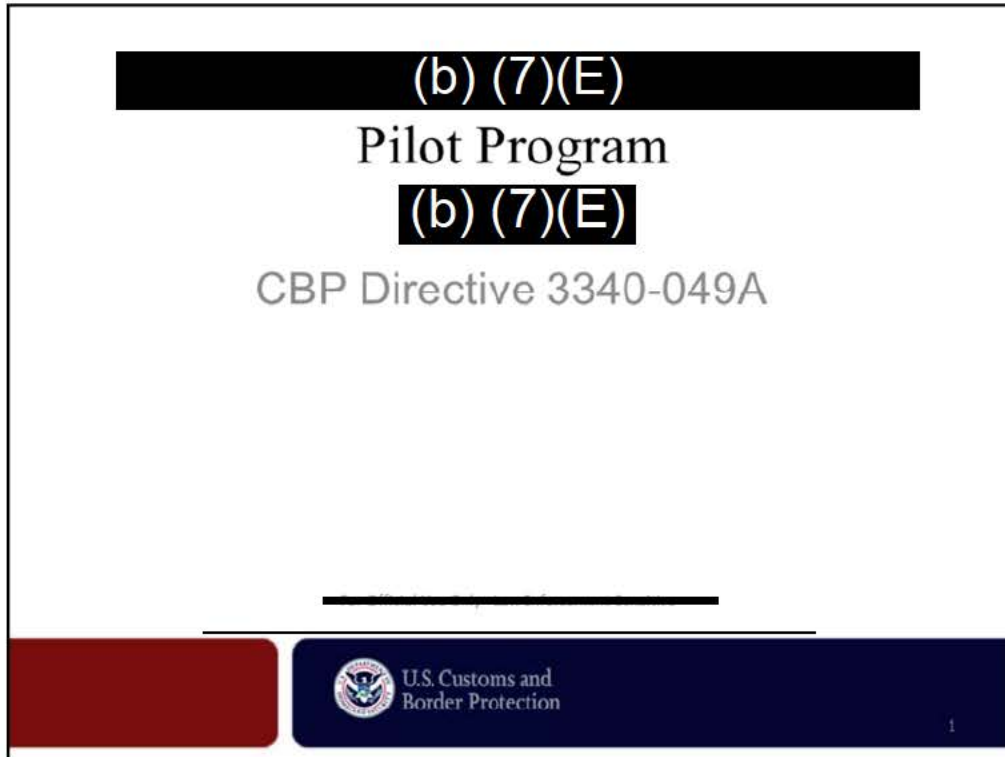
Activity: (b) (7)(E)

- Groups of 2

- 
- 
- 

(b) (7)(E)

- Discuss as a class



As more and more travelers carry information in electronic form, the frequency of examining electronic devices naturally tends to increase. Even with this, these types of searches occur in extremely small percentage of border crossings. The vast majority of travelers who cross the border with a laptop or other electronic device enter the United States without CBP ever inspecting their device.

- For FY 2017, there were 388,379,188 total passengers and only 30,150 Border Searched of Electronic Devices. Statics show that on the average xx of electronic devices were search

# What is (b) (7)(E) Pilot?

- (b) (7)(E)



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Border Protection

2

(b) (7)(E)

• (b) (7)(E)

# History of (b) (7)(E)

(b) (7)(E)



(b) (7)(E)



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3

On October 1, 2007, U.S. Customs and Border Protection, Office of Field Operations initiated the (b) (7)(E) (b) (7)(E) Pilot Project to (b) (7)(E) (b) (7)(E)

These media searches ranged from manual review of the device, to a (b) (7)(E) examination of the device utilizing the (b) (7)(E) or in some cases an actual detention of the device for a full forensic analysis (b) (7)(E)

- The (b) (7)(E) Pilot was originally launched at four ports of entry; (b) (7)(E)
- The pilot focused on (b) (7)(E)
- Currently (b) (7)(E) equipment is deployed at (b) (7)(E)
- (b) (7)(E) is still a pilot – funding remains an issue.

(b) (7)(E) is a partnership;

- HQ Office of Field Operations, Tactical Operations Division
  - Programmatic Responsibility
- (b) (7)(E) Partners
  - CBP Office of Technology and Information, Laboratory and Scientific Services (LSS)
    - Training and Equipment Expertise
  - CBP Office of Field Operations, (b) (7)(E)
    - (b) (7)(E)
  - CBP Office of Chief Counsel
    - Legal Guidance and Counsel
  - CBP Field Offices
    - Users and Consumers
  - ICE
    - Users and Consumers
  - (b) (7)(E)



# Volatility of (b) (7)(E)

- CBP does not discriminate against travelers
- Litigious environment
- Office of Regulations and Rulings & Civil Rights and Civil Liberties
- (b) (7)(E) Privacy Issues
- 9<sup>th</sup> Circuit Decision(s)

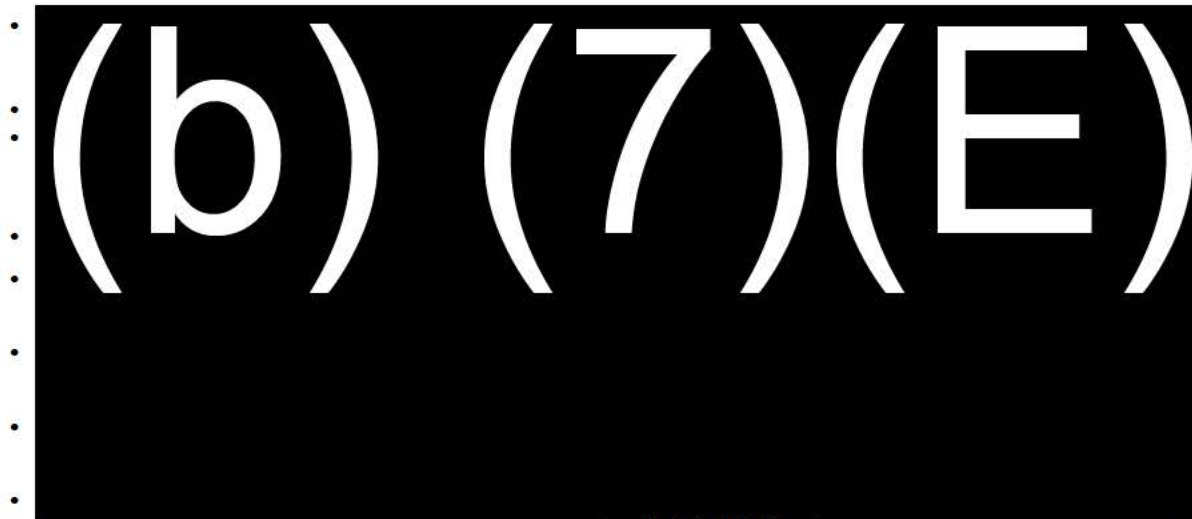


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4

CBP does not discriminate against travelers by singling them out for searches based on race, religion, or ethnicity.

We are under constant scrutiny from civil right groups such as; Office of Regulations and Rulings & Civil Rights and Civil Liberties who want more transparency and Congress. CBP has formed a Working Group on (b) (7)(E) Privacy Issues.



- Port Director approval is required for the use of (b) (7)(E) to conduct a border search of the (b) (7)(E)
- All factors leading to a finding of reasonable suspicion must be documented appropriately in the IOEM.

## Litigation

- Knight First Amendment Institute at Columbia University v. Department of Homeland Security
- Muslim Advocates v. Department of Homeland Security
- Alasaad v. Nielsen

## OIG Audit/Findings

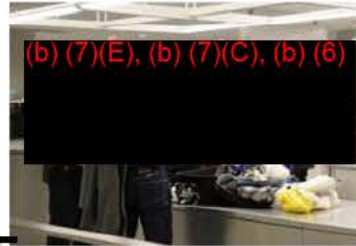
- 1. Officers not documenting actions
- 2. Disabling Data Connections
- 3. Ensure equipment accounted for and license renewed
- 4. Delete information from flashdrives
- 5. Develop performance, measures, evaluate and establish as a Program of Record

## Congressional

- Senate Homeland Security and Governmental Affairs Committee
- Leahy's bill, *"To place restrictions on searches and seizures of electronic devices at the border,"*
- The bill would also restrict CBP's border search authority
- DEAC testified to defend CBP search authority

# Updated CBP Directive

- CBP Directive 3340-049A
  - Section 5.1.2
  - Section 5.1.3
  - Section 5.1.4
  - Section 5.2.1
  - Section 5.3
- Many factors may constitute a national security concern or create reasonable suspicion of a violation of the laws enforced or administered by CBP.



8

Updated CBP Directive 3340-049A, dated January 4, 2018, Border Search of Electronic Devices Containing Information. A must read for **ALL** involved in (b) (7)(E)

## Directive Key Points:

5.1.2 – Officers will ensure that airplane mode or other appropriate measure is employed to disable network connectivity and avoid accessing information that is solely stored remotely (e.g., in “the cloud”).

5.1.3 – This section introduces the concept of a Basic Search, which is a search that does not meet the requirements of an Advanced Search.

5.1.4 – This section introduces the concept of an Advanced Search as a search using a connection to external equipment, which requires GS-14 supervisor approval and may be performed when there is a national security concern or reasonable suspicion of a violation of the laws enforced or administered by CBP.

5.2.1 – This section and its subsections clarify the procedures for review and handling of attorney-client privileged material encountered in the course of a border search.

5.3 – This section and its subsections clarify the procedures for handling devices that are encrypted or passcode-protected or otherwise not presented for inspection in a manner that facilitates a border search.

Many factors may constitute a national security concern or create reasonable suspicion of a violation of the laws enforced or administered by CBP. All articulable factors resulting in an Advanced Search should be clearly documented. For example, the presence of an individual on a government-operated and government-vetted terrorist watch list is in itself sufficient to conduct an Advanced Search, but the IOEM should also document any additional articulable factors that may be present.



## Policy – Use of (b) (7)(E) equipment

- (b) (7)(E) equipment is for **OFFICIAL USE ONLY**.
- (b) (7)(E) equipment must be inventoried.
- All Thumb Drives must be barcoded.

(b) (7)(E)

(b) (7)(E)



U.S. Customs and  
Border Protection

9

- (b) (7)(E) equipment is for OFFICIAL USE ONLY.
- At no time should it be used to examine any media that is not the subject of a Border Search.
- (b) (7)(E) equipment must be inventoried.
- All Thumb Drives must be barcoded.

## Policy – Use of (b) (7)(E) equipment

- Basic Search refers to Basic examinations
- Advance Search refers to (b) (7)(E)
- Advanced Search requires GS-14 supervisor approval, or approval of a manager with responsibilities comparable to a GS-14 supervisor, and may be performed only when there is a national security concern or reasonable suspicion of a violation of the laws enforced or administered by CBP.




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10

- Basic Search refers to Manual examinations
- Advance Search refers to (b) (7)(E)
- Advanced Search requires GS-14 supervisor approval, or approval of a manager with responsibilities comparable to a GS-14 supervisor, and may be performed only when there is a national security concern or reasonable suspicion of a violation of the laws enforced or administered by CBP.

Policy – Use of (b) (7)(E) equipment

- (b) (7)(E)
- 
- 
- 



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11

The use of (b) (7)(E) equipment will now be authorized on all inbound and outbound passengers (b) (7)(E)

(b) (7)(E)


Policy – Use of (b) (7)(E)  
equipment

- (b) (7)(E)
- If an advanced search is to be performed on the device of subject arrested at the time of examination, the search must be performed as a border search and not incident to arrest.

This should be documented as such in the IOEM.

Policy – Use of (b) (7)(E) equipment

- (b) (7)(E)



U.S. Customs and Border Protection

13

Reason for Search – Very Important -

(b) (7)(E)



Policy – Use of (b) (7)(E) equipment

(b) (7)(E)



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14

(b) (7)(E)

ICE has a separate policy; ICE may concurrently exercise their border search under their policy

Per ICE policy, when CBP transfers an electronic device for analysis, ICE Special Agents are responsible for advising CBP of the status within 10 calendar days

## TECS Mod Electronic Media Report

- February 18, 2016
- IOEM is required
- Narrative
  - Supervisor witness/notification
  - Tear Sheet
  - Disable data connections
  - “Media Screening Equipment”
- Supervisor Approval

(b) (7)(E)



U.S. Customs and  
Border Protection

15

In order to effectively monitor electronic media searches, the Office of Information Technology, in conjunction with Tactical Operations Division, developed the function in TECS to capture the specifics of these very sensitive searches.

### **TECS Mod Electronic Media Report went into production on February 18, 2016.**

- IOEM is required
- Narrative should identify witnessing supervisor or supervisory notification information.
- Narrative must include a statement that the tear sheet was presented to the individual or an articulation of why the tear sheet was not provided
- Narrative must NOT include the term (b) (7)(E) or specific names of equipment, example is to use “media screening equipment”
- Supervisor must approve IOEM by the end of work shift.

### **Inspection of Operations Electronic Media Tracking (IOEM)- Background**

- On January 1, 2012, IOEM became the primary function for capturing the search of electronic devices.
- The IOEM is a TECS transaction used to track and record searches of electronic media devices, such as cell phones and laptop computers, which are detained, seized, destroyed, transferred to another agency, or returned to the traveler during a secondary inspection.
- The tracking and recording of electronic media/devices is completed as part of a traveler’s inspection when entering and/or exiting the United States. Email notifications are generated throughout this process to notify record owners (and their supervisors), that actions have been or need to be completed to close an IOEM report.
- The IOEM functionality was developed in response to a Management Inspection Division recommendation that was further endorsed by the DHS’s Civil Rights Civil Liberties Unit.

## TECS Mod Electronic Media Report

(b) (7)(E)



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16

TECS Mod comes equip with drop down menus for easy choice selection and “red” asterisk mandatory field reminders.

(b) (7)(E)

## TECS Mod Electronic Media Report

(b) (7)(E)



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17

On-screen field "Help" is available just like the legacy (b) (7)(E)

## TECS Mod Electronic Media Report

(b) (7)(E)



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18

On-line "Help" is available that walk you thru the many electronic media report functions to include; video and road map charts.



## IOEM Narratives

- IOEM is required.
- The narrative **must** link back to the reason for the search

(b) (7)(E)

- Narrative must answer the “5” W’s. (who, what, where, when and why)
- Narrative **must** identify witnessing supervisor or supervisory notification information.
- Narrative **must** include a statement that the tear sheet was presented to the individual or an articulation of why the tear sheet was not provided.



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- IOEM is required.
- The narrative **must** link back to the reason for the search (b) (7)(E)
- Narrative must answer the “5” W’s. (who, what, where, when and why).
- Narrative **must** identify witnessing supervisor or supervisory notification information.
- Narrative **must** include a statement that the tear sheet was presented to the individual or an articulation of why the tear sheet was not provided.
- Narrative must state data connections disabled.

## IOEM Narratives

- Narrative **must NOT** include the term (b) (7)(E) or specific names of equipment, example is to use “media screening equipment”

• (b) (7)(E)

- Supervisor must approve IOEM by the end of work shift.
- The narratives should be clear and concise addressing the 5 W’s (Who, What When, and Where)

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U.S. Customs and  
Border Protection


- Narrative **must NOT** include the term (b) (7)(E) or specific names of equipment, example is to use “media screening equipment”

• (b) (7)(E)

- Supervisor Must approve IOEM by the end of work shift.

Value of (b) (7)(E)

(b) (7)(E)



U.S. Customs and  
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21

(b) (7)(E)

**(b) (7)(E) Procedures**

**(b) (7)(E)**

**(b) (7)(E)**

**(b) (7)(E)**

# (b) (7)(E) Procedures

3. Visually verify that there is no network connectivity on the (b) (7)(E) computer:  
No Wired Connectivity No Wireless Connectivity

No Wired Connectivity



No Wireless Connectivity



Only after you verify that there is no connectivity you are allowed to

(b) (7)(E)





**(b) (7)(E) Procedures**

- **(b) (7)(E)**
- **(b) (7)(E)**
- **(b) (7)(E)**
- **(b) (7)(E)**



U.S. Customs and  
Border Protection

- **(b) (7)(E)**
- **(b) (7)(E)**
- **(b) (7)(E)**
- **(b) (7)(E)**

**(b) (7)(E) Procedures**

• **(b) (7)(E)**

- A TECS Mod IOEM will be completed for each **(b) (7)(E)**

**(b) (7)(E)**



U.S. Customs and  
Border Protection

• **(b) (7)(E)**

- A TECS Mod IOEM will be completed for each **(b) (7)(E)**

(b) (7)(E)



(b) (7)(E)

## **(b) (7)(E) Responsibilities**

- The creation of a record in IOEM in no way replaces the necessity of creating an IOIL if the circumstances surrounding the search merit further recordation other than solely an electronic media search.

• **(b) (7)(E)**



U.S. Customs and  
Border Protection

- The creation of a record in IOEM in no way replaces the necessity of creating an IOIL if the circumstances surrounding the search merit further recordation other than solely an electronic media search.

• **(b) (7)(E)**

## (b) (7)(E) Responsibilities

- This responsibility includes (b) (7)(E) (b) (7)(E) documenting the examination in the TECS Mod IOEM and completing all applicable documentation such as the Form 6051, or 6051D as appropriate.
- The field office conducting the extraction should (b) (7)(E) (b) (7)(E)



U.S. Customs and  
Border Protection

- The officer(s) conducting the (b) (7)(E) examination are responsible for completing in a timely fashion, all after-action reporting requirements, (b) (7)(E) (b) (7)(E)
- (b) (7)(E)
- (b) (7)(E)



# Tear Sheet

- Information Sheet on Inspection of Electronic Devices
- Tear sheets may be obtained by filling out

(b) (7)(E)

(b) (7)(E) and submitting it to the (b) (7)(E)

(b) (7)(E)



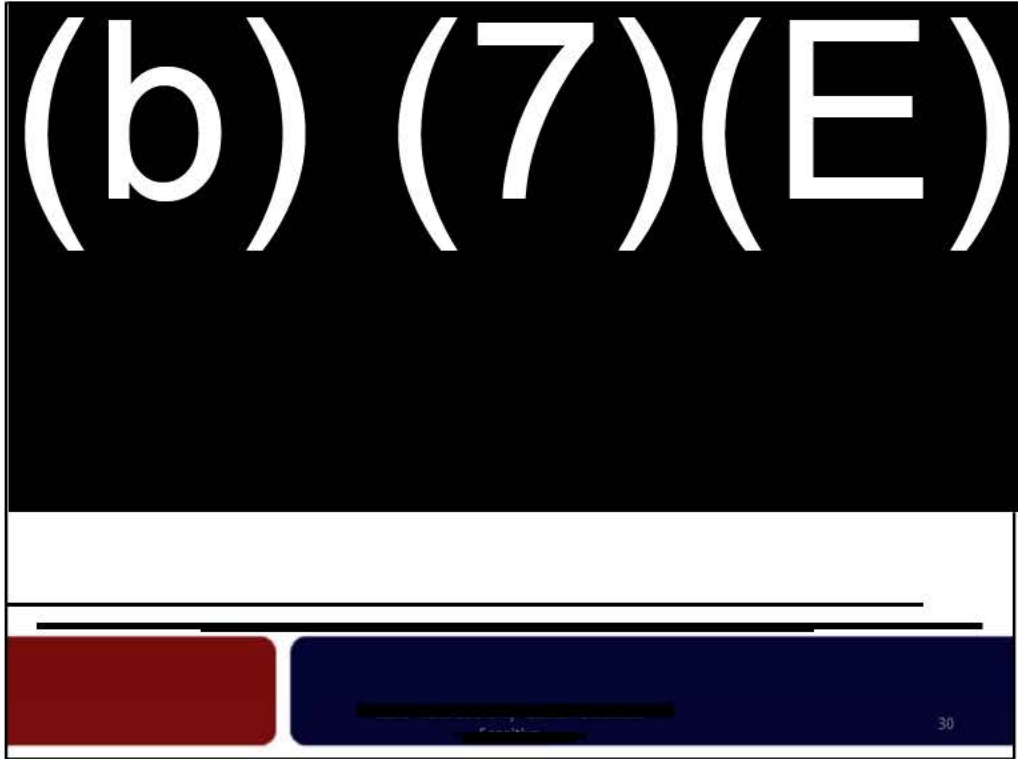
U.S. Customs and Border Protection

MUST be presented to all individuals that have an electronic device detained or seized, EXCLUDING those instances involving (b) (7)(E) operations.

The reality...

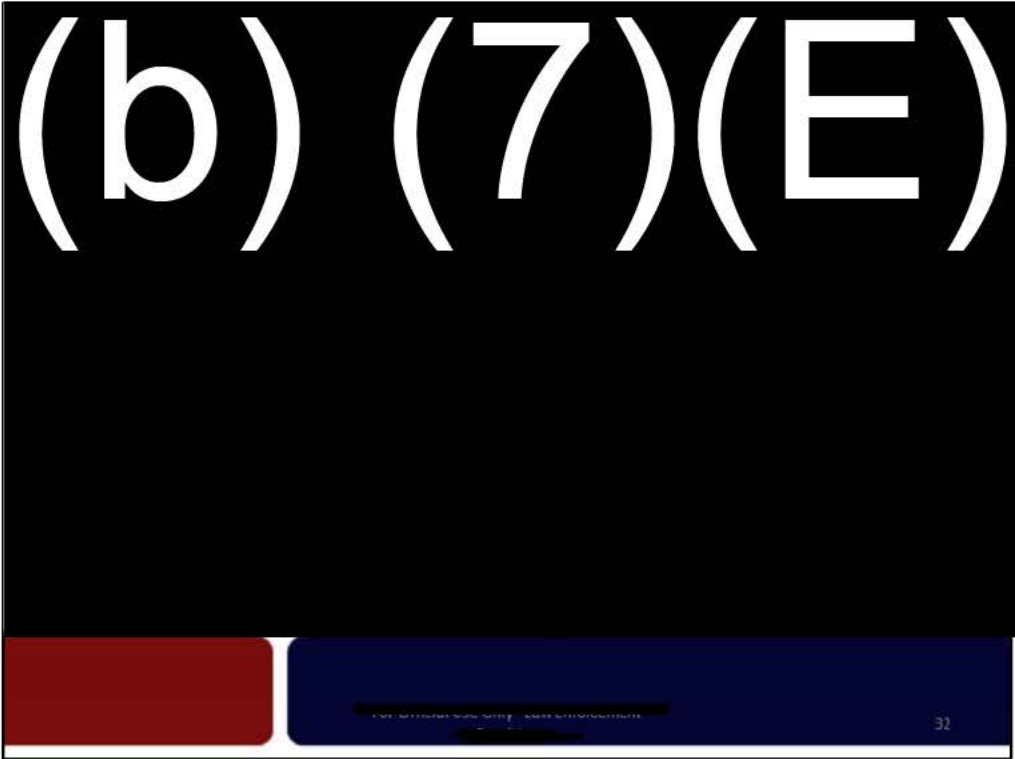
<http://www.cbp.gov/xp/cgov/travel/admissibility/>

Tear sheets may be obtained by filling out CBP form (b) (7)(E) and submitting it to the (b) (7)(E)



(b) (7)(E)





# Questions?

• [REDACTED] (b) (7)(E)



U.S. Customs and  
Border Protection

33

Does anyone have any questions at this time?

[REDACTED] (b) (7)(E)

Traveling Public;

For general questions or concerns about your inspection, you may contact CBP's Customer Service Center at 1-877-CBP-5511 (for callers in the United States), 703-526-4200 (for international callers), or 1-866-880-6582 (TDD) Monday through Friday between 8:30 a.m. and 5:00 p.m. Eastern Time.



Case #	Case Type	Status	Reported Date	Case Summary
(b) (7)(E)	Management Referral	Closed	21-DEC-16	SCBPO reported classified document left unsecured in the office, Seattle, WA
	Management Referral	Closed	13-JAN-17	TTRT alleged a document classified at the Secret level appeared to be mishandled or stored incorrectly, Detroit, MI.
	Information Only	Closed	06-JUN-18	Misuse of the Tactical Terrorism Response Team Program (TTRP) by unidentified managers, Detroit, MI
	Investigation CBP OPR	Closed	10-DEC-19	CBPO allegedly mishandling (b) (7)(E) unauthorized (b) (7)(E) Orlando, FL

Case #	Case Type	Status	Reported Date	Case Summary
(b) (7)(E)	Information Only	Closed	06-JUN-18	Misuse of the Tactical Terrorism Response Team Program (TTRP) by unidentified managers, Detroit, MI

July 31, 2020

Scarlet Kim  
American Civil Liberties Union  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004

Re: CBP-2020-012037

Dear Ms. Kim:

This is a fourth response to your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) on November 13, 2019. You requested the following records:

1. Formal or informal policies, guidance, procedures, bulletins, memoranda, and/or legal opinions pertaining to TTRTs, including but not limited to, records concerning:
  - a. How travelers are screened and/or targeted for interviews or inspection by TTRTs;
  - b. Profiling based on race, religion, ethnicity, and/or national origin and their proxies, such as name or appearance;
  - c. Whether and how a watchlist nomination may result from TTRT interviews or inspection;
  - d. The retention, storage, sharing, and/or deletion of information about travelers subject to TTRT interviews or inspection;.
2. Training and/or course materials for TTRT officers, whether developed by CBP or by other agencies, including but not limited to materials related to reliance on race, religion, ethnicity, and/or national origin and their proxies;
3. Formal or informal reports, evaluations, audits, or analyses concerning the effectiveness of TTRTs;
4. Records sufficient to show, since January 1, 2017:
  - a. The number of individuals denied entry as a result of TTRT activities and their immigration status and/or basis for application for admission;
  - b. The races, ethnicities, and/or national origins of the individuals denied entry as a result of TTRT activities;
5. Records sufficient to show, since January 1, 2017:
  - a. The number of individuals targeted for interview or inspection by TTRTs and their immigration status and/or basis for application for admission;

- b. The races, ethnicities, and/or national origins of the individuals targeted for interview or inspection by TTRTs;
  - c. The number of individuals targeted for interview or inspection by TTRTs for the purpose of gathering information about third parties, including watchlisted persons;
6. Records sufficient to show the number of individuals nominated to a watchlist by TTRTs since January 1, 2017;
7. Records sufficient to show, since January 1, 2017:
  - a. The number of individuals targeted for interview or inspection by TTRTs who were asked to but declined to sign Form 1-275, "Withdrawal of Application for Admission";
  - b. The number of individuals targeted for interview or inspection by TTRTs who signed Form 1-275;
  - c. The number of individuals targeted for interview or inspection by TTRTs for whom Forms 1-867 A, which contains a record of the basis for CBP's determination that an individual is subject to Expedited Removal, and/or 1- 867B, which consists of questions designed to assess whether a traveler has a fear of returning to his or her country, were prepared;
  - d. The number of individuals targeted for interview or inspection by TTRTs for whom Form 1-870, "Notice and Order of Expedited Removal," was prepared;
8. Records concerning complaints, grievances, and/or concerns raised by CBP officers or other government officials related to TTRTs;
9. Records concerning investigations of and/or disciplinary action related to TTRT officers;<sup>1</sup>
10. All records created, sent, received, referenced, and/or used in fulfilling and/or responding to this Request.

For this release, CBP FOIA has reviewed 280 pages of records and made the following determinations:

- 280 pages of records that are partially released pursuant to Title 5 U.S.C. § 552 (b)(3), (b)(6), (B)(7)(C), and (B)(7)(E).

Additional information regarding the applicable exemptions and response can be found at the following link: <https://www.cbp.gov/document/guidance/exemption-definitions>.

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<sup>1</sup> On June 18, 2020, Ms. Kim indicated that her client consented to narrowing Category # 9 to “records concerning investigations of and/or disciplinary action related to TTRT officers with respect to the three categories proposed ((1) profiling, (2) First Amendment concerns and (3) recording, retaining and disseminating information) on the condition that CBP also add a fourth category: misuse or abuse of TTRT/TTRP (Tactical Terrorism Response Program).”

Copies of the FOIA and DHS regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia).

As this matter is currently in litigation, if you need further assistance or would like to discuss any aspect of this response, please contact Kathleen Mahoney, Assistant United States Attorney.

Sincerely,

*Patrick Howard*

Patrick Howard  
Branch Chief  
U.S. Customs and Border Protection, FOIA Division  
Privacy and Diversity Office

**From:** (b) (6), (b) (7)(C)  
**To:** [CRCL Compliance](#); [PDOTASKING](#); (b) (7)(E)  
**Cc:** (b) (6), (b) (7)(C), (b) (7)(E)  
**Subject:**  
**Date:** Tuesday, July 30, 2019 4:29:26 PM  
**Attachments:** (b) (6) [.pdf](#)

---

For your review.

(b) (6), (b) (7)(C)

Compliments and Complaints Analyst  
Office of the Commissioner/Intergovernmental Public Liaison  
U.S. Customs and Border Protection

Phone: (b) (6), (b) (7)(C)

Fax: (b) (6), (b) (7)(C)

Email: (b) (6), (b) (7)(C)



**Reference #**  
(b) (6)

**Status**  
Updated

**Assigned To**  
(b) (6), (b) (7)(C)

**Product**  
Discrimination

**Category**  
Land Border, Airport or Seaport  
(b) (7)(E)

**Disposition**  
Travelers  
US Citizen/US Resident

**SLA**  
Not specified

**Queue**  
Complaints

---

**Date Created**  
07/22/2019 07:13 PM

**Date Initial Solution Response**  
None

**Last Updated**  
07/30/2019 04:21 PM

---

**Customer SmartSense**  
-1 (on -3 to +3 scale)

**Staff SmartSense**  
+1 (on -3 to +3 scale)

---

**Response Needed**  
Yes

**Language**  
English

**Flight Number**  
(b) (6), (b) (7)(C)

**Dist Field Office**  
(b) (7)(E)

**Incident Date**  
07/21/2019 03:00 PM

**PLOR**  
Not Warranted

**Privacy Issue**  
No

**Employee Conduct**  
Unprofessional

**Referred out of CIC**  
No

**Form Type**  
Departing 1st

**NEXUS Number**  
N/A

**SENTRI Number**  
N/A

**FAST Number**  
N/A

**Created by Generic Supervisor**  
No

**Disposition (CF)**  
Under Review

**Auto Close**  
No

**Video Footage Attached**  
No

**Discrimination**

**Discussion Thread**

**Response** (b) (6), (b) (7)(C)

Good afternoon,

Thank you for taking the time to contact the U.S. Customs and Border Protection (CBP), Compliments and Complaints Branch regarding your experience at the (b) (7)(E) port of entry on July 21, 2019.

We regret to learn about your unfortunate experience with CBP. Please be assured that CBP takes employee misconduct very seriously and has clear policies in place prohibiting the abuse of authority. Complaints of unprofessional conduct are recorded, investigated, and appropriate action is taken against CBP Officers or U.S. Border Patrol Agents who violate these rules.

We have forwarded your complaint to the appropriate office within the U.S. Department of Homeland Security for review and action as deemed appropriate. You may not receive further communication about this matter because the Privacy Act prohibits any disclosure of disciplinary actions taken against CBP personnel.

We appreciate you bringing this matter to our attention and we hope your future encounters with CBP personnel are pleasant and professional.

Again, thank you.

Regards,

U.S. Customs and Border Protection  
CBP Information Center  
Compliments and Complaints Branch

**Customer** (b) (6), (b) (7)(C)

Hello

I was treated very poorly and inhumanely by the customer in (b) (7)(E) arrived at 3:00 PM 07/21/2019 (b) (7)(E) after going through the line. When it was my turn (b) (7)(E) the officer at the window. I mentioned to the officer after he had examined my travel documents (b) (6) and finger prints, that I work for the (b) (6) and that I was (b) (6) and how I am back on leave and also I had family medical emergency. The officer told me that I should go inside. For further examinations. They intentionally made me wait for an hour. I asked one of the officers inside, if suppose to be my folders turn. He said yes, and we are waiting for a different officer for yours. He also said, that the hold up is because of our pay check. At 5:00 o'clock PM a new officer showed up and asked for my name, I confirmed it's me, and he asked me to follow him. When we got out side. He told me to go set down and asked me to give him a minute, when he got ready to see me. He called me to come over. I mentioned to him that I work as a (b) (6) and that I was (b) (6) (b) (6) ignored my (b) (6) and my speech. he started interrogating me - asking me questions - like -

Do you know any (b) (7)(E)

Does the (b) (7)(E) like Americans?

What did you do in (b) (7)(E)

Who did you work thier for?

Where in (b) (7)(E) you worked?

When did you come to America?

Why did you come to America?

What dose your father do?

How money bothiers do you have?

What are thier names?

What dose your mother do?

What dose your father do

How did you come up with becoming (b) (6) the first time.

What is your home address in the states

What is your wife's name

What dose your wife do.

How did you get to (b) (6)

How did you get to (b) (6)

asked me these questions while profiling me very aggressively? all of this because of my identity and race and the way I looked. I had beared because working with (b) (6) while (b) (6) is the norm to have beared.

After he was done with his unprofessional and unethical full of hatntism examinations. He started asking me questions about my personal belongings searched my back pack and went through my personal documents. When he saw my (b) (6) he suddenly started to change from his inhuman behavior to a different individual started acting nice and telling me not report him. I felt like he is giving me a hard time telling me not to work with (b) (6) any more.

I called his supervisor and informed him of his officers misconduct. He was kinda feeling sorry for his officers misconduct.

I do not know the exact name of the officer who did the examinations on his uniforms it said (b) (6), (b) (7)(E) think, the time he started his Examinations from 5:00 PM (b) (7)(E) time date 07/29/2019.

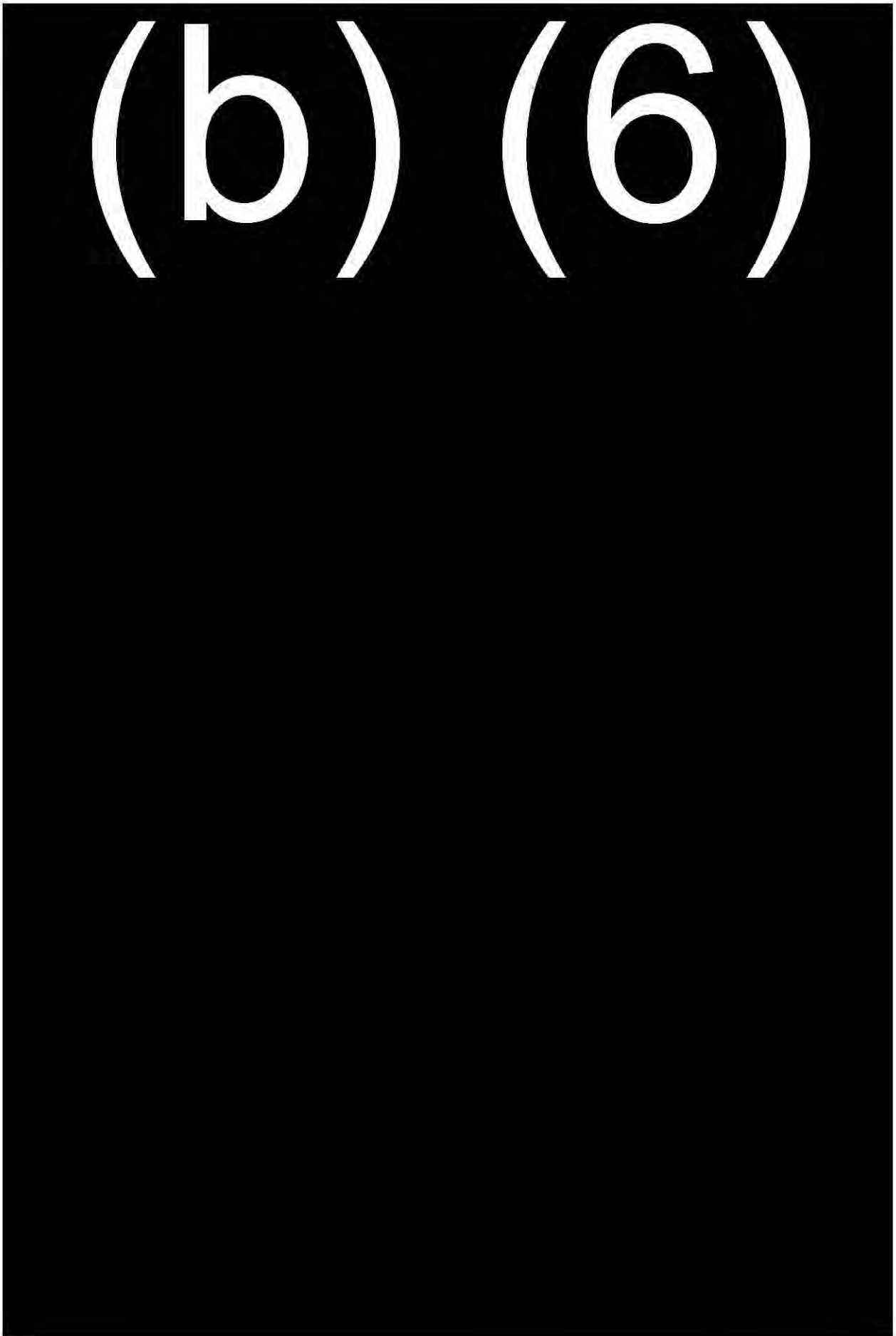
Why as a customer border police officer, while knowing I work for the (b) (6) (b) (6) and and (b) (6) he gave me a hard time completely drained my soul. Just because I had beared and my identity and race.

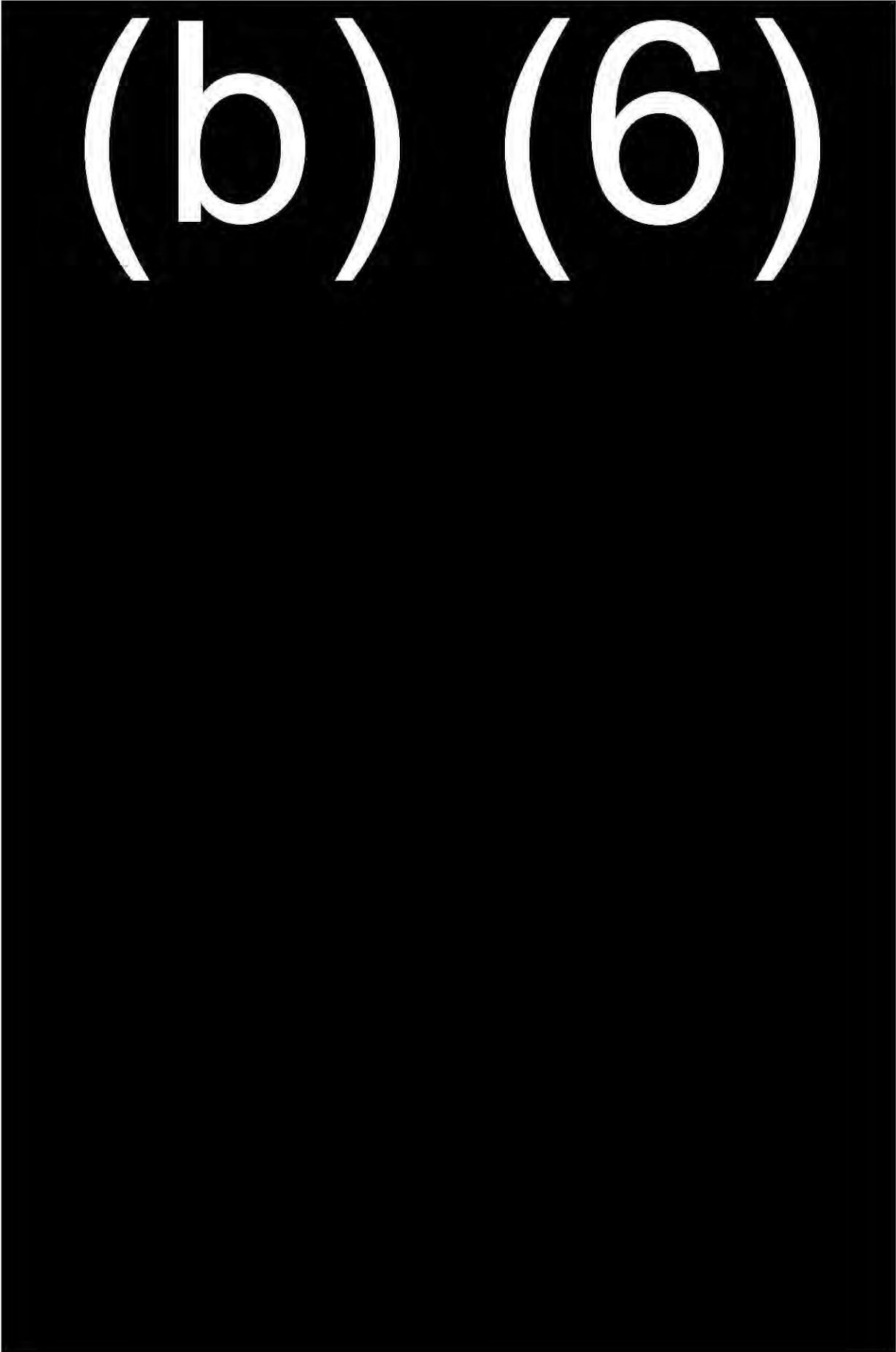
Please find the attachment it's my (b) (6) and my passport.



(b) (6)

(b) (6)







Sent from Yahoo Mail on Android

On Thu, Jul 26, 2019 at 8:47 AM, Customs and Border Protection Information Center <customs@mailfi.custhelp.com> wrote:

Recently you requested personal assistance from our on-line support center. Below is a summary of your request and our response.

**Subject**  
Discrimination

**Discussion Thread**  
**Response Via Email (Compliments and Complaints Officer)** 07/25/2019 11:47 AM  
Good Morning,

Thank you for taking the time to contact the U.S. Customs and Border Protection (CBP), Compliments and Complaints Branch.

Please submit a new complaint to include the additional information to include the Officer(s) name involved with the examination. Please provide information at your earliest convenience.

Again, thank you.  
Regards,

U.S. Customs and Border Protection  
CBP Information Center  
Compliments and Complaints Branch

**Customer By Web Form** (b) (6) 07/22/2019 07:13 PM  
I was treated very inhumanly, unprofessionally and humiliated because of my identity race and color and the way I was dressed. I work at (b) (6) my work requires me to travel to (b) (7)(E) I have more information concerning this issue but the system wont allowing submitting it.

Question Reference #190722-004217

Category Level 1: Land Border, Airport, or Seaport  
Category Level 2: (b) (7)(E)  
Category Level 3: (b) (7)(E)  
Date Created: 07/22/2019 07:13 PM  
Last Updated: 07/25/2019 11:47 AM  
Status: New  
Entry Code If Not US:  
Phone Number:  
First Name:  
Middle Name:  
Last Name:  
Suffix:  
Other Name:  
City:  
State/Province:  
Country:  
Postal Code:  
DOB: //  
Passport #:  
Issuing Country:  
Alien #:  
I-94 #:  
Trusted Traveler ID#: (b) (7)(E)  
Carrier-Vessel Name: (b) (7)(E)  
Flight Number:  
Dist Field Office:  
Border Patrol Sector:  
Badge Number: (b) (6), (b) (7)(E) (do not know it)  
Incident Date: 07/21/2019 12:00 PM  
AgentsKnowledge:  
ReachingAgent:  
IssueResolved:  
AgentsCourtesy:  
ESTA Number:  
Email:  
Port of Entry:  
Form Type: Departing 1st  
Esta Group ID:  
Complaint Founded:  
GE Number:  
APEC Number:  
GOES Registration Number: N/A  
Other Program Number:  
License Plate Number:  
Aircraft Registration Number:  
Uniform Selection:  
License Plate State:  
Created by Generic Supervisor: No  
US Flag:  
Pilot Certification Inspection:  
Approximate Time:  
Export Problem:  
I-94 Number:  
Express Mail Tracking:  
Submitter First Name:  
Submitter Last Name:  
Is Internal Inc Closed?:

Address

Address - 2

Full Name F&L

General Aviation Location  
Vessel Name  
Marina  
Cruising Permit Number  
ESTA Application Number  
Submitter Email

**Response** (b) (6), (b) (7)(C)

Good Morning,

Thank you for taking the time to contact the U.S. Customs and Border Protection (CBP), Compliments and Complaints Branch.

Please submit a new complaint to include the additional information to include the Officer(s) name involved with the examination. Please provide information at your earliest convenience.

Again, thank you.

Regards,

U.S. Customs and Border Protection  
CBP Information Center  
Compliments and Complaints Branch

**Customer** (b) (6)

I was treated very inhumanly, unprofessionally and humiliated because of my identity, race and color and the way I was dressed. I work as a (b) (6) my work requires me to travel to (b) (7)(E) have more information concerning this issue but the system won't allow submitting it.

**Primary Contact**

First Name: (b) (6)  
Last Name: (b) (6)  
Organization: (b) (6)  
Login Title: (b) (6)  
Contact Type: (b) (6)  
Email: (b) (6)  
Email - Alternate #1:  
Email - Alternate #2:  
Office Phone: (b) (6)  
Mobile Phone:  
Fax:  
Assistant Phone:  
Home Phone:  
Street City: (b) (6)  
State/Province:  
Postal Code:  
Country: United States

**Additional Information**

Carrier Vessel Name: (b) (6), (b) (7)  
Badge Number: Do not know it  
GOES Registration Number: N/A



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

www.oig.dhs.gov

June 12, 2017

MEMORANDUM FOR: Matthew Klein  
Assistant Commissioner  
Office of Professional Responsibility  
U.S. Customs and Border Protection  
(b) (6), (b) (7)(C)

FROM: (b) (6), (b) (7)(C)  
Special Agent in Charge  
Office of Investigations  
(b) (7)(E)

SUBJECT: (b) (6), (b) (7)(C)  
Customs and Border Protection Officer, GS-12  
U.S. Customs and Border Protection  
(b) (7)(E)

CASE NUMBER: (b) (7)(E)

Attached is our Report of Investigation (ROI) on the above subject.

The ROI is furnished to you to evaluate and make an administrative decision regarding the above listed subject. Should you take any administrative action in response to our ROI, please inform this office so we can update our records. Please destroy the ROI upon disposition of this matter.

Should you have any questions regarding the contents of the ROI or need additional information, you may contact me at (b) (6), (b) (7)(C)

Attachment

**DEPARTMENT OF HOMELAND SECURITY  
OFFICE OF INSPECTOR GENERAL**

**REPORT OF INVESTIGATION**

**(b) (7)(E)**



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**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**REPORT OF INVESTIGATION**

<i>Case Number:</i>	(b) (6), (b) (7)(C), (b) (7)(E)
<i>Case Title:</i>	[REDACTED] Customs and Border Protection Officer, GS-12 U.S. Customs and Border Protection [REDACTED] (b) (7)(E)
<i>Report Status:</i>	Final
<i>Alleged Violation(s):</i>	Title 18 U.S.C. § 242, Deprivation of Rights under Color of Law

**SYNOPSIS**

The Department of Homeland Security (DHS), Office of Inspector General (OIG), conducted an investigation into the allegation that Customs and Border Protection Officers (CBPOs), Customs and Border Protection (CBP), detained (b) (6) and his family members, for an excessive time period due to their religious beliefs. Furthermore, (b) (6) and his family members also claimed they were subjected to disparate treatment, because of their religious beliefs.

The DHS OIG investigated the reasons which prompted the CBP secondary inspection and the manner in which the inspection was conducted. No evidence existed to indicate (b) (6) or his family members' religious beliefs had anything to do with the secondary inspection or the duration of the inspection. (b) (6) and his family were detained as a result of a (b) (7)(E) (b) (6), (b) (7)(E) who accompanied (b) (6) at the time.

The DHS OIG determined the secondary inspection was conducted properly, in accordance with CBP policies, and was reasonable in its duration, by CBP standards.

The Department of Justice (DOJ), Civil Rights Division (CRT) and the United States Attorney's Office (USAO), Western District of New York (WDNY) both cited the lack of a civil rights violation and declined prosecution.

<i>Reporting Agent</i>		<i>Distribution:</i>	
Name: (b) (6), (b) (7)(C)	Signature: (b) (6), (b) (7)(C)	(b) (7)(E) Field Office	Original
Title: Special Agent	Date: May 1, 2017	Headquarters	1 cc
<i>Approving Official</i>		ment(s)	1 cc
Name: (b) (6), (b) (7)(C)	Signature: (b) (6), (b) (7)(C)		cc
Title: Special Agent in Charge	Date: Jun [REDACTED]		

**IMPORTANT NOTICE**

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INV FORM 08



## REPORT OF INVESTIGATION

### DETAILS

On July 6, 2017, The DHS OIG received a referral from the Joint Intake Center which reported (b) (6) U.S. Citizen (USC), (b) (7)(E) alleged he and his family were treated unfavorably at the (b) (7)(E) by CBP personnel. (b) (6), (b) (7)(C) CBPO, GS-12, CBP, (b) (7)(E) was later determined to be the CBPO who processed the secondary inspection. (b) (6) claimed his family members and he were detained for six hours, as they underwent invasive questioning, were forced to sit on uncomfortable chairs and had to use a dirty bathroom, because of their religious beliefs. (Exhibits 1 and 2)

**Allegation:** (b) (6) and his family members' civil rights were violated when (b) (6), (b) (7)(C) detained them for six hours, due to their religious beliefs.

On July 14, 2016, the DHS OIG contacted (b) (6), (b) (7)(C) Deputy Chief, DOJ CRT Criminal Section, Washington, DC, and (b) (6), (b) (7)(C) Assistant United States Attorney (AUSA), USAO WDNY. Both individuals were provided with the allegation and preliminary facts of this investigation and requested further information, as the investigation moved forward. (Exhibit 3)

On July 18, 2016, the DHS OIG determined a vehicle, which transported (b) (6) and seven other occupants, attempted to cross into the U.S. at the (b) (7)(E) Port of Entry (POE), on June 4, 2016 at 12:36 a.m. The vehicle was referred to secondary inspection based upon (b) (7)(E) (b) (7)(E) of the vehicle; (b) (6) USC, (b) (6) USC and (b) (6)

CBP detained (b) (6) and his family members from 12:36 a.m., until they were released at 5:00 a.m. During this time period, the secondary inspection included a vetting process by the CBP POE, the CBP (b) (7)(E) Homeland Security Investigations (HSI) and the Federal Bureau of Investigation (FBI). (Exhibit 2)

On August 18, 2016, the DHS OIG received information from (b) (6), (b) (7)(C) Special Agent (SA), HSI who responded to the POE as the duty agent on the aforementioned evening. SA (b) (6), (b) (7)(C) response was a reaction to the (b) (7)(E) referral received from CBP, which pertained to (b) (6), (b) (7)(C) did not recall any personal interaction with (b) (6) and described her encounter with (b) (6) as routine and unremarkable. (Exhibit 4)

On August 22, 2016, the DHS OIG interviewed (b) (6) and his father, (b) (6) (b) (6) confirmed he, (b) (6) of their immediate family traveled together in a passenger vehicle and attempted to enter the U.S., from Canada via the (b) (7)(E) (b) (7)(E) POE, at approximately 12:30 a.m., on June 4, 2016. All occupants were USCs and all occupants presented proper identification to an unidentified CBPO who manned the primary inspection lane. The family was informed they were required to enter the CBP building for

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## REPORT OF INVESTIGATION

further inspection, and were subsequently escorted, by multiple CBPOs, to the secondary inspection area. Thereafter, (b) (6) and his family were questioned by CBPOs and were asked to provide their telephone numbers and e-mail addresses. (b) (6) claimed the entire family was detained for approximately five hours, without explanation, until they were eventually released.

(b) (6) said his brother, (b) (6) was interviewed by an unidentified female from HSI. (b) (6) claimed the HSI female questioned (b) (6) about (b) (6) previous travel to South Africa. CBPOs also examined (b) (6) cellular telephone and questioned (b) (6) extensively, because (b) (7)(E). The CBPOs conducted a frisk search of (b) (6) and also searched the family's belongings.

(b) (6) alleged he and his family members are routinely subjected to detention, when they travel with (b) (6) and the CBPOs never provide any explanation for the detention. (b) (6) believed he and his family members were treated disparagingly when they were prohibited from bringing water bottles and other sundries into the secondary inspection area. (b) (6) acknowledged he and members of his family were allowed to use the restrooms, a drinking fountain and given the opportunity to pray while detained. (b) (6) admitted no direct comments were made to him, or his family, to indicate their detention was based upon their country of birth, (b) (6), or their Islamic faith. (b) (6) and his father acknowledged they are not typically detained, when they attempt to enter the U.S., unless they are accompanied by (b) (6). A recording of the interview was obtained by the DHS OIG. (Exhibit 5)

On October 24, 2016, the DHS OIG interviewed (b) (6), (b) (7)(C) who confirmed he worked as part of the CBP Tactical Terrorism Response Team (TTRT), on the midnight shift, at the (b) (7)(E) POE, on June 4, 2016. (b) (6), (b) (7)(C), (b) (7)(E) remembered he handled the secondary inspection of a large family that was referred because (b) (7)(E). (b) (6), (b) (7)(C) was not able to recall the name of the subject on the (b) (7)(E) but he remembered the subject seemed agitated about the secondary inspection.

(b) (6), (b) (7)(C) requested each family member complete the necessary CBP inspection documents, at the onset of the secondary inspection. As required by CBP policy, (b) (6), (b) (7)(C) then created an event within the CBP (b) (7)(E) which is the entity tasked with determining what actions the POE CBPO should take, regarding the subject of a (b) (7)(E). (b) (6), (b) (7)(C) is also responsible for (b) (7)(E) (b) (7)(E) did that evening. (b) (6), (b) (7)(C) subsequent notifications went to the HSI duty agent, who responded and interviewed the (b) (7)(E) and the (b) (7)(E). Upon completion of the (b) (7)(E) and HSI vetting process, (b) (6), (b) (7)(C) contacted the (b) (7)(E) and was advised no further action was necessary. The (b) (7)(E) and his family were released within five minutes of clearance from (b) (7)(E).

(b) (6), (b) (7)(C) explained, CBP policy required the entire family be detained because of the (b) (7)(E).

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## REPORT OF INVESTIGATION

(b) (6), (b) (7)(C), (b) (7)(E) said the amount of time required to properly vet and process the (b) (7)(E) through multiple law enforcement entities, was beyond his control and typically elicited a lengthy detention (b) (6), (b) (7)(C) asserted the family was not detained because of their national origin or religious beliefs (b) (6), (b) (7)(C) was merely required to detain travelers for the amount of time it took to follow the appropriate protocol in connection to a (b) (6), (b) (7)(C), (b) (7)(E) interview was recorded by the DHS OIG and he provided a handwritten, sworn statement. (Exhibit 6)

On December 12, 2016, the DHS OIG interviewed (b) (6), (b) (7)(C) Chief, CBP, (b) (7)(E) who was the Watch Commander at the (b) (7)(E) on the night in question. (b) (6), (b) (7)(C) did not specifically recall the secondary inspection of (b) (6) and his family members. However, when (b) (6), (b) (7)(C) was provided the timeline of the secondary inspection, to include the total duration of the (b) (6) family's detention period (b) (6), (b) (7)(C) stated the time required for the secondary inspection period was indeed reasonable and within established CBP policy. (b) (6), (b) (7)(C) did not take exception to any facet of the manner in which the secondary inspection was conducted. (Exhibit 7)

On January 20, 2017, AUSA (b) (6) cited the lack of a federal violation and declined to prosecute (b) (6), (b) (7)(C) after she was advised of the outcome of the DHS OIG investigation. (Exhibit 8)

On February 1, 2017, Deputy Chief (b) (6), (b) (7)(C) was advised of the outcome of the DHS OIG investigation and also declined prosecution for the same reason. (Exhibit 9)

On March 20, 2017, the DHS OIG reviewed (b) (7)(E) pertaining to (b) (6) and determined an additional (b) (7)(E) was created on February 4, 2017, by (b) (6), (b) (7)(C) CBPO, CBP, (b) (7)(E). The (b) (7)(E) indicated (b) (6) travelled back to the U.S., with (b) (6), (b) (7)(C) after they picked (b) (6), (b) (7)(C) up from a trip to Saudi Arabia. According to the (b) (7)(E) (b) (7)(E) all three occupants of the vehicle refused to answer any questions the CBPOs asked during a secondary inspection. All of the occupants were subjected to secondary inspection because (b) (6), (b) (7)(E) (b) (7)(E) (Exhibit 10)

On April 24, 2017, the DHS OIG interviewed (b) (6), (b) (7)(C) about the most recent (b) (7)(E) for (b) (6), (b) (7)(C) had no specific memory of his encounter with (b) (6) but he confirmed the (b) (7)(E) on (b) (6) was the result of a new protocol, per the CBP Port of (b) (7)(E). The (b) (7)(E) was a tool used by the TTRT to document encounters with subjects of an (b) (7)(E) (b) (6), (b) (7)(C), (b) (7)(E) explained the (b) (7)(E) he created is not another (b) (6), (b) (7)(E) and will not subject him to additional, future screening. (Exhibit 11)

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REPORT OF INVESTIGATION

EXHIBITS

NUMBER	DESCRIPTION
1	Memorandum of Activity dated July 13, 2016, Other – Case Origination
2	Memorandum of Activity dated July 18, 2016, Other – Receipt of Information from Customs and Border Protection
3	Memorandum of Activity dated July 14, 2016, Other – Notification to the Department of Justice
4	Memorandum of Activity dated August 18, 2016, Other – Receipt of Information from HSI
5	Memorandum of Activity dated August 22, 2016, Personal Interview – (b) (6)
6	Memorandum of Activity dated October 24, 2016, Personal Interview – (b) (6), (b) (7)(C)
7	Memorandum of Activity dated December 12, 2016, Other – Receipt of Information from CBP
8	Memorandum of Activity dated January 20, 2017, Other – Declination of Federal Prosecution
9	Memorandum of Activity dated February 1, 2017, Other – Declination of Federal Prosecution
10	Memorandum of Activity dated March 20, 2017, (b) (7)(E) for (b) (6)
11	Memorandum of Activity dated April 24, 2017, Personal Interview (b) (6), (b) (7)(C)

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# EXHIBIT #1





**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**MEMORANDUM OF ACTIVITY**

Type of Activity: Other – Case origination

<b>Case Number:</b> (b) (7)(E)	<b>Case Title:</b> FNU LNU
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On July 13, 2016, (b) (6) Special Agent, Department of Homeland Security (DHS), Office of Inspector General (OIG) received a referral from the DHS Joint Intake Center. The referral stated that (b) (6) civilian, (b) (7)(E) alleged that on June 4, 2016, he and his family were referred for secondary inspection by Customs and Border Protection (CBP) Officers at the (b) (7)(E) and held for almost six hours.


Attachment:  
CBP Report of Investigation number (b) (7)(E)


<b>Name, Title, Signature, and Date:</b> (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Special Agent, July 13, 2016	<b>Reviewing Official Name, Title, Signature, and Date:</b> (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Assistant Special Agent in Charge, July 20, 2016
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 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b> <b>Customs and Border Protection</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION</b></p>		1. CASE NUMBER <b>(b) (7)(E)</b>
		PREPARED BY <b>(b) (6), (b) (7)(C)</b>
		2. REPORT NUMBER 001
3. TITLE EMPLOYEE, UNKNOWN/Unknown/1102 Harassment-Discriminatory/ <b>(b) (7)(E)</b>		
4. FINAL RESOLUTION		
5. STATUS Initial Report	6. TYPE OF REPORT Allegation	7. RELATED CASES
8. TOPIC Civilian alleged he & his family were held for six hours by CBPOS, possibly because they are Muslim		
9. SYNOPSIS On July 1, 2016, the Joint Intake Center (JIC), Washington D.C., received an email from U.S. Customs and Border Protection (CBP) Management and Program Analyst (MPA) <b>(b) (6), (b) (7)(C)</b> <b>(b) (6), (b) (7)(C)</b> Washington D.C., regarding a complaint by the Council on American Islamic Relations (CAIR) on behalf of several Muslim individuals who have reportedly experienced disparate treatment when entering the U.S. One CAIR client, <b>(b) (6)</b> alleged that he and his family were recently referred for secondary inspection by CBP Officers (CBPOs) in <b>(b) (7)(E)</b> and held for almost six hours.		
10. CASE OFFICER (Print Name & Title) <b>(b) (6), (b) (7)(C)</b> Joint Intake Specialist	11. COMPLETION DATE 06-JUL-2016	14. ORIGIN OFFICE Joint Intake Center
12. APPROVED BY(Print Name & Title) <b>(b) (6), (b) (7)(C)</b> CBP-IA Special Agent	13. APPROVED DATE 06-JUL-2016	15. TELEPHONE NUMBER <b>(b) (7)(E)</b>
THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.		
THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.		

 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<p><b>1. CASE NUMBER</b> (b) (7)(E)</p> <p><b>PREPARED BY</b> (b) (6), (b) (7)(C)</p> <p><b>2. REPORT NUMBER</b> 001</p>
<p><b>10. NARRATIVE</b></p> <p><b>DETAILS OF INVESTIGATION</b></p> <p>On July 1, 2016, the Joint Intake Center (JIC), Washington D.C., received an email from U.S. Customs and Border Protection (CBP) Management and Program Analyst (MPA) (b) (6), (b) (7)(C) Washington D.C., regarding a complaint by the Council on American Islamic Relations (CAIR) on behalf of several Muslim individuals who have reportedly experienced disparate treatment when entering the U.S. One CAIR client, (b) (6) alleged that he and his family were recently referred for secondary inspection and held for almost six hours.</p> <p>(b) (6) alleged that he and his family were asked invasive and personal questions, not allowed to bring personal water bottles into the detention area, forced to sit on uncomfortable chairs, and forced to use a dirty bathroom. (b) (6) claimed that this treatment may be due to his Muslim religion and that CBPOs refuse to reveal why the family has been detained when he asks.</p> <p>JIC queries indicate that (b) (6), (b) (7)(E) (b) (7)(E) indicating he is a (b) (7)(E) (b) (7)(E) as well as the (b) (7)(E) (b) (7)(E) (b) (7)(E) These records indicate mandatory referral for secondary inspection. At the time of the incident referenced in (b) (6) complaint to CAIR, (b) (6) was a passenger in the same vehicle.</p>	

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION Exhibit List</p>	1. CASE NUMBER <b>(b) (7)(E)</b>
	PREPARED BY <b>(b) (6), (b) (7)(C)</b>
	2. REPORT NUMBER 001
None	

## **EXHIBIT #2**





OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Other – Receipt of information from Customs and Border Protection

Case Number: (b) (7)(E) Case Title: (b) (6), (b) (7)(C)

On July 18, 2016, (b) (6), (b) (7)(C) Special Agent (SA), Department of Homeland Security, Office of Inspector General, received information from (b) (6), (b) (7)(C) SA, Office of Professional Responsibility, Customs and Border Protection (CBP), (b) (7)(E) It was alleged that on June 4, 2016, (b) (6) civilian, (b) (7)(E) and his family were detained for six hours by CBP Officers at the (b) (7)(E) Port of Entry (POE). Specifically, (b) (6), (b) (7)(C) provided information related to (b) (6) encounter with CBP on the subject date.

On June 4, 2016 at 12:00 a.m., (b) (6) was a passenger in a vehicle with eight occupants that presented for inspection at the (b) (7)(E) POE. The vehicle bore (b) (6) registration (b) (6) The vehicle was referred for secondary inspection based upon a (b) (7)(E) for (b) (6) civilian, (b) (7)(E) Additionally, (b) (7)(E) were also found for brothers (b) (6) civilian, (b) (7)(E) as affiliates of a (b) (7)(E)

The following is a timeline of events as provided by CBP on June 4, 2016:

- 12:36 a.m. – Subjects encountered.
1:41 a.m. – Homeland Security Investigations (HSI) (b) (6), (b) (7)(C) was contacted via CBP Sector Communications.
1:50 a.m. – Federal Bureau of Investigation (FBI) (b) (7)(E) advised.
2:22 a.m. – FBI (b) (6), (b) (7)(C), (b) (7)(E) requested (b) (7)(E) examination.
2:25 a.m. - HSI arrived at the (b) (7)(E) POE
2:58 a.m. – CBP (b) (7)(E) was created and assigned to (b) (7)(E)
4:16 a.m. – (b) (7)(E) CBP Officer (b) (6), (b) (7)(C) was contacted with case agent requests.
4:55 a.m. – (b) (7)(E) CBP Officer sent the event back to the (b) (7)(E) POE with no further requests.
5:00 a.m. – Subjects released per CBP Watch Commander (b) (6), (b) (7)(C)

A review of the case notes and (b) (7)(E) determined that (b) (6), (b) (7)(C) Officer, CBP, Port of (b) (7)(E) was the sole CBP officer handling this case.

Name, Title, Signature, and Date: (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) Special Agent, July 26, 2016
Reviewing Official Name, Title, Signature, and Date:
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) Assistant Special Agent in Charge, July 26, 2016

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**EXHIBIT #3**



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**MEMORANDUM OF ACTIVITY**

**Type of Activity:** Other – Notification to the Department of Justice

<b>Case Number:</b> (b) (7)(E)	<b>Case Title:</b> (b) (6), (b) (7)(C)
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On July 14, 2016, (b) (6), (b) (7)(C) Special Agent, Department of Homeland Security, Office of Inspector General, provided the preliminary facts of this investigation to (b) (6), (b) (7)(C) Deputy Chief, Civil Rights Section, Department of Justice, Washington, DC and (b) (6) Assistant United States Attorney, United States Attorney’s Office, Western District of New York, Buffalo, NY.

It was alleged that on June 4, 2016, (b) (6) civilian, (b) (7)(E) and his family were detained for six hours by Customs and Border Protection Officers at the (b) (7)(E) Port of Entry.

<b>Name, Title, Signature, and Date:</b> (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Special Agent, July 14, 2016	<b>Reviewing Official Name, Title, Signature, and Date:</b> (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Assistant Special Agent in Charge, July 20, 2016
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**EXHIBIT #4**



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**MEMORANDUM OF ACTIVITY**

**Type of Activity:** Other – Receipt of information from HSI

<b>Case Number:</b> (b) (7)(E)	<b>Case Title:</b> (b) (6), (b) (7)(C)
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On August 18, 2016, (b) (6) Special Agent (SA), Department of Homeland Security, Office of Inspector General, received information from (b) (6), (b) (7)(C) SA, Homeland Security Investigations (HSI), (b) (6), (b) (7)(C), (b) (7)(E) was the HSI duty-agent on June 4, 2016 and was called to the (b) (7)(E) Port of Entry in (b) (7)(E) in response to an (b) (7)(E) (b) (7)(E) referral by Customs and Border Protection.

(b) (6), (b) (7)(C) stated that she conducted a personal interview with (b) (6) civilian, (b) (7)(E) (b) (7)(E) who was the subject of the (b) (7)(E) referral. (b) (6), (b) (7)(C) recalled that (b) (6) was attempting to enter the United States from Canada with numerous family members. (b) (6), (b) (7)(C) did not recall having any personal interaction with (b) (6) civilian, (b) (7)(E) at the (b) (7)(E) POE on June 4, 2016. (b) (6), (b) (7)(C) described her interaction with (b) (6) as routine and (b) (6), (b) (7)(C) did not recall anything unusual about the encounter.

(b) (6), (b) (7)(C) filed a brief Report of Investigation (ROI) following her response to the (b) (7)(E) on June 4, 2016. A review of the ROI found one reference to (b) (6) which simply indicated that (b) (6) was a travel companion of (b) (6). A copy of (b) (6), (b) (7)(C) ROI will be maintained in this case file.

(b) (6) alleged that he and his family members were detained by CBP for six hours at the (b) (7)(E) POE on June 4, 2016 because of their Islamic faith and subjected to disparaging treatment during their detention.

Name, Title, Signature, and Date: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Special Agent, August 19, 2016	Reviewing Official Name, Title, Signature, and Date: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Assistant Special Agent in Charge, August 19, 2016
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## **EXHIBIT #5**





**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**MEMORANDUM OF ACTIVITY**

**Type of Activity:** Personal Interview – (b) (6)

<b>Case Number:</b> (b) (7)(E)	<b>Case Title:</b> (b) (6), (b) (7)(C)
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On August 22, 2016, (b) (6), (b) (7)(C) Special Agent (SA), Department of Homeland Security, Office of Inspector General and (b) (6), (b) (7)(C) Office of Professional Responsibility, Customs and Border Protection (CBP), (b) (7)(E) personally interviewed (b) (6) civilian, (b) (7)(E). Also present was (b) (6) father, (b) (6) civilian, (b) (7)(E) (b) (6) Attorney, Council on American Islamic Relations, Tampa, FL, (b) (6) was also a participant via conference call. (b) (6) was interviewed based upon the allegation that he and his family have been the subjects of disparate treatment by CBP Officers at the (b) (7)(E) Port of Entry (POE) in (b) (7)(E).

The below is an interview summary. It is not intended to be a verbatim account and does not memorialize all statements made during the interview. Communications by the parties in the interview were electronically recorded. The recording captures the actual words spoken.

On June 4, 2016, (b) (6) and seven members of his immediate family entered the United States from Canada at the (b) (7)(E) POE via passenger vehicle at approximately 12:30 a.m. Each occupant of the vehicle was a United States citizen and all presented proper identification to an unidentified CBP Officer at the primary inspection lane. The family was informed that they would need to enter the CBP building for further inspection and they were escorted by multiple CBP Officers to the secondary inspection area. Thereafter, (b) (6) (b) (6) and members of his family were questioned by CBP Officers and they were asked to provide their telephone numbers and e-mail addresses. The entire family was detained for approximately five hours, without explanation, until they were eventually released.

(b) (6) civilian, (b) (7)(E) was interviewed by an unidentified female Homeland Security Investigations SA. According to (b) (6) (b) (6) was questioned regarding (b) (6) previous travel to South Africa. CBP Officers also attempted to examine (b) (6) cellular telephone and questioned (b) (6) at length because (b) (7)(E). The CBP Officers conducted a pat-frisk of (b) (6) and also searched the families' belongings.

(b) (6) and his father stated that they are routinely detained for several hours at the (b) (7)(E) POE when they are with (b) (6). However, no members of the family have been subject to enhanced inspection when (b) (6), (b) (7)(C) is not in their company.

Name, Title, Signature, and (b) (6), (b) (7)(C)	Reviewing Official Name, Title, Signature, and Date: (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) Special Agent, August 22, 2016	(b) (6), (b) (7)(C) Assistant Special Agent in Charge, August 22, 2016

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## MEMORANDUM OF ACTIVITY

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(b) (6) opined that he and his family are routinely subjected to detention and that CBP Officers never provide any explanation for the detention. (b) (6) alleged that he and his family received disparate treatment from CBP personnel because they were not allowed to bring water bottles and other sundries with them into the secondary inspection area.

(b) (6) did state that he and his family members were allowed to use restrooms, a drinking fountain and given the opportunity to pray while detained. (b) (6) stated that no direct commentary was made to him or his family that the detention was based upon their country of origin (b) (6) or Islamic faith.

The recording of this interview will be maintained in this case file.

### IMPORTANT NOTICE

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## **EXHIBIT #6**





# OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

## MEMORANDUM OF ACTIVITY

Type of Activity: Personal Interview – (b) (6), (b) (7)(C)

Case Number: (b) (7)(E)	Case Title: (b) (6), (b) (7)(C)
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On October 24, 2016, (b) (6), (b) (7)(C) Special Agent (SA), Department of Homeland Security, Office of Inspector General and (b) (6), (b) (7)(C) Office of Professional Responsibility, Customs and Border Protection (CBP), (b) (7)(E) interviewed (b) (6), (b) (7)(C) Officer, CBP, Port of (b) (7)(E). The interview was conducted at the CBP Port of (b) (7)(E) office located at (b) (7)(E). Prior to the interview, SA (b) (6), (b) (7)(C) read (b) (6), (b) (7)(C) his employee rights directly from INV Form 26, Advice of Rights (Kalkines). (b) (6), (b) (7)(C) read the INV Form 26 himself and signed it, agreeing to the interview.

The below is an interview summary. It is not intended to be a verbatim account and does not memorialize all statements made during the interview. Communications by the parties in the interview room were electronically recorded. The recording captures the actual words spoken.

On June 4, 2016, (b) (6), (b) (7)(C) was working a midnight shift at the (b) (7)(E) Port of Entry as part of the CBP Tactical Terrorism Response Team. (b) (6), (b) (7)(C) recalled that a large family presented for secondary inspection because (b) (7)(E). (b) (7)(E) Thereafter (b) (6), (b) (7)(C) proceeded to ask each family member to complete a CBP Inspection Worksheet. Pursuant to CBP policy, (b) (6), (b) (7)(C) then created an event within the CBP (b) (7)(E). Next, (b) (6), (b) (7)(C) contacted the Federal Bureau of Investigation (b) (7)(E) to report the (b) (7)(E). Additionally, (b) (6), (b) (7)(C) notified the Homeland Security Investigations (HSI) duty-agent, who responded and interviewed the (b) (7)(E). Upon completion of the (b) (7)(E) and HSI vetting, (b) (6), (b) (7)(C) contacted the (b) (7)(E) and was advised that no further action was necessary. With the concurrence of the CBP Watch Commander, the (b) (7)(E) and his family were released within five minutes of clearance from (b) (7)(E).

Because of the time that elapsed since the June 4, 2016 secondary inspection, (b) (6), (b) (7)(C) did not actively recall the name of the (b) (7)(E). However, (b) (6), (b) (7)(C) recalled the encounter and reported that the (b) (7)(E) seemed agitated that he was routinely called to the counter in the CBP secondary area for further questioning. The (b) (7)(E) father expressed discontent that the family was being detained again and asked (b) (6), (b) (7)(C) for an explanation for the detention. (b) (6), (b) (7)(C) explained that he was not authorized to disclose that information. (b) (6), (b) (7)(C) stated that he had empathy for the family being detained and offered them use of a bathroom and access to vending machines. Finally, (b) (6), (b) (7)(C) stated that the family was detained, pursuant to CBP policy,

Name, Title, Signature (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Special Agent, October 25, 2016	Review (b) (6), (b) (7)(C) and Date: (b) (6), (b) (7)(C) Special Agent in Charge, October 25, 2016
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## MEMORANDUM OF ACTIVITY

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only because of the (b) (7)(E) [REDACTED]  
Additionally, (b) (6), (b) (7)(C) [REDACTED] stated that the length of the detention was a function of the required vetting for the (b) (7)(E) [REDACTED] through multiple law enforcement entities. Lastly, (b) (6), (b) (7)(C) [REDACTED] asserted that the family was not detained because of their national origin or religious faith.

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OFFICE OF INSPECTOR GENERAL  
Department of Homeland Security

ADVICE OF RIGHTS (KALKINES)

You are going to be asked a number of specific questions concerning the performance of your official duties as it relates to:

The June 4, 2016 secondary inspection of (b) (6)

Under the provisions of the Inspector General Act, 5 U.S.C.A. App. 3, as amended, you are required to cooperate fully by disclosing complete and accurate information pertaining to matters under OIG review.

You may be subject to disciplinary action, to include termination, for refusing to provide information or answer questions posed by OIG officials if questioned on a matter that may lead only to an administrative action (as distinct from a criminal prosecution).

You are advised that the answers you provide pertaining to the matter presently under investigation, or any information or evidence which is gained by reason of your answers, cannot and will not be used against you in a criminal proceeding, except that you may be subject to criminal prosecution for any false statements made during this interview.

I have read the aforementioned and agree to the terms mentioned therein.

10/24/2016 1500  
(Date/Time)

(b) (7)(E)  
(Location)

(b) (6), (b) (7)(C)  
(Printed Name)

(b) (6), (b) (7)(C)  
(Signature)

(b) (6), (b) (7)(C)  
(Witness' Printed Name)

(b) (6), (b) (7)(C)  
(Witness' Printed Name)

(b) (6), (b) (7)(C)  
(Witness' Signature)

(b) (6), (b) (7)(C)  
(Witness' Signature)

10/24/16 1503  
(Date/Time)

10/24/2016 1503  
(Date/Time)



Homeland  
Security

SWORN STATEMENT

Date/Time: <u>10/24/2016</u>	Location: <u>(b) (7)(E)</u>
County of: <u>(b) (7)(E)</u>	State of: <u>(b) (7)(E)</u>

I, (b) (6), (b) (7)(C), hereby make the following sworn statement to (b) (6), (b) (7)(C), who has identified himself/herself to me as a Special Agent with the U.S. Department of Homeland Security, Office of Inspector General. No promises or threats have been made to me.

On June 4, 2016 I was working at the (b) (7)(E)  
(b) (7)(E) I encountered a family during my duties as the  
Tactical terrorism Response Team officer on shift. The  
subjects were sent to secondary and once notified of this  
I began my inspection. One of the subjects had a  
(b) (7)(E) I began standard operating procedure for this  
type of inspection. I ran record checks on all subjects  
and had subjects fill out a CBP Declaration Sheet. Once  
all information from subjects was completed and inspection  
of subjects was completed an (b) (7)(E) was created  
and sent to (b) (7)(E) HSI and (b) (7)(E) agents were contacted



SWORN STATEMENT

and advised of the subjects. HSI agent responded and interviewed subject. A search of the vehicle was completed and met with negative results. While waiting subjects were afforded opportunity to use the restroom and food/beverage machines. (b) (7)(E) concluded their checks and returned the event to the port for finalizing. All these steps in the inspection were taken as standard procedure for vetting a (b) (7)(E) and necessary to complete before subjects can be released. Subjects were solely sent to secondary for inspection due to the (b) (7)(E). Once HSI, (b) (7)(E) were completed doing their parts of the inspection the subjects were released.

This encounter/inspection occurred approximately 4 months ago, all details would be captured in my inspection results and reports which I document<sup>ed</sup> in all (b) (7)(E) cases.

(b) (6), (b) (7)(C)

SWORN STATEMENT

STATEMENT OF: **(b) (6), (b) (7)(C)**

I have read this statement of 3 pages. It is true, accurate, and complete to the best of my knowledge and belief. I have been given an opportunity to make any corrections, additions, or deletions.

**(b) (6), (b) (7)(C)**  
**(b) (6), (b) (7)(C)** (Signature)

Subscribed and sworn (or affirmed) to before me this 24<sup>th</sup> day of October, 2016, at **(b) (7)(E)**, **(b) (7)(E)**  
(Month) (Year) (City) (State)

**(b) (6), (b) (7)(C)**  
Special Agent  
U.S. Department of Homeland Security  
Office of Inspector General  
Office of Investigations

**(b) (6), (b) (7)(C)**

**EXHIBIT #7**





**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**MEMORANDUM OF ACTIVITY**

**Type of Activity:** Other – Receipt of information from CBP

<b>Case Number:</b> (b) (7)(E)	<b>Case Title:</b> (b) (6), (b) (7)(C)
--------------------------------	----------------------------------------

On December 12, 2016, (b) (6), (b) (7)(C) Special Agent (SA), Department of Homeland Security, Office of Inspector General and (b) (6), (b) (7)(C) Office of Professional Responsibility, Customs and Border Protection (CBP), (b) (7)(E) met with (b) (6), (b) (7)(C) Chief, CBP, Port of (b) (7)(E) (b) (6), (b) (7)(C), (b) (7)(E) was working as the CBP Watch Commander at the (b) (7)(E) Port of Entry (POE) during the midnight shift on June 4, 2016.

(b) (6), (b) (7)(C) did not recall the secondary inspection of (b) (6) civilian, (b) (7)(E) and his family members that was conducted on June 4, 2016 by (b) (6), (b) (7)(C) Officer, CBP, Port of (b) (6), (b) (7)(C), (b) (7)(E) was provided the timeline for the secondary inspection of (b) (6) and his family (approximately 4.5 hours) and (b) (6), (b) (7)(C) stated that the duration of the secondary inspection period was indeed reasonable and within established CBP policy.

(b) (6) alleged that he and his family members were detained by CBP for six hours at the (b) (7)(E) (b) (7)(E) POE on June 4, 2016 because of their Islamic faith and subjected to disparaging treatments during their detention.

<b>Name, Title, Signature, and Date:</b> (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Special Agent, December 12, 2016	<b>Reviewing Official Name, Title, Signature, and Date:</b> (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Assistant Special Agent in Charge, December 12, 2016
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**IMPORTANT NOTICE**

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General, and is disseminated only on a need to know basis. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

**EXHIBIT #8**



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**MEMORANDUM OF ACTIVITY**

**Type of Activity:** Other – Declination of federal prosecution

**Case Number:** (b) (7)(E) **Case Title:** (b) (6), (b) (7)(C)

On January 20, 2017, (b) (6), (b) (7)(C) Special Agent, Department of Homeland Security, Office of Inspector General presented the facts of this case to (b) (6) Senior Litigation Counsel, United States Attorney’s Office, Western District of New York, Buffalo, NY. (b) (6) declined prosecution in this investigation citing no evidence of a crime.

(b) (6) civilian, (b) (7)(E) alleged that he and his family members were detained by Customs and Border Protection for six hours at the (b) (7)(E) Port of Entry on June 4, 2016 because of their Islamic faith and subjected to disparaging treatments during their detention.

<b>Name, Title, Signature, and Date:</b> (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Special Agent, January 20, 2017	<b>Reviewing Official Name, Title, Signature, and Date:</b> (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Assistant Special Agent in Charge, January 22, 2017
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## **EXHIBIT #9**



# OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

## MEMORANDUM OF ACTIVITY

**Type of Activity:** Other – Declination of federal prosecution

<b>Case Number:</b> (b) (7)(E)	<b>Case Title:</b> (b) (6), (b) (7)(C)
--------------------------------	----------------------------------------

On February 1, 2017, (b) (6), (b) (7)(C) Special Agent, Department of Homeland Security, Office of Inspector General presented the facts of this case to (b) (6) Deputy Chief, Civil Rights Section, Department of Justice, Washington, DC. (b) (6) declined prosecution in this investigation citing no evidence of a crime.

(b) (6) civilian, (b) (7)(E) alleged that he and his family members were detained by Customs and Border Protection for six hours at the (b) (7)(E) Port of Entry on June 4, 2016 because of their Islamic faith and subjected to disparaging treatments during their detention.

<b>Name, Title, Signature, and Date:</b> (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Special Agent, February 2, 2017	<b>Reviewing Official Name, Title, Signature, and Date:</b> (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Assistant Special Agent in Charge, February 2, 2017
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### IMPORTANT NOTICE

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## **EXHIBIT #10**



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Records Review - (b) (6), (b) (7)(E)

Case Number: (b) (7)(E) Case Title: (b) (6), (b) (7)(C)

On March 20, 2017, (b) (6), (b) (7)(C) Special Agent (SA), Department of Homeland Security, Office of Inspector General reviewed (b) (7)(E) for (b) (6) civilian, (b) (7)(E) (b) (7)(E). The review determined that a second (b) (6), (b) (7)(E) was created on February 4, 2017 by (b) (6), (b) (7)(C) Customs and Border Protection Officer, Customs and Border Protection (CBP), port of (b) (7)(E). Below is a synopsis of the February 4, 2017 crossing (b) (6) had at the (b) (7)(E) Port of Entry (POE):

On February 4, 2017, (b) (6) was a passenger in a vehicle occupied by three persons at the POE. (b) (6) and another passenger, (b) (6) civilian, (b) (7)(E) (b) (7)(E) indicated that the (b) (6) were returning from the Toronto Airport, where they picked up their father following the father's trip to Saudi Arabia. All passengers in the vehicle refused to answer any questions during a CBP secondary inspection.

The timeline of the February 4, 2017 encounter is as follows:

- 2:17 p.m. - (b) (6) encountered at the (b) (7)(E) POE
2:40 p.m. - (b) (7)(E) contacted
3:45 p.m. - (b) (7)(E) contacted CBP and deferred to the (b) (7)(E)
4:40 p.m. - (b) (7)(E) submitted
5:00 p.m. - Homeland Security Investigations (HSI) contacted
6:17 p.m. - (b) (7)(E) returned the event with no derogatory findings
6:30 p.m. - HSI SA (b) (6), (b) (7)(C) arrived at POE
7:00 p.m. - (b) (6) departed POE as United States citizens

(b) (6) civilian, (b) (7)(E) previously alleged that he and his family members were detained by Customs and Border Protection for six hours at the (b) (7)(E) Port of Entry on June 4, 2016 because of their Islamic faith and subjected to disparaging treatments during their detention.

Name, Title, Signature, and Date: (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) Special Agent, March 22, 2017
Reviewing Official Name, Title, Signature, and Date:
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) Assistant Special Agent in Charge, March 22, 2017

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**EXHIBIT #11**





OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Personal Interview – (b) (6), (b) (7)(C)

Case Number: (b) (7)(E) Case Title: (b) (6), (b) (7)(C)

On April 24, 2017, (b) (6), (b) (7)(C) Special Agent (SA), Department of Homeland Security (DHS), Office of Inspector General (OIG) and (b) (6), (b) (7)(C) SA, Office of Professional Responsibility (OPR), Customs and Border Protection (CBP), (b) (7)(E) interviewed (b) (6), (b) (7)(C) Customs and Border Protection Officer, CBP, Port of (b) (7)(E). The interview was conducted at CBP OPR located at (b) (7)(E). Prior to the interview, SA (b) (6), (b) (7)(C) read the INV Form 26 himself and signed it, agreeing to the interview.

(b) (6), (b) (7)(C) was interviewed based upon the allegation that (b) (6) civilian, (b) (7)(E) was the subject of disparaging treatment by CBP due to (b) (6) Islamic faith.

On February 4, 2017, (b) (6), (b) (7)(C) was working as part of the CBP Tactical Terrorism Response Team (TTRT) at the (b) (7)(E) when (b) (6) was the subject of an (b) (7)(E) (b) (7)(E) screening (b) (6), (b) (7)(C) conducted. After the screening, (b) (6), (b) (7)(C) created a (b) (7)(E) record for (b) (6), (b) (7)(C), (b) (7)(E) stated that the (b) (7)(E) was a function of a new protocol established in the Port of (b) (7)(E) for the TTRT to document (b) (7)(E) encounters for archival and future reference. The (b) (6), (b) (7)(C), (b) (7)(E) created for (b) (6) did not create another (b) (6), (b) (7)(E) and will not result in additional future screening for (b) (6).

Moreover, (b) (6), (b) (7)(C) had no specific recollection with regard to his encounter with (b) (6) on February 4, 2017.

Attachment: INV Form-26

Name, Title, Signature, and Date: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Special Agent, April 25, 2017 Reviewing Official Name, Title, Signature, and Date: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Assistant Special Agent in Charge, April 25, 2017

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Homeland Security

ADVICE OF RIGHTS (KALKINES)

You are going to be asked a number of specific questions concerning the performance of your official duties as it relates to:

*Tecs Record for* (b) (6)

You have a duty to reply to these questions since the U.S. Attorney has declined criminal prosecution of you in the above matter.

U.S. Department of Homeland Security disciplinary proceedings resulting in your discharge may be initiated as a result of your answers.

Neither your answers nor any information or evidence which is gained by reason of such statements can be used against you in any criminal proceedings except a prosecution for false statements made during this interview.

You are subject to discipline, including dismissal, if you refuse to answer or fail to respond truthfully and fully to any questions.

You are subject to criminal prosecution if you make false statements or give false answers during this interview.

I have read the aforementioned and agree to the terms mentioned therein.

*4/24/17*  
(Date/Time)

(b) (7)(E)  
(Location)

(b) (6), (b) (7)(C)  
(Printed Name)

(b) (6), (b) (7)(C)  
(Signature)

(b) (6), (b) (7)(C)  
(Witness' Printed Name)

(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)  
(Witness' Signature)

*4/24/17 9:03 AM*  
(Date/Time)

*APRIL 24, 2017 9:03 AM*  
(Date/Time)





**U.S. Customs and Border Protection**  
**U.S. Department of Homeland Security**  
 TECS - Secondary Inspection Report

12/12/2016 10:41 EST

Generated By (b) (6), (b) (7)(C)

Page 1 of 2

Referral Source				
Referred By	Referred Date	Referred Time	Referred From	
(b) (6), (b) (7)(C)	11/27/2016	17:58 EST	Consolidated Secondary	
Referral Reason				
TTRT EXAM				
Encounter (b) (7)(E)				
Last Name	First Name	DOB		
(b) (6), (b) (7)(C)				
Carrier Code	Flight / Vessel Number			
(b) (6), (b) (7)(C)			(b) (6), (b) (7)(C)	
Hispanic	Gender	Race	Travel Document Presented	Lost / Stolen Document
No	M - Male	U - UNKNOWN	Yes	No
Doc Number	Doc Type	Issuing Country		
(b) (6), (b) (7)(C)	P - PASSPORT	USA - UNITED STATES		
State/Province	Nationality	City of Birth	Country of Birth	
	USA - UNITED STATES		null - null	
Father's Last Name	Father's First Name	Father's Middle Name		
Mother's Last Name	Mother's First Name	Mother's Middle Name		
Baggage				
Secondary Officer Name	Site Id			
(b) (6), (b) (7)(C)	(b) (7)(E)			
Inspection Start Date and Time	Inspection End Date and Time			
11/27/2016 17:23 EST	11/27/2016 17:40 EST			
Flight / Vessel Crew	Inbound / Outbound			
No	I - INBOUND			
Departure / Destination				
(b) (6), (b) (7)(C)				
Embarkation				
(b) (6), (b) (7)(C)				
No. of Passengers on Declaration	Bag Exam	Number of Bags X-Rayed		
1	Yes			
Personal Search	Positive / Negative Inspection	CCD Used	X-Ray/NII Utilized for this Inspection	
No	N - Negative	No	No	
Category				
Violation Codes				
Related Document Number	Create Incident Log	Incident Log Report Number		
	No			
SAS Number	IOEM Required	IOEM Number		
	No	(b) (6), (b) (7)(C)		
Referring Officer Code	Reason for Referral Code			
TTR - TACTICAL RESPONSE TEAM	TTR - TACTICAL RESPONSE TEAM			
Baggage Inspection Complete	Create PLOR			
Yes	No			



U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
TECS - Secondary Inspection Report

12/12/2016 10:41 EST

Generated By: (b) (6), (b) (7)(C)

Page 2 of 2

Comments History

Entered By: (b) (6), (b) (7)(C) Created Date/Time: 11/27/2016 18:59 EST

\*\*\* \*\*

On November 27, 2016, (b) (6), (b) (7)(C) presented his American passport # (b) (6), (b) (7)(C) arrived from (b) (6), (b) (7)(C) on board (b) (6), (b) (7)(C) Subject was selected for a TTRT exam. Subject traveling with alone, subject stated he was away for 10 days to visit his brother and father that resides in (b) (6), (b) (7)(C) Subject stated he visited his father's Mr. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Subject stated his father's is works as a Judge. Subject stated his been unemployed for almost a year. Subject stated his father has a very good job in (b) (6), (b) (7)(C) and support's him financially. Subject stated he also visited his brother's that resides in (b) (6), (b) (7)(C) In the interview, subject was very vague when he answering question. Subject stated he was born in (b) (6), (b) (7)(C) moved to (b) (6), (b) (7)(C) year 1976. Subject holds an expired (b) (6), (b) (7)(C) passport.

Subject resides at (b) (6), (b) (7)(C)  
Mobile # (b) (6), (b) (7)(C) (# is used in Whatsapp and IMO mobile app)

\*\*\*\* Social Media \*\*\*\*

Facebook: (b) (6), (b) (7)(C)

\*\*\*\*

Subject was very upset in the interview process. cbpo (b) (6), (b) (7)(C) explained the cbp inspection.

Admitted as USC.

Referral Reason History

Referred By: (b) (6), (b) (7)(C) Referred Date/Time: 11/27/2016 17:58 EST | Referred From: Consolidated Secondary TTRT EXAM

(b) (6), (b) (7)(C)



U.S. Customs and  
Border Protection

February 17, 2017

(b) (6), (b) (7)(C)

Customs and Border Protection Officer

(b) (6), (b) (7)(C)

CBPO (b) (6), (b) (7)(C)

RE: Case Number (b) (7)(E)

This is to inform you that the investigation into an allegation against you of  
discrimination has been completed.

Based on the facts of the investigation, I determined that the allegation is unsubstantiated;  
therefore, this case has been closed.

Please sign, date, and return the accompanying copy of this letter to serve as your  
acknowledgment of receipt of the original.

Sincerely,

(b) (6), (b) (7)(C)

Assistant Port Director (Acting)

RECEIPT ACKNOWLEDGEMENT:

(b) (6), (b) (7)(C)

Signature

Date

2/17/17



 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b> <b>Customs and Border Protection</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION</b></p>	<b>1. CASE NUMBER</b> (b) (7)(E)
	<b>PREPARED BY</b> (b) (6), (b) (7)(C)
	<b>2. REPORT NUMBER</b> 001

**3. TITLE**  
(b) (6), (b) (7)(C) CBP OFFICER/1102 Harassment-Discriminatory (b) (6), (b) (7)(C)

**4. FINAL RESOLUTION**

<b>5. STATUS</b> Initial Report	<b>6. TYPE OF REPORT</b> Allegation	<b>7. RELATED CASES</b>
------------------------------------	----------------------------------------	-------------------------

**8. TOPIC**  
Complainant allegedly felt violated and discriminated against by CBPO, (b) (7)(E)

**9. SYNOPSIS**  
On December 9, 2016, the Joint Intake Center (JIC), Washington, D.C., received U.S. Customs and Border Protection (CBP) INFO Center referral, number (b) (7)(E) forwarding the allegation of Mr. (b) (6), (b) (7)(C). According to the information provided by the INFO Center, on November 27, 2016, (b) (6), (b) (7)(C) advised that upon returning from (b) (6), (b) (7)(C) the officer went through his iPhone. (b) (6), (b) (7)(C) advised that he was intimidated and felt unsafe. (b) (6), (b) (7)(C) indicated that he asked to talk to a supervisor and no one helped him. (b) (6), (b) (7)(C) advised that he felt violated and discriminated against.


Preliminary research conducted by the JIC indicates the CBPO who conducted the secondary inspection of (b) (6), (b) (7)(C) was CBPO (b) (6), (b) (7)(C)

This report documents the relevant material received.

<b>10. CASE OFFICER (Print Name &amp; Title)</b> (b) (6), (b) (7)(C) Joint Intake Specialist	<b>11. COMPLETION DATE</b> 13-DEC-2016	<b>14. ORIGIN OFFICE</b> Joint Intake Center
<b>12. APPROVED BY (Print Name &amp; Title)</b> (b) (6), (b) (7)(C) JIC Supervisor	<b>13. APPROVED DATE</b> 13-DEC-2016	<b>15. TELEPHONE NUMBER</b> (b) (7)(E)

THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.

THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.

 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<p><b>1. CASE NUMBER</b> <b>(b) (7)(E)</b></p> <p><b>PREPARED BY</b> <b>(b) (6), (b) (7)(C)</b></p> <p><b>2. REPORT NUMBER</b> 001</p>
<p><b>10. NARRATIVE</b></p> <p>DETAILS OF INVESTIGATION:</p> <p>On December 9, 2016, the Joint Intake Center (JIC), Washington, D.C., received U.S. Customs and Border Protection (CBP) INFO Center referral, number <b>(b) (7)(E)</b> forwarding the allegation of <b>(b) (6), (b) (7)(C)</b>. According to the information provided by the INFO Center, on November 27, 2016 <b>(b) (6), (b) (7)(C)</b> advised that upon returning from <b>(b) (6), (b) (7)(C)</b> the officer went through his iPhone. <b>(b) (6), (b) (7)(C)</b> advised that he was intimidated and felt unsafe. <b>(b) (6), (b) (7)(C)</b> indicated that he asked to talk to a supervisor and no one helped him. <b>(b) (6), (b) (7)(C)</b> advised that he felt violated and discriminated against.</p> <p>Preliminary research conducted by the JIC indicates the CBPO who conducted the secondary inspection of Mr. <b>(b) (6), (b) (7)(C)</b> was CBPO <b>(b) (6), (b) (7)(C)</b>.</p> <p>The following is a re-creation of the complaint submitted by the CBP INFO Center regarding <b>(b) (6), (b) (7)(C)</b> complaint.</p> <p>&lt;BEGIN&gt;</p> <p>Dear Sir or Madam, My name is <b>(b) (6), (b) (7)(C)</b> USA Passport <b>(b) (6), (b) (7)(C)</b> Came from <b>(b) (6), (b) (7)(C)</b> <b>(b) (6), (b) (7)(C)</b> November 27, 2016</p> <p>After visiting <b>(b) (6), (b) (7)(C)</b> (arrived 11/10 -11/24) and <b>(b) (6), (b) (7)(C)</b> (11/24 - 11/27)</p> <p>And reason was I lost a lot of weight which surprised me because I took the same trip to <b>(b) (6), (b) (7)(C)</b> with my current weight in early 2014 and no one stopped me then. I totally understand and don't mind at all to be questioned at any time and truly appreciate what US customs does and I know how important their jobs in protecting my home and I will do any thing to help them and make their job easier. But what had happen after the officer returned my passport and told to go , so asked him why important the question of who violated me as child ( very personal and he found it when went through my iPhone without my permission and genuinely don't like to share )</p> <p>He immediately asked for my phone back and unlock again and step back and started to go through it and write and opened my personal apps like Facebook and others which intimidated me.</p>	



 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<b>1. CASE NUMBER</b> <b>(b) (7)(E)</b>
	<b>PREPARED BY</b> <b>(b) (6), (b) (7)(C)</b>
	<b>2. REPORT NUMBER</b> 001

**10. NARRATIVE**

big time and felt unsafe and in fear .

I asked to talk to a supervisor no one would help even outside .After more than 16 hours Flight I had to walk to the international Terminal to talk to someone.

I'm violated and discriminate against .I hope someone will hear me.

I'm Very proud and grateful to be an American.

Thank you ,

Sincerely,

**(b) (6), (b) (7)(C)**

Primary Contact

First Name:

Last Name:

Organization:

Login:

Title:

Contact Type:

Email: **(b) (6), (b) (7)(C)**

Email - Alternate #1:

Email - Alternate #2:

Office Phone:

Mobile Phone:

Fax:

Assistant Phone:

Home Phone:

Street

City


State/Province

Postal Code

Country

Additional Information

<END>

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	1. CASE NUMBER <b>(b) (7)(E)</b>
	PREPARED BY <b>(b) (6), (b) (7)(C)</b>
	2. REPORT NUMBER 001

10. NARRATIVE



DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION  
Exhibit List

1. CASE NUMBER

(b) (7)(E)


PREPARED BY

(b) (6), (b) (7)(C)


2. REPORT NUMBER

001


None

 <p><b>DEPARTMENT OF HOMELAND SECURITY</b> <b>Customs and Border Protection</b></p> <p><b>REPORT OF INVESTIGATION</b></p>		<p><b>1. CASE NUMBER</b> <b>(b) (7)(E)</b></p> <p><b>PREPARED BY</b> <b>(b) (6), (b) (7)(C)</b></p> <p><b>2. REPORT NUMBER</b> 001</p>
<p><b>3. TITLE</b> <b>(b) (6), (b) (7)(C)</b> CBP OFFICER/1102 Harassment-Discriminatory <b>(b) (7)(E)</b> <b>(b) (7)(E)</b></p>		
<p><b>4. FINAL RESOLUTION</b></p>		
<p><b>5. STATUS</b> Initial Report</p>	<p><b>6. TYPE OF REPORT</b> Allegation</p>	<p><b>7. RELATED CASES</b></p>
<p><b>8. TOPIC</b> Complainant alleged CBPO was unprofessional, disrespectful, and immature. <b>(b) (7)(E)</b></p>		
<p><b>9. SYNOPSIS</b> On December 15, 2016, the Joint Intake Center (JIC), Washington, D.C., received U.S. Customs and Border Protection (CBP) INFO Center referral, number <b>(b) (7)(E)</b> forwarding the allegation of <b>(b) (6), (b) (7)(C)</b>. According to the information provided by CBP INFO Center, December 12, 2016 <b>(b) (6), (b) (7)(C)</b> alleged CBP Officer (CBPO) <b>(b) (6), (b) (7)(C), (b) (7)(E)</b> was unprofessional, disrespectful and acted immature during the processing of <b>(b) (6), (b) (7)(C)</b> and her husband. <b>(b) (6), (b) (7)(C)</b> complaint indicates that CBPO <b>(b) (6), (b) (7)(C)</b> acted in this manner due to <b>(b) (6), (b) (7)(C)</b> being Caucasian and her husband being African-American.</p> <p>This report documents the relevant material received.</p>		
<p><b>10. CASE OFFICER (Print Name &amp; Title)</b> <b>(b) (6), (b) (7)(C)</b> Joint Intake Specialist</p>	<p><b>11. COMPLETION DATE</b> 20-DEC-2016</p>	<p><b>14. ORIGIN OFFICE</b> Joint Intake Center</p>
<p><b>12. APPROVED BY (Print Name &amp; Title)</b> <b>(b) (6), (b) (7)(C)</b> JIC Supervisor</p>	<p><b>13. APPROVED DATE</b> 22-DEC-2016</p>	<p><b>15. TELEPHONE NUMBER</b> <b>(b) (7)(E)</b></p>
<p><small>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</small></p>		
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 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<b>1. CASE NUMBER</b> <b>(b) (7)(E)</b>
	<b>PREPARED BY</b> <b>(b) (6), (b) (7)(C)</b>
	<b>2. REPORT NUMBER</b> 001
<p><b>10. NARRATIVE</b></p> <p>DETAILS OF INVESTIGATION:</p> <p>On December 15, 2016, the Joint Intake Center (JIC), Washington, D.C., received U.S. Customs and Border Protection (CBP) INFO Center referral, number <b>(b) (7)(E)</b> forwarding the allegation of <b>(b) (6), (b) (7)(C)</b>. According to the information provided by CBP INFO Center, December 12, 2016, <b>(b) (6), (b) (7)(C)</b> alleged CBP Officer (CBPO) <b>(b) (6), (b) (7)(C), (b) (7)(E)</b> was unprofessional, disrespectful and acted immature during the processing of <b>(b) (6), (b) (7)(C)</b> and her husband. <b>(b) (6), (b) (7)(C)</b> complaint indicates that CBPO <b>(b) (6), (b) (7)(C)</b> acted in this manner due to <b>(b) (6), (b) (7)(C)</b> being Caucasian and her husband being African-American.</p> <p>The following is a re-creation of the complaint submitted by the CBP INFO Center regarding <b>(b) (6), (b) (7)(C)</b> <b>(b) (6), (b) (7)(C)</b> complaint.</p> <p>&lt;BEGIN&gt;</p> <p>Upon arriving at customs, my husband and I were directed to use the passport scanners that print a receipt with our picture, we then proceeded to the booth where the CBPO took our blue/white customs form that we filled out on the plane. To our knowledge we were through customs; we haven't travelled internationally in many years and are unfamiliar with the process. We got our luggage and I walked past another CBPO <b>(b) (6), (b) (7)(C)</b> who looked at me as I passed, but said nothing to me. My husband then began to walk past her and she asked him for his 'paper'. I was carrying both of our passports and whatever papers we had so I went back to where she was standing and asked what paper she needed, and why did I not have to give her a paper. I will point out at this time that I am Caucasian and my husband is African-American. This is not the first time in our 30 years of marriage that he is treated differently than I am in such simple situations. She showed us the blue/white paper that she had gathered from other people, and we told her that we gave it to the previous CBPO. She said that everyone says that and we need to get the paper. My husband asked again why she didn't ask for mine. She then lied and said I gave her my paper. She started yelling at me to get out of the way of other people coming through the line. She wasn't clear where I should stand, she just yelled and waived her arms. We told her we didn't have the F**ing paper (we were a bit upset at this point with her ugly attitude and lack of interpersonal skills - which I imagine should be important in dealing with people from so many different backgrounds). She then called for security. CBPO <b>(b) (6), (b) (7)(C)</b> listened carefully to us and then explained the process and saw that I had the printouts from the passport scanner in my purse, which apparently is another document she should have asked for. She never told us she needed this document, she just kept waving the blue/white forms around saying we needed to give her that one. My anger isn't so much about the document, it is mostly due to the fact that she let me</p>	



 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<b>1. CASE NUMBER</b> (b) (7)(E)
	<b>PREPARED BY</b> (b) (6), (b) (7)(C)
	<b>2. REPORT NUMBER</b> 001

**10. NARRATIVE**

through with no questions asked, but treated my husband completely differently and spoke to us in such a belligerent manner. As I mentioned, we've been through this many times and I am very familiar with the signs and demeanor of the aggressor (in this situation it was (b) (6), (b) (7)(C) and her attitude toward my husband and her unwillingness to simply explain what she needed from us in a calm manner, which is what her job entails). (b) (6), (b) (7)(C) behavior was unprofessional, disrespectful, and immature. She could use a great deal of retraining, and definitely race sensitivity training. Thank you for this opportunity to air my grievances. I also want to thank SCBPO (b) (6), (b) (7)(C) for listening to us and making us feel whole.

<END>

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION Exhibit List</p>	1. CASE NUMBER <b>(b) (7)(E)</b>
	PREPARED BY <b>(b) (6), (b) (7)(C)</b>
	2. REPORT NUMBER 001

None.

(b) (6), (b) (7)(C)

**From:** (b) (6), (b) (7)(C)  
**Sent:** Thursday, December 15, 2016 10:48 AM  
**To:** CRCLCompliance; JOINT INTAKE  
**Cc:** (b) (6), (b) (7)(C) (OPR); OPRTMADRFI  
**Subject:** CIC Incident # (b) (7)(E) fwd to CRCL, JIC, OPR

Good afternoon,

Please review the below complaint received by our office for your consideration.

Thank you.

(b) (6), (b) (7)(C)

Senior Information Officer – Compliments and Complaints Branch  
U.S. Customs and Border Protection  
Office of the Commissioner / Intergovernmental Public Liaison  
1300 Pennsylvania Ave., N.W.  
RM: CIC- 90K Street NE  
Washington, D.C. 20229  
Desk: (b) (6), (b) (7)(C)  
Fax: (b) (6), (b) (7)(C)  
Email: (b) (6), (b) (7)(C)

<b>Reference #</b>	(b) (7)(E)
<b>Status</b>	New
<b>Assigned To</b>	(b) (6), (b) (7)(C)
<b>Product</b>	Discrimination Race
<b>Category</b>	Land Border, Airport, or Seaport (b) (7)(E)
<b>Disposition</b>	Travelers US Citizen/US Resident
<b>SLA</b>	Not specified
<b>Queue</b>	Complaints
<b>Date Created</b>	12/13/2016 09:36 PM
<b>Date Initial Solution Response</b>	None
<b>Last Updated</b>	12/15/2016 01:44 PM
<b>Customer SmartSense</b>	0 (on -3 to +3 scale)
<b>Staff SmartSense</b>	

**Unprofessional conduct - CBPO A. Chen**

**Discussion Thread**

**Customer (Kathy Moore)** 12/13/2016 09:36 PM

Upon arriving at customs, my husband and I were directed to use the passport scanners that print a receipt with our picture, we then proceeded to the booth where the CBPO took our blue/white customs form that we filled out on the plane. To our knowledge we were through customs; we haven't travelled internationally in many years and are unfamiliar with the process. We got our luggage and I walked past another CBPO (b) (6), (b) (7)(C) who looked at me as I passed, but said nothing to me. My husband then began to walk past her and she asked him for his 'paper'. I was carrying both of our passports and whatever papers we had so I went back to where she was standing and asked what paper she needed, and why did I not have to give her a paper. I will point out at this time that I am Caucasian and my husband is African-American. This is not the first time in our 30 years of marriage that he is treated differently than I am in such simple situations. She showed us the blue/white paper that she had gathered from other people, and we told her that we gave it to the previous CBPO. She said that everyone says that and we need to get the paper. My husband asked again why she didn't ask for mine. She then lied and said I gave her my paper. She started yelling at me to get out of the way of other people coming through the line. She wasn't clear where I should stand, she just yelled and waived her arms. We told her we didn't have the F\*\*\*ing paper (we were a bit upset at this point with her ugly attitude and lack of interpersonal skills - which I imagine should be important in dealing with people from so many different backgrounds). She then called for security. CBPO (b) (6), (b) (7)(C) listened carefully to us and then explained the process and saw that I had the printouts from the passport scanner in my purse, which apparently is another document she should have asked for. She never told us she needed this document, she just kept waving the blue/white forms around saying we needed to give her that one. My anger isn't so much about the document, it is mostly due to the fact that she let me through with no questions asked, but treated my husband completely differently and spoke to us in such a belligerent manner. As I mentioned, we've been through this many times and I am very familiar with the signs and demeanor of the aggressor (in this situation it was (b) (6), (b) (7)(C) and her attitude toward my husband and her unwillingness to simply explain what she needed from us in a calm manner, which is what her job entails). (b) (6), (b) (7)(C) behavior was unprofessional, disrespectful, and immature. She could use a great deal of retraining, and definitely race sensitivity training. Thank you for this opportunity to air my grievances. I also want to thank SCBPO (b) (6), (b) (7)(C) for listening to us and making us feel whole.

**Primary Contact**

**First Name:** (b) (6), (b) (7)(C)



0 (on -3 to +3 scale)

---

**Response Needed**  
Yes

---

**Language**  
English

---

**Dist Field Office**  
[REDACTED]

---

**Incident Date**  
12/12/2016 12:00 PM

---

**PLOR**  
Not Warranted

---

**Privacy Issue**  
No

---

**Employee Conduct**  
Unprofessional

---

**Referred out of CIC**  
No

---

**Form Type**  
Departing 1st

---

**Created by Generic Supervisor**  
No

---

**Disposition (CF)**  
Unsubstantiated

---

**Auto Close**  
No

---

**Video Footage Attached**  
No

Last Name: (b) (6), (b) (7)(C)  
Organization:  
Login:  
Title:  
Contact Type:  
Email: (b) (6), (b) (7)(C)  
Email - Alternate #1:  
Email - Alternate #2:  
Office Phone:  
Mobile Phone:  
Fax:  
Assistant Phone:  
Home Phone:  
Street  
City  
State/Province: (b) (7)(E)  
Postal Code  
Country: United States

**Additional Information**



**U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
Person Encounter Detail**

12/22/2016 09:09 EST

Page 1 of 1

Encounter Person Detail				
Last Name	First Name	Middle Initial	Gender	Date of Birth
(b) (6), (b) (7)(C)			F	(b) (6), (b) (7)(C)
Document Number	Document Type	Document Country	Class of Admission	Admit Until Date
(b) (6), (b) (7)(C)	PASSPORT	UNITED STATES		
Encounter Person Detail				
Encounter Line Type	Encounter Date	Encounter Time	Terminal Lane	Site/Encounter Location
ADVANCED PASSENGER RECORD	12/12/2016	19:21	(b) (7)(E)	(b) (7)(E)
Inbound/Outbound	Inspector	Primary Query Result	Referred To Agency	
INBOUND	(b) (6), (b) (7)(C), (b) (7)(E)	N	NOT REFERRED	
Manifest Data				
Manifest Indicator	Passenger Status	Flight/Vessel Number	Departure Location	
C	ON BOARD	(b) (7)(E)		
Transmitted By	Carrier Code	Arrival Location		
APIS*ZZZ	UA	(b) (7)(E)		



Please (b) (6), (b) (7)(C) know.



(b) (6), (b) (7)(C)

Chief Supervisory Officer  
Tactical Terrorism Response Team (TTRT)

(b) (7)(E)

U.S. Customs and Border Protection

Office: (b) (6), (b) (7)(C)

Cell:

Fax:

Email:

**From:** (b) (6), (b) (7)(C)

**Sent:** Friday, February 24, 2017 1:16 PM

**To:** (b) (6), (b) (7)(C)

**Subject:** FW: Secondary Inspection on 2/23/2017 (b) (6), (b) (7)(C)

Kudos for (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Watch Commander

U.S. Customs and Border Protection

(b) (7)(E)

(b) (6), (b) (7)(C) (Desk)

(Cell)

(b) (6), (b) (7)(C)

**From:** (b) (6), (b) (7)(C)

**Sent:** Friday, February 24, 2017 1:13 PM

**To:** (b) (6), (b) (7)(C)

**Cc:**

**Subject:** FW: Secondary Inspection on 2/23/2017 (b) (6), (b) (7)(C)

FYI

Warning: FOR OFFICIAL USE ONLY (FOUO) - LAW ENFORCEMENT SENSITIVE (LES): This email and any attached documents are FOR OFFICIAL USE ONLY. It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). This document is to be controlled, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to SENSITIVE BUT UNCLASSIFIED information and is not to be released to the public or other personnel who do not have a valid need to know without prior approval from the originator. Further transmission of LAW ENFORCEMENT SENSITIVE information is limited by The Privacy Act (5 U.S.C. 552(a)) and Trade Secrets Act (18 U.S.C. 1905), in accordance with the Third Agency Rule. If you are not the intended recipient or agent responsible for delivering the information to the intended recipient, unauthorized disclosure, copying, distribution or use of the contents of this transmission is strictly prohibited. If you have received this transmission in error, please notify the sender and delete all copies from your system.

**From:** (b) (6), (b) (7)(C)

**Sent:** Friday, February 24, 2017 11:25 AM

**To:** (b) (6), (b) (7)(C)

**Cc:** (b) (6), (b) (7)(C)

**Subject:** Secondary Inspection on 2/23/2017 - (b) (6), (b) (7)(C)

CBPO (b) (6), (b) (7)(C)

Thank you for the secondary inspection you completed on (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) yesterday. It was quite thorough, given what was on open source about the traveler I hope he wasn't too much of a bother for you.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Intelligence Research Specialist  
Office of Field Operations  
National Targeting Center  
National Security Threat Analysis Division  
Ph (b) (6), (b) (7)(C)

All,

Please see below information from PAU. On Duty Chief and all parties has been notified. All information and instructions are current.

Respectfully,

(b) (6), (b) (7)(C)  
U.S. Customs and Border Protection  
(b) (7)(E)  
SRT/(A)SCBPO TTRT

Email:  
(b) (6), (b) (7)(C)  
Work Cell: (b) (6), (b) (7)(C)  
Office: (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)  
Sent: Thursday, February 23, 2017 1:07 PM  
To: (b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)  
Subject: RE: Request for TTRT Inspection / (b) (7)(E)

Good afternoon. Information regarding below subject:

Subject: (b) (6), (b) (7)(C)

Note: In (b) (7)(E) subject lists height as (b) (6), (b) (7)(C)

\*\*\*Subject (b) (6), (b) (7)(C) Reservation shows no checked-in bags\*\*\* (please verify)

Person Type: (b) (7)(E) Date Of Birth: (b) (6), (b) (7)(C)

Citizenship: UNITED STATES OF AMERICA  
Place of Birth: (b) (6), (b) (7)(C) UNITED STATES OF AMERICA  
Type: Photo  
Title:

Disposition

---

last modified by (b) (6), (b) (7)(C) 02/23/2017 14:12

Disposition Category: ADMITTED

Disposition: ADMITTED - (USC) US CITIZEN

Reason: (b) (6), (b) (7)(C) 02/23/2017 14:12  
(b) (7)(E) for TTRT exam. POE  
responsibility to conduct TTRT exam

[Run New Search](#)

(b) (6), (b) (7)(C)

Applicant Information

Primary Name	Date of Birth	Place of Birth	Social Security Num	Sex
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	M
Known as Name	Address	City	State	Zip
	(b) (6), (b) (7)(C)			
Other Names	Care of	Email	Telephone	
	(b) (6), (b) (7)(C)			

Application Information

PPT Application Num	Item(s) Requested			
(b) (6), (b) (7)(C)	Book			
Passport Number	Passport Type	Endorsement Code		
(b) (6), (b) (7)(C)	General			
Book Number	Book Status	Book DOI	Book DOE	Book Type
(b) (6), (b) (7)(C)	Issued	(b) (6), (b) (7)(C)		
Card Number	Card Status	Card DOI	Card DOE	
N/A	Not Requested			

Scanned Documents

Document Number	Document Type	Details
1	APPLICATION FOR A US PASSPORT BY MAIL	DS 82 (08/2013) (B) (P1/2)
2	APPLICATION FOR A US PASSPORT BY MAIL	DS 82 (08/2013) (B) (P2/2)
3	Document	

(b) (6), (b) (7)(C)

Birthdate(s)  
(b) (6), (b) (7)(C)

Citizenship  
US

Gender  
M





Birthplace

US

Primary Action

(b) (7)(E)

Start

02/23/2017

Stop

02/23/2018

Contact

(b) (6), (b) (7)(C), (b) (7)(E) OFF OF BORDER SECURITY (b) (6), (b) (7)(C)

Status Code

(b) (7)(E)

Category Code

(b) (7)(E)

Status Description

(b) (7)(E)

Category Description

(b) (7)(E)

No-Fly Indicator

(b)(3), (b)(7)(E)

Selectee Indicator

(b)(3), (b)(7)(E)

Aliases

(b) (6), (b) (7)(C)

Remarks

(b) (6), (b) (7)(C), (b) (7)(E)

Reservation System	Record Locator	Record Create Date
(b) (7)(E)		1/13/2017

### Names

Last Name	First (Given) Name
(b) (6), (b) (7)(C)	

### Itinerary

Note-Flight Leg is not displayed for Amadeus Carriers

Airline	Flight Number	Departure Date	Departure Time	Arrival Time	Departure Date/Time (EST)	Leg	Departure Airport	Arrival Airport
(b) (6), (b) (7)(C), (b) (7)(E)		2/17/2017	(b) (6), (b) (7)(C)		2/17/2017 (b) (6), (b) (7)(C)	0	(b) (7)(E)	
		2/23/2017			2/23/2017 (b) (6), (b) (7)(C)	0	(b) (7)(E)	
		2/23/2017			2/23/2017 (b) (6), (b) (7)(C)	0	(b) (7)(E)	
(b) (6), (b) (7)(C), (b) (7)(E)		2/23/2017	(b) (6), (b) (7)(C), (b) (7)(E)					

### Email Addresses

Account ID	Email Host
(b) (6), (b) (7)(C)	



**From:** (b) (6), (b) (7)(C)  
**Sent:** Thursday, February 23, 2017 12:40 PM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** FW: Request for TTRT Inspection / (b) (7)(E)

Here it is  
Respectfully,

(b) (6), (b) (7)(C)  
U.S. Customs and Border Protection  
(b) (7)(E)  
SRT/(A)SCBPO TTRT

Email:  
(b) (6), (b) (7)(C)  
Work Cell: (b) (6), (b) (7)(C)  
Office: (b) (6), (b) (7)(C)

**From:** (b) (6), (b) (7)(C)  
**Sent:** Thursday, February 23, 2017 12:32 PM  
**To:** (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** FW: Request for TTRT Inspection / (b) (7)(E)

Please let me know if you guys are already aware of this and if the (b) (7)(E) instructions are any different than the below.

(b) (6), (b) (7)(C)  
Watch Commander  
U.S. Customs and Border Protection  
(b) (7)(E)  
(b) (6), (b) (7)(C)(Desk)  
(Cell)  
(b) (6), (b) (7)(C)

**From:** (b) (6), (b) (7)(C)  
**Sent:** Thursday, February 23, 2017 12:25 PM  
**To:** (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

**Subject:** RE: Request for TTRT Inspection / (b) (7)(E)

(b) (6), (b) (7)(C)

Noted the specific questions at the bottom. Odd one.

(b) (6), (b) (7)(C)

Warning: FOR OFFICIAL USE ONLY (FOUO) - LAW ENFORCEMENT SENSITIVE (LES): This email and any attached documents are FOR OFFICIAL USE ONLY. It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). This document is to be controlled, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to SENSITIVE BUT UNCLASSIFIED information and is not to be released to the public or other personnel who do not have a valid need to know without prior approval from the originator. Further transmission of LAW ENFORCEMENT SENSITIVE information is limited by The Privacy Act (5 U.S.C. 552(a)) and Trade Secrets Act (18 U.S.C. 1905), in accordance with the Third Agency Rule. If you are not the intended recipient or agent responsible for delivering the information to the intended recipient, unauthorized disclosure, copying, distribution or use of the contents of this transmission is strictly prohibited. If you have received this transmission in error, please notify the sender and delete all copies from your system.

**From:** (b) (6), (b) (7)(C)

**Sent:** Thursday, February 23, 2017 12:22 PM

**To:** (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

**Subject:** FW: Request for TTRT Inspection / (b) (7)(E)

(b) (6), (b) (7)(C)

Warning: FOR OFFICIAL USE ONLY (FOUO) - LAW ENFORCEMENT SENSITIVE (LES): This email and any attached documents are FOR OFFICIAL USE ONLY. It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). This document is to be controlled, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to SENSITIVE BUT UNCLASSIFIED information and is not to be released to the public or other personnel who do not have a valid need to know without prior approval from the originator. Further transmission of LAW ENFORCEMENT SENSITIVE information is limited by The Privacy Act (5 U.S.C. 552(a)) and Trade Secrets Act (18 U.S.C. 1905), in accordance with the Third Agency Rule. If you are not the intended recipient or agent responsible for delivering the information to the intended recipient, unauthorized disclosure, copying, distribution or use of the contents of this transmission is strictly prohibited. If you have received this transmission in error, please notify the sender and delete all copies from your system.

**From:** (b) (6), (b) (7)(C)

**Sent:** Thursday, February 23, 2017 11:14 AM

**To:** (b) (6), (b) (7)(C)

**Cc:** (b) (6), (b) (7)(C)

**Subject:** RE: Request for TTRT Inspection / (b) (7)(E)

(b) (6), (b) (7)(C)

I got (b) (6), (b) (7)(C) out of office. See below. Official request should be coming to you through (b) (7)(E) proper, but we wanted to pass along as a heads up. PAX is arriving later today.

Thanks

(b) (6), (b) (7)(C)

From (b) (6), (b) (7)(C)  
Sent: Thursday, February 23, 2017 2:09 PM  
To: (b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)  
Subject: FW: Request for TTRT Inspection / (b) (7)(E)

(b) (6), (b) (7)(C)

See below. This request should make it to you through (b) (7)(E) but we wanted to give you a heads up. Based on some of the info we found in open source, he may be uncooperative...

Interesting character though. We're looking forward to reading the close out!

Thanks

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)  
Sent: Thursday, February 23, 2017 1:42 PM  
To: (b) (7)(E)  
(b) (7)(E)  
Cc: PASSENGER-TARGETING-ANALYSTS (b) (7)(E)  
Subject: Request for TTRT Inspection / (b) (7)(E)

Good Afternoon,

(b) (7)(E) is requesting a TTRT inspection on USC (b) (6), (b) (7)(C) who is scheduled to arrive in (b) (7)(E) on 2/23/2017 (today) at (b) (7)(E) Eastern Standard time aboard (b) (6), (b) (7)(C)

An email has been sent to the (b) (7)(E) with further information.

(b) (6), (b) (7)(C) listed his occupation as artist on his latest U.S. passport application

As per open source research

(b) (6), (b) (7)(C), (b) (7)(E)



**(b) (6), (b) (7)(C), (b) (7)(E)**

**(b) (7)(E)**

**(b) (7)(E)** is requesting a TTRT inspection with **(b) (7)(E)** and the following questions/actions:

1. **(b) (6), (b) (7)(C), (b) (7)(E)**
2. **(b) (6), (b) (7)(C), (b) (7)(E)**
3. **(b) (6), (b) (7)(C), (b) (7)(E)**

**(b) (6), (b) (7)(C)**

Intelligence Research Specialist

Office of Field Operations

**(b) (7)(E)**

National Security Threat Analysis Division

Ph **(b) (6), (b) (7)(C)**

(b) (7)(E) On February 23, 2017, at approximately 1400 hours, U.S. citizen (b) (6), (b) (7)(C) (U.S. passport (b) (6), (b) (7)(C) DOB (b) (6), (b) (7)(C) was encountered by TTRT (b) (6), (b) (7)(C) at PPC-A Secondary office, (b) (7)(E) (b) (6), (b) (7)(C), (b) (7)(E) is an (b) (6), (b) (7)(C), (b) (7)(E) is traveling alone returning from one week trip in (b) (6), (b) (7)(C) stated the purpose of the trip is to attend an art show called (b) (6), (b) (7)(C) stated he is an installation artist, one of his artwork pieces (b) (6), (b) (7)(C) was being exhibited during the art show (b) (6), (b) (7)(C) stated this is his first time travel to (b) (6), (b) (7)(C) The attending of the show was invited by an art gallery (b) (6), (b) (7)(C) stated this is also the first time he has business related contacts with (b) (6), (b) (7)(C) provided his point of contact from (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) stated he does not has any phone number contact for (b) (6), (b) (7)(C) The invitation arrangement was done by email exchanging, and (b) (6), (b) (7)(C) has no email contacts of (b) (6), (b) (7)(C) with his possession (b) (6), (b) (7)(C) itinerary of the trip was arranged by an employee (b) (6), (b) (7)(C) According to (b) (6), (b) (7)(C) basically booked the flights and hotel staying for him and forwarded the itinerary through email afterward (b) (6), (b) (7)(C) stated he did not make any contact to the travel agency nor did he provide any of his contact information to the travel agency. The flight itinerary was booked through a travel agency called (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) address at (b) (6), (b) (7)(C) phone number: (b) (6), (b) (7)(C) contact information: phone (b) (6), (b) (7)(C) email: (b) (6), (b) (7)(C) During the trip (b) (6), (b) (7)(C) stayed at (b) (6), (b) (7)(C) he does not remember the address, but it is located in (b) (6), (b) (7)(C) stated the above contacts are the only ones he has and know of in (b) (6), (b) (7)(C) resident address: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) home phone number: (b) (6), (b) (7)(C) email: (b) (6), (b) (7)(C) The manual examination of the electronic media devices was approved by Chief (b) (6), (b) (7)(C) via SCBPO (b) (6), (b) (7)(C) at approximately 1318 hours. At approximately 1420 hours, a binding declaration was taken by CBPO (b) (6), (b) (7)(C) carry-on and checked bags (b) (6), (b) (7)(C) declared approximately \$100 USD and 30 Euros in cash and one bag of salami/sausage as food items. Baggage exam was conducted with positive result due to the bag of meat products was discovered. One bag of 200g of sausage was turned over to CBPA (b) (6), (b) (7)(C) for seized and destroyed. After the baggage examination, (b) (6), (b) (7)(C) obtained consent from (b) (6), (b) (7)(C) for the examination of his Apple iPhone. (b) (6), (b) (7)(C) was provided the CBP Inspection of Electronic Devices Tear Sheet (CBP Publication N. 0204-0809) (b) (6), (b) (7)(C) did not provide the pass codes to his Apple iPhone, but he was willingly to unlock the phone for the examination. The manual examination was conducted at approximately 1428 hours and ended at approximately 1435 hours with no derogatory items or phone number found. At approximately 1438 hours (b) (6), (b) (7)(C), (b) (7)(E) was contacted with event (b) (7)(E) and the inspection result. At approximately 1445 hours (b) (6), (b) (7)(C) left FIS area with all his belongings without further incident (b) (6), (b) (7)(C) was thanked for his cooperation by CBPO (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), (b) (7)(E) TRAVEL INFORMATION: Returning from a business trip in (b) (6), (b) (7)(C) REASON FOR SECONDARY REFERRAL: (b) (7)(E) (b) (7)(E) PASSPORT NUMBER/COUNTRY (b) (6), (b) (7)(C) USA LPR CLASSIFICATION AND A#/VISA CLASSIFICATION (IF ANY): N/A DISPOSITION (ADMITTED, DENIED/REFUSED, ARRESTED): Admitted (b) (7)(E) NAME OF SUPERVISOR WITNESSING OR SUPERVISORY NOTIFICATION: SCBPO (b) (6), (b) (7)(C) TEAR SHEET NOTIFICATION OR ARTICULATE IF NO TEAR SHEET WAS PROVIDED: Yes USE "MEDIA SCREENING EQUIPMENT" IN



NARRATIVE: 1. PURPOSE OF TRIP: Retuning from a business trip to (b) (6), (b) (7)(C) 2.  
DURATION OF TRIP: 1 week 3. PERSONS VISITED/PERSONS TO BE VISITED: (b) (6), (b) (7)(C) 4.  
PLACES VISITED ABROAD/PLACES TO BE VISITED IN THE U.S.: (b) (6), (b) (7)(C) 5. SPONSORING  
ORG. FOR TRIP/MEANS USED TO PAY FOR TRIP: (b) (6), (b) (7)(C) sponsored the entire trip. 6.  
OCCUPATION: Artist 7. VALUE OF CASH AND OTHER MONETARY INSTRUMENTS IN THE  
TRAVELER'S POSSESSION/AMOUNT OF OUTBOUND CURRENCY: \$100 USD 8. NEXT  
DESTINATION: (b) (6), (b) (7)(C) 9. ENTIRE TRAVEL ITINERARY (CITIES AND  
COUNTRIES VISITED, INCLUDING OUTBOUND PORT(S): (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) 10. CITY AND COUNTRY OF BIRTH: (b) (6), (b) (7)(C) USA 11. CURRENT  
ADDRESS AND TELEPHONE NUMBER (INCLUDE ZIP CODE): (b) (6), (b) (7)(C) Home  
Phone: (b) (6), (b) (7)(C) 12. RESPONSE FROM ICE, FBI (b) (7)(E) (INCLUDE NAME AND TELEPHONE  
NUMBER) (b) (6), (b) (7)(C), (b) (7)(E) 13. ADDITIONAL APPROPRIATE INFORMATION (TYPES  
OF POCKET LITTER, BIOGRAPHICAL DATA OF CO-TRAVELER(S), CBP INTERACTION WITH THE  
(b) (7)(E) RECORD HOLDERS, TYPE OF QUESTIONS AND RESPONSES, ETC.): A manual media review  
was conducted of (b) (6), (b) (7)(C) apple iPhone SE, approved by Chief (b) (6), (b) (7)(C) via Supervisor (b) (6), (b) (7)(C)  
1318 hours. The manual review begun at 1428 hours and concluded at 1435 hours with no  
derogatory items or phone numbers found (b) (6), (b) (7)(C) willingly unlocked his phone and allowed  
(b) (6), (b) (7)(C) to review its contents. Review of the media was done in accordance to CBP policy.  
TIMELINE OF EVENTS INTERCEPTED BY CBP OFFICER/CTR/TTRT: TTRT (b) (6), (b) (7)(C) 1400 Hours  
CONTACT TO (b) (6), (b) (7)(C), (b) (7)(E) at 1438 hours MEDIA EXAM CONDUCTED: Media Exam started at  
1428 hours and concluded at 1435 hours. SUBJECT RELEASED FROM FIS: (b) (6), (b) (7)(C) exited the FIS at  
1445 hours.

(b) (7)(E)

NAME: (b) (6), (b) (7)(C)

DOB: (b) (6), (b) (7)(C)

TRAVEL INFORMATION: Returning from a business trip in (b) (6), (b) (7)(C)

REASON FOR SECONDARY REFERRAL: (b) (7)(E)

PASSPORT NUMBER/COUNTRY: (b) (6), (b) (7)(C) JSA

LPR CLASSIFICATION AND A#/VISA CLASSIFICATION (IF ANY): N/A

DISPOSITION (ADMITTED, DENIED/REFUSED, ARRESTED): Admitted

(b) (7)(E)

NAME OF SUPERVISOR WITNESSING OR SUPERVISORY NOTIFICATION: SCBPO (b) (6), (b) (7)(C)

TEAR SHEET NOTIFICATION OR ARTICULATE IF NO TEAR SHEET WAS PROVIDED: Yes

USE "MEDIA SCREENING EQUIPMENT" IN NARRATIVE:

1. PURPOSE OF TRIP: Retuning from a business trip to (b) (6), (b) (7)(C)

2. DURATION OF TRIP: 1 week

3. PERSONS VISITED/PERSONS TO BE VISITED: (b) (6), (b) (7)(C)

4. PLACES VISITED ABROAD/PLACES TO BE VISITED IN THE U.S.: (b) (6), (b) (7)(C)

5. SPONSORING ORG. FOR TRIP/MEANS USED TO PAY FOR TRIP: (b) (6), (b) (7)(C) sponsored the entire trip.

6. OCCUPATION: Artist

7. VALUE OF CASH AND OTHER MONETARY INSTRUMENTS IN THE TRAVELER'S POSSESSION/AMOUNT OF OUTBOUND CURRENCY: \$100 USD

8. NEXT DESTINATION: (b) (6), (b) (7)(C)

9. ENTIRE TRAVEL ITINERARY (CITIES AND COUNTRIES VISITED, INCLUDING OUTBOUND PORT(S):

(b) (6), (b) (7)(C)

10. CITY AND COUNTRY OF BIRTH: (b) (6), (b) (7)(C) USA

11. CURRENT ADDRESS AND TELEPHONE NUMBER (INCLUDE ZIP CODE): (b) (6), (b) (7)(C)

Home Phone: (b) (6), (b) (7)(C)

12. RESPONSE FROM ICE, FBI, (b) (7)(E) (INCLUDE NAME AND TELEPHONE NUMBER) (b) (6), (b) (7)(C), (b) (7)(E) (b) (6), (b) (7)(C)

13. ADDITIONAL APPROPRIATE INFORMATION (TYPES OF POCKET LITTER, BIOGRAPHICAL DATA OF CO-TRAVELER(S), CBP INTERACTION WITH THE (b) (7)(E) RECORD HOLDERS, TYPE OF QUESTIONS AND RESPONSES, ETC.): A manual media review was conducted of (b) (6), (b) (7)(C) apple iPhone SE, approved by Chief (b) (6), (b) (7)(C) via Supervisor (b) (6), (b) (7)(C) 1318 hours. The manual review begun at 1428 hours and concluded at 1435 hours with no derogatory items or phone numbers found (b) (6), (b) (7)(C) willingly unlocked his phone and allowed (b) (6), (b) (7)(C) to review its contents. Review of the media was done in accordance to CBP policy.

TIMELINE OF EVENTS INTERCEPTED BY CBP OFFICER/CTR/TTRT: (b) (6), (b) (7)(C) at 1400 Hours CONTACT TO

(b) (6), (b) (7)(C) at 1438 hours MEDIA EXAM CONDUCTED: Media Exam started at 1428 hours and concluded at 1435 hours. SUBJECT RELEASED FROM FIS (b) (6), (b) (7)(C) exited the FIS at 1445 hours.

Prev



**From:** (b) (6), (b) (7)(C)  
**To:** (b) (6), (b) (7)(C)  
**Subject:** RE: (b) (6), (b) (7)(C) requested info  
**Date:** Thursday, August 03, 2017 7:23:28 AM

---

(b) (6), (b) (7)(C)

This case should be closed with no action.

(b) (6), (b) (7)(C)  
Assistant Port Director – Trade/Tactical Branch  
Customs and Border Protection  
(b) (7)(E)  
(b) (6), (b) (7)(C) office  
cell

---

**From:** (b) (6), (b) (7)(C)  
**Sent:** Thursday, July 27, 2017 3:50 PM  
**To:** (b) (6), (b) (7)(C)  
**Subject:** FW: (b) (6), (b) (7)(C) requested info

Where are we at on this?

Thanks!

(b) (6), (b) (7)(C)  
LER Specialist  
Customs and Border Protection  
(b) (6), (b) (7)(C)

*Your feedback is important to us! Click [here](#) to let us know how we're doing.*

“A good man brings good things out of the good stored up in his heart, and an evil man brings evil things out of the evil stored up in his heart. For the mouth speaks what the heart is full of.” Luke 6:45

---

**From:** (b) (6), (b) (7)(C)  
**Sent:** Friday, July 07, 2017 11:06 AM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** FW: (b) (6), (b) (7)(C) requested info

Attached is the information previously gathered to respond to the original inquiry. To the best of my knowledge nothing further has developed. Also attached is the management referral sent today. Thank you.

(b) (6), (b) (7)(C)

Assistant Port Director, Passenger

(b) (7)(E)

Office (b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C)

**Sent:** Tuesday, May 09, 2017 11:38 AM

**To:** (b) (6), (b) (7)(C)

**Subject:** FW: (b) (6), (b) (7)(C) requested info

Sir,

Please see attached information and below explanation. Please let me know if you need anything further.

Thank you.

---

**From:** (b) (6), (b) (7)(C)

**Sent:** Tuesday, May 09, 2017 11:18:32 AM

**To:** (b) (6), (b) (7)(C)

**Cc:** (b) (6), (b) (7)(C)

**Subject:** (b) (6), (b) (7)(C) requested info

(b) (6), (b) (7)(C)

Per your request, please see attached information.

PAU and I were unable to find the original TECS record – it would appear as though it was removed from TECS after our examination was completed. The original TECS record number is

(b) (7)(E)

I was able to find the original email traffic about this exam, however. The first attachment is from (b) (7)(E) thanking (b) (6), (b) (7)(C) for the work he did on the exam. The second attachment (labeled #2) is the email traffic regarding the exam prior to the subject's arrival. Although the original TECS record is not in the system, it was included in this email traffic. The narrative from the TECS record is highlighted in blue on the third page of the attachment.

I also attached the (b) (7)(E) narratives. I was not able to figure out how to get the entire (b) (7)(E) (b) (7)(E) saved as a pdf.

If you need more information, please let me know.

Thank you.

(b) (6), (b) (7)(C)

Supervisory Customs and Border Protection Officer

(b) (7)(E)

Office of Field Operations


US Customs and Border Protection


Office (b) (6), (b) (7)(C)

Cell (b) (6), (b) (7)(C)

Fax



 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b> <b>Customs and Border Protection</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION</b></p>		<b>1. CASE NUMBER</b> (b) (7)(E)
		<b>PREPARED BY</b> (b) (6), (b) (7)(C)
		<b>2. REPORT NUMBER</b> 001
<b>3. TITLE</b> EMPLOYEE, UNKNOWN/Unknown/1610 General Misconduct-Other Non-criminal (b) (7)(E) (b) (7)(E)		
<b>4. FINAL RESOLUTION</b>		
<b>5. STATUS</b> Initial Report	<b>6. TYPE OF REPORT</b> Allegation	<b>7. RELATED CASES</b>
<b>8. TOPIC</b> ACLU alleged CBPOs searched a traveler's phone and failed follow/communicate CBP policies		
<b>9. SYNOPSIS</b> On May 19, 2017, the Joint Intake Center (JIC), Washington D.C., received an email from the U.S. Department of Homeland Security (DHS) Office of Inspector General (OIG) regarding a complaint made on behalf of (b) (6), (b) (7)(C) a civilian. The American Civil Liberties Union (ACLU) alleged that U.S. Customs and Border Protection (CBP) Officers (CBPOs) at the (b) (7)(E) (b) (7)(E) searched (b) (6), (b) (7)(C) cellular phone when he entered the U.S. on February 23, 2017. The ACLU also expressed concerns about CBP's policies for searching electronic devices and claimed that CBPOs failed to follow agency policies or explain them adequately to (b) (6), (b) (7)(C)		
<b>10. CASE OFFICER (Print Name &amp; Title)</b> (b) (6), (b) (7)(C) Joint Intake Specialist	<b>11. COMPLETION DATE</b> 24-MAY-2017	<b>14. ORIGIN OFFICE</b> Joint Intake Center
<b>12. APPROVED BY(Print Name &amp; Title)</b> (b) (6), (b) (7)(C) - JIC Supervisor	<b>13. APPROVED DATE</b> 25-MAY-2017	<b>15. TELEPHONE NUMBER</b> (b) (7)(E)
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 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<p><b>1. CASE NUMBER</b> <b>(b) (7)(E)</b></p> <p><b>PREPARED BY</b> <b>(b) (6), (b) (7)(C)</b></p> <p><b>2. REPORT NUMBER</b> 001</p>
<p><b>10. NARRATIVE</b></p> <p>DETAILS OF INVESTIGATION</p> <p>On May 19, 2017, the Joint Intake Center (JIC), Washington D.C., received an email from the U.S. Department of Homeland Security (DHS) Office of Inspector General (OIG) regarding a complaint made on behalf of <b>(b) (6), (b) (7)(C)</b> a civilian. The American Civil Liberties Union (ACLU) alleged that U.S. Customs and Border Protection (CBP) Officers (CBPOs) at the <b>(b) (7)(E)</b> <b>(b) (7)(E)</b> searched <b>(b) (6), (b) (7)(C)</b> cellular phone when he entered the U.S. on February 23, 2017. The ACLU also expressed concerns about CBP's policies for searching electronic devices and claimed that CBPOs failed to follow agency policies or explain them adequately to <b>(b) (6), (b) (7)(C)</b>.</p> <p>The following is a re-creation of the narrative submitted by DHS/OIG. No changes have been made to grammar, punctuation or spelling.</p> <p>&lt;BEGIN&gt;</p> <p>On May 9, 2017, CRCL received a letter dated May 4, 2017, from the ACLU, addressed to John Roth, Inspector General, Department of Homeland Security (DHS), Office of Inspector General (OIG), regarding CBP's search of U.S. citizen <b>(b) (6), (b) (7)(C)</b> cellphone at <b>(b) (7)(E)</b> <b>(b) (7)(E)</b> on February 23, 2017. The letter documents ACLU's concerns about CBP's policies and practices with respect to CBP's search of <b>(b) (6), (b) (7)(C)</b> electronic device specifically by addressing the following: "(1) the facts concerning the questioning of <b>(b) (6), (b) (7)(C)</b> and the search of his smartphone, (2) that CBP's policies allow invasive searches of electronic devices in violation of the Fourth Amendment and federal appeals court precedent, (3) that CBP's policies lack protections for First Amendment rights by allowing questioning and device searches focused on, and possibly on the basis of, a traveler's expressive activities, and (4) that CBP officers, in at least this instance, failed to follow CBP's policies and failed to accurately communicate those policies to <b>(b) (6), (b) (7)(C)</b>".</p> <p>&lt;END&gt;</p>	



 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION Exhibit List</p>	1. CASE NUMBER <b>(b) (7)(E)</b>
	PREPARED BY <b>(b) (6), (b) (7)(C)</b>
	2. REPORT NUMBER 001

None

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**From:** Hotline  
**Sent:** Friday, May 19, 2017 9:00 AM  
**To:** JOINT INTAKE  
**Subject:** Complaint # - (b) (7)(E)  
**Attachments:** (b) (7)(E)



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security  
Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

The attached information is furnished for whatever administrative action or inquiry you consider appropriate. Should your office take any administrative or personnel action in response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.



# Case Summary Report

(b) (7)(E)

**Title:** FNU LNU; CBP; (b) (7)(E)  
**Date Rcd:** 5/11/2017      **Date Assigned:**      **Date Opened:** 5/11/2017      **Date Closed:**  
**Rcd Method:** DHS Connect      **Agent:**  
**Affected Agency:** U.S. Customs and Border Protection (DHS)      **PrimaryOffice:** (b) (7)(E)  
**Ref Agency:**  
**Alleg Type:** Civil Rights / Civil Liberties \ Other Civil Rights/Civil Liberties  
**Special:** No      **Privacy:** No      **Confidential:** No      **Dollar Loss:** \$0.00  
**Joint Agency:**  
**Ref Cases:** (b) (7)(E)

**Comments:** On May 9, 2017, CRCL received a letter dated May 4, 2017, from the ACLU, addressed to John Roth, Inspector General, Department of Homeland Security (DHS), Office of Inspector General (OIG), regarding CBP's search of U.S. citizen (b) (6), (b) (7)(C) cellphone at (b) (7)(E) (b) (7)(E) on February 23, 2017. The letter documents ACLU's concerns about CBP's policies and practices with respect to CBP's search of (b) (6), (b) (7)(C) electronic device, specifically by addressing the following : "(1) the facts concerning the questioning of (b) (6), (b) (7)(C) and the search of his smartphone, (2) that CBP's policies allow invasive searches of electronic devices in violation of the Fourth Amendment and federal appeals court precedent, (3) that CBP's policies lack protections for First Amendment rights by allowing questioning and devise searches focused on, and possibly on the basis of, a traveler's expressive activities, and (4) that CBP officers, in at least this instance, failed to follow CBP's policies and failed to accurately communicate those policies to (b) (6), (b) (7)(C)

## People - Subjects

### LNU, FNU

<b>Aka:</b>	<b>SSN:</b>	<b>EOD:</b>
<b>POB City:</b>	<b>POB State:</b>	
<b>DOB:</b>	<b>Alien Number:</b>	
<b>Address:</b>	<b>Company Name:</b>	
	<b>City:</b>	<b>State:</b> <b>Zip:</b>
<b>DHS Emp:</b> YES	<b>DHS Exec:</b> No	
<b>Phone:</b>		
<b>Email:</b>		

### LNU, FNU

<b>Aka:</b>	<b>SSN:</b>	<b>EOD:</b>
<b>POB City:</b>	<b>POB State:</b>	
<b>DOB:</b>	<b>Alien Number:</b>	
<b>Address:</b>	<b>Company Name:</b>	
	<b>City:</b>	<b>State:</b> <b>Zip:</b>
<b>DHS Emp:</b> YES	<b>DHS Exec:</b> No	
<b>Phone:</b>		
<b>Email:</b>		

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# Case Summary Report

(b) (7)(E)

## People - Complainants

(b) (6), (b) (7)(C)

Aka:	Home	SSN:	EOD:
POB City:	POB State:	Alien Number:	
DOB:	Company Name:	City:	State: Zip:
Address:	DHS Exec: No		
DHS Emp: No			
Phone:			
Email:			

(b) (6), (b) (7)(C)

Aka:	Work	SSN:	EOD:
POB City:	POB State:	Alien Number:	
DOB:	Company Name:	City:	State: Zip:
Address:	DHS Exec: No		
DHS Emp: No			
Phone:			
Email:			

## People - Witness

## People - Victims

## Violations

### Case Dates:

Received:	5/11/2017	Assigned:	Reassigned:
Prb Referral:		Retention:	Acknowledged:
Incident Start:	5/11/2017 12:00:00 AM	Incident End:	Approx: No
Police Report:		Police Rpt #:	
Notified:		Reesponse:	Referred:
Investigation Comp:	5/11/2017 12:00:00 AM	Closed:	
Prb Decision:	5/11/2017 12:00:00 AM	Reopened:	

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# Case Summary Report

(b) (7)(E)

## Location

Airport:   
City: (b) (7)(E)   
Facility:   
Investigation Loc:   
Transport Mode:   
Location:   
State: (b) (7)(E) Zip:   
FFDO Airline:   
Region:

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## Technical

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### Disposition - Criminal

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### Dispositions - Civil

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### Dispositions - Admin

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## MA

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## ROI / Referral

Case Type: Complaint Referral Date: 5/12/2017 Response Date: 5/12/2017 Closed Date:   
Action: Field Office Review Agency Referred:

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## Collaterals

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## Uploaded Documents

Date Prepared: Grand Jury: No   
Doc Type: Complaint Origination Document(s)   
Description:

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May 4, 2017

John Roth  
Inspector General  
Office of Inspector General/Mail Stop #0305  
Department of Homeland Security  
245 Murray Lane SW  
Washington, DC 20528-0305

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
Building 410, Mail Stop #0190  
Washington, D.C. 20528

U.S. Customs and Border Protection

(b) (7)(E)  
ATTN: (b) (6), (b) (7)(C) Director or Acting Director

(b) (7)(E)

U.S. Customs and Border Protection

(b) (7)(E)  
ATTN: (b) (6), (b) (7)(C) Acting Port Director; (b) (6), (b) (7)(C) Assistant Port Director

(b) (7)(E)

CBP INFO Center  
1300 Pennsylvania Avenue N.W., MS: 1345  
Washington, DC 20229

**Via Certified U.S. Mail, Return Receipt Requested**

**RE: Policies and Practices Related to the Electronic Device Search of U.S. Citizen at** (b) (7)(E)  
(b) (7)(E)

Dear Inspector General Roth:

We write on behalf of (b) (6), (b) (7)(C) a U.S. citizen and artist, who recently returned to the United States from (b) (6), (b) (7)(C) where he had participated in an art exhibition. This letter documents concerns about U.S. Customs and Border Protection (CBP) policies and practices raised by CBP's search of a U.S. citizen's smartphone at the border. Specifically, the purpose of this correspondence is to document (1) the facts concerning the questioning of (b) (6), (b) (7)(C) and the search of his smartphone, (2) that CBP's policies allow invasive searches of electronic devices in



violation of the Fourth Amendment and federal appeals court precedent, (3) that CBP's policies lack protections for First Amendment rights by allowing questioning and device searches focused on, and possibly on the basis of, a traveler's expressive activities, and (4) that CBP officers, in at least this instance, failed to follow CBP's policies and failed to accurately communicate those policies to (b) (6), (b) (7)(C)

**1. CBP's Questioning of (b) (6), (b) (7)(C) and Search of His Smartphone at the (b) (7)(E) (b) (6), (b) (7)(C)**

(b) (6), (b) (7)(C) an accomplished artist, is currently a professor at (b) (6), (b) (7)(C) and was recently the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) His work addresses public space, social politics, and community issues. In addition to producing national and international projects, he has taught courses in Public Art, Street Media, Art & Magic, and 4D Art at the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

On February 23, 2017, (b) (6), (b) (7)(C) returned to the United States from (b) (6), (b) (7)(C) He arrived at (b) (7)(E) He had traveled to (b) (6), (b) (7)(C) to participate in an art exhibition, at which he presented three different interactive art pieces designed to evoke themes including incarceration, government control, and political dissent.

After (b) (6), (b) (7)(C) presented his passport during immigration processing at (b) (7)(E) a CBP officer told him to step aside for additional screening in a closed set of offices adjacent to the primary screening area. During this screening, two CBP officers extensively interrogated (b) (6), (b) (7)(C) about his travels and background. CBP officers asked (b) (6), (b) (7)(C) to prove he was an artist and asked detailed questions about his work, including where he travelled and how often he travelled to exhibitions. CBP officers also pressed (b) (6), (b) (7)(C) for information about the (b) (6), (b) (7)(C) exhibition's curators. CBP officers asked many of their questions repeatedly.

During this questioning, CBP officers turned their focus to (b) (6), (b) (7)(C) smartphone, an iPhone SE. The officers asked to search (b) (6), (b) (7)(C) phone with the stated purpose of verifying his verbal answers to their questions. In response, (b) (6), (b) (7)(C) asked to see written policies authorizing the requested search. CBP officers did not immediately provide (b) (6), (b) (7)(C) with this information. In addition, CBP officers refused to identify any specific information they were searching for, when asked by (b) (6), (b) (7)(C)

Officers told (b) (6), (b) (7)(C) his phone would be detained for an "indeterminate" amount of time if he chose not to enter the passcode and submit to a search. The officers also told (b) (6), (b) (7)(C) that CBP had downloaded information from the phones of other travelers who had refused to unlock their devices. When CBP officers asked (b) (6), (b) (7)(C) why he did not want to submit his phone for a search, (b) (6), (b) (7)(C) replied that he believes strongly in the U.S. Constitution and in his right to privacy.

CBP officers continued to demand that (b) (6), (b) (7)(C) produce his cell phone for a search (b) (6), (b) (7)(C) repeatedly answered that he wanted to see the written justification for such a search. Eventually, officers produced a "tear sheet" for (b) (6), (b) (7)(C) while they conducted a search of his



luggage in his presence. However, the “tear sheet” merely stated that CBP is authorized to search to “determine identity and citizenship of all persons seeking entry into the United States, determine the admissibility of foreign nationals, and deter the entry of possible terrorists, terrorist weapons, controlled substances, and a wide variety of other prohibited and restricted items.” At no point did the officers explain why, in their view, a search of (b) (6), (b) (7)(C) phone would assist in determining his identity and citizenship (which CBP officers did not themselves question). Nor did they offer any explanation of how information about his work as an artist or the curators with whom he has worked had any connection to terrorists, terrorist weapons, controlled substances, or other prohibited and restricted items.

In addition, officers expressly refused to conduct a search of (b) (6), (b) (7)(C) phone in his presence. CBP officers stated that their search would be “manual” rather than forensic but offered no further information about the scope of their proposed search.

Ultimately, (b) (6), (b) (7)(C) was forced to choose between unlocking his phone and handing it over for a search out of his line of sight or relinquishing his phone for an “indeterminate” amount of time. (b) (6), (b) (7)(C) did not consent to the search, but feeling as though he had no meaningful choice, (b) (6), (b) (7)(C) entered his passcode and handed his unlocked smartphone to the officers. (b) (6), (b) (7)(C) did not provide the officers with his passcode. The CBP officers removed his phone to an area in the room behind a dividing wall and outside of (b) (6), (b) (7)(C) view for a period of approximately 5 to 10 minutes. After completing their examination of (b) (6), (b) (7)(C) smartphone, officers released him with the phone, his passport, and other belongings.

## **2. CBP’s Policies Authorize Unconstitutional Searches of Electronic Devices, Including the Search of (b) (6), (b) (7)(C) Smartphone.**

CBP, like every government agency, is obligated to ensure that its officers comply with the U.S. Constitution. Even at the border, the search of an electronic device is governed by the Fourth Amendment. To satisfy Ninth Circuit and Supreme Court precedent concerning electronic searches, any such search should be based on a warrant or, at a minimum, probable cause, and be limited in scope to that information relevant to the agency’s legitimate purpose in conducting the search. However, as the unconstitutional search of (b) (6), (b) (7)(C) phone illustrates, CBP’s policies do not in fact include the requirements necessary to guarantee the constitutionality of a device search.

(b) (6), (b) (7)(C) returned to the United States with, among other devices, an iPhone SE. Amongst Americans, the use of mobile, or portable, electronic devices is pervasive. Nearly every American adult owns a cell phone of some kind.<sup>1</sup> With their immense capacity, modern smartphones can hold the equivalent of “millions of pages of text, thousands of pictures, or hundreds of videos.” *Riley v. California*, 134 S. Ct. 2473, 2489 (2014). Moreover, the availability of cloud-based storage, email, and social media services can exponentially increase the functional capacity of a device and sensitive information accessible on it. Many types of information that courts have recognized as deserving of particularly stringent privacy protections

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<sup>1</sup> Pew Research Ctr., Mobile Fact Sheet (Jan. 12, 2017), <http://www.pewinternet.org/fact-sheet/mobile/>.



can be contained on people’s mobile devices, including internet browsing history,<sup>2</sup> medical records,<sup>3</sup> historical cell phone location data,<sup>4</sup> email,<sup>5</sup> privileged communications,<sup>6</sup> and associational information.<sup>7</sup> As a result, the Court determined that a search of an electronic device constitutes a significant intrusion on an individual’s Fourth Amendment privacy interest, and held that searching an electronic device required a warrant even when the search was conducted incident to a lawful arrest.

This same principle applies at the border. As in other contexts, “[t]he ultimate touchstone of the Fourth Amendment is reasonableness.” *See Riley v. California*, 134 S. Ct. 2473, 2482 (2014); *United States v. Montoya de Hernandez*, 473 U.S. 531, 539 (1985). Whether a search is reasonable and exempted from the warrant requirement is determined by balancing a person’s privacy interest against the government’s interests. *See Riley*, 134 S. Ct. at 2484. As noted above, the Supreme Court has held that there is an extraordinarily high privacy interest in the contents of an electronic device. *Id.* at 2489-91. On the other side of the scale, CBP’s interest in searching electronic devices is lower than its interest in searching luggage for contraband or dangerous items. *See U.S. v. Ramsey*, 431 U.S. 606, 616 (1977). No customs-based rationale justifies the search of sensitive private correspondence wholly unrelated to concerns about contraband, *see Ramsey*, 431 U.S. at 624, or the search of cloud-based data that cannot be said to move *across the border*. CBP’s suspicionless searches of digital devices, like the one CBP conducted of [REDACTED] phone, are unconstitutional.

Moreover, even if a search were authorized by a warrant or predicated on sufficient suspicion at its inception, it must still be reasonably limited in scope. Prior to the Supreme Court’s decision in *Riley*, the Ninth Circuit Court of Appeals recognized that the scope of a digital search must be reasonable, holding that reasonable suspicion was required for a “comprehensive and intrusive” search of a laptop seized at the border because of the degree to which a thorough search infringed upon privacy interests—which interests outweighed the government’s interest in such searches. *United States v. Cotterman*, 709 F.3d 952, 966-68 (9th

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<sup>2</sup> *See Riley*, 134 S. Ct. at 2490 (“An Internet search and browsing history, for example, can be found on an Internet-enabled phone and could reveal an individual’s private interests or concerns—perhaps a search for certain symptoms of disease, coupled with frequent visits to WebMD.”).

<sup>3</sup> *See Ferguson v. Charleston*, 532 U.S. 67, 78 (2001) (expectation of privacy in diagnostic test results).

<sup>4</sup> *See Riley*, 134 S. Ct. at 2490 (“Historic location information is a standard feature on many smart phones and can reconstruct someone’s specific movements down to the minute, not only around town but also within a particular building.”).

<sup>5</sup> *See United States v. Warshak*, 631 F.3d 266, 286 (6th Cir. 2010) (“[E]mail requires strong protection under the Fourth Amendment; otherwise, the Fourth Amendment would prove an ineffective guardian of private communication, an essential purpose it has long been recognized to serve.”).

<sup>6</sup> *See Jaffee v. Redmond*, 518 U.S. 1, 15 (1996) (psychotherapist-patient privilege); *Upjohn Co. v. United States*, 449 U.S. 383, 389 (1981) (attorney-client privilege); *Blau v. United States*, 340 U.S. 332, 333 (1951) (marital communications privilege).

<sup>7</sup> *Riley*, 134 S. Ct. at 2490 (“Mobile application software on a cell phone, or ‘apps,’ offer a range of tools for managing detailed information about all aspects of a person’s life. There are apps for Democratic Party news and Republican Party news . . . .”); *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 462 (1958) (“[C]ompelled disclosure of affiliation with groups engaged in advocacy may constitute . . . a restraint on freedom of association . . . .”).



Cir. 2013)<sup>8</sup>; *cf. U.S. v. Comprehensive Drug Testing, Inc.*, 621 F.3d 1162, 1170-72 (9th Cir. 2010) (concluding government agents had failed to comply with a warrant by reviewing digital information outside its scope).

Though CBP's Directive concerning electronic searches includes some instructions for officers encountering certain sensitive information (including legal information and medical records), it contains neither a prohibition on searches lacking probable cause nor any procedures designed to limit the scope of authorized searches to that needed to further any legitimate purpose. *See* U.S. Customs and Border Protection, *Border Search of Electronic Devices Containing Information*, Directive No. 3340-049, § 5.1.2 (Aug. 20, 2009) (hereinafter "Directive No. 3340-049" or "Directive").<sup>9</sup> Nor does this Directive, CBP's apparent national policy on electronic searches, acknowledge the Ninth Circuit's decision requiring reasonable suspicion for forensic searches of electronic devices seized at the border. *See Cotterman*, 709 F.3d at 968. As a result, CBP officers acting pursuant to the Directive are free to rifle through the wealth of sensitive personal information contained on electronic devices without any apparent suspicion of wrongdoing or any limitations to narrow the scope of their search. In fact, (b) (6), (b) (7)(C) worries about the potentially sweeping nature of the search conducted by CBP officers, and whether officers limited their search or examined a wide range of his sensitive information accessible via apps and stored in the cloud.

Moreover, the search of (b) (6), (b) (7)(C) phone under the Directive was not an isolated incident. In recent years, government searches of electronic devices under this Directive have skyrocketed: such searches increased substantially in 2016 to nearly 19,000 devices, and DHS has estimated that 2,200 devices were searched by CBP in February 2017 alone.<sup>10</sup> To the extent these searches are conducted without a warrant or probable cause, or are not limited in scope to the information needed to further CBP's legitimate interests, they are unconstitutional.

### **3. CBP Policies and CBP Officers' Questioning of (b) (6), (b) (7)(C) and Search of His Smartphone Raises First Amendment Concerns.**

We are also deeply concerned about the impact of CBP's questioning and smartphone search on (b) (6), (b) (7)(C) First Amendment rights, and the lack of protection for such rights in CBP's Directive or other policies.

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<sup>8</sup> It is the invasiveness of a digital device search, not the manual or forensic method by which it is conducted, that is key to the analysis of reasonableness. The *Cotterman* court emphasized this, noting that the "key factor triggering the requirement of reasonable suspicion" was the "comprehensive and intrusive nature of the forensic examination." 709 F.3d at 962. *Cotterman* did not conclude that manual searches are reasonable no matter how far they invade the privacy and dignity interests of a person. In addition, because *Cotterman* predates *Riley*, the Court's assumption that a "cursory" search would be permissible even without suspicion is not the final word on the lawfulness of such searches, particularly now that cursory searches of many electronic devices can provide access to troves of cloud-based content stored on remote servers.

<sup>9</sup> Available at [https://www.dhs.gov/xlibrary/assets/cbp\\_directive\\_3340-049.pdf](https://www.dhs.gov/xlibrary/assets/cbp_directive_3340-049.pdf).

<sup>10</sup> Cynthia McFadden, E.D. Cauchi, William M. Arkin, and Kevin Monahan, *American Citizens: U.S. Border Officers Can Search Your Cellphone*, NBC News, Mar. 13, 2017, <http://www.nbcnews.com/news/us-news/traveling-while-brown-u-s-border-officers-can-search-your-n732746>.



First, the focus of the CBP officers' questions raises concerns about whether CBP targeted (b) (6), (b) (7)(C) for further questioning and search because of his First Amendment-protected activist art and advocacy, which would be a violation of his First Amendment rights. During their questioning, the CBP officers asked (b) (6), (b) (7)(C) what kind of art he creates. CBP officials also asked for the names, phone numbers, and email addresses of the (b) (6), (b) (7)(C) exhibition's curators and other participants and attendees. They asked how often (b) (6), (b) (7)(C) travels for art and where he travels. The CBP officers' intensive questioning about (b) (6), (b) (7)(C) art was inappropriate in and of itself and lends credence to the inference that his detention and subsequent search of his smartphone were improperly motivated by his constitutionally-protected expression.

Second, the search of (b) (6), (b) (7)(C) device also implicates his First Amendment freedoms. At the time of CBP's search, (b) (6), (b) (7)(C) smartphone included contact information about his family and associates, correspondence with other persons, and information about his artistic work which can be understood as critical of government action. In the closely-related context of customs searches of incoming international mail, the U.S. Supreme Court recognized that First Amendment-protected speech might be chilled by such searches and notably declined to invalidate that search regime only because regulations existed "flatly prohibit[ing], under all circumstances" customs officials from reading correspondence without a search warrant. *United States v. Ramsey*, 431 U.S. 606, 623 (1977). Here, the Directive fails to place any limitations on the government's search and review of First Amendment protected-speech and associational information accessible on an electronic device during a border search, even though, in light of the quantity and quality of information at issue, the chill on First Amendment rights may be even greater than searches of papers or mail. Thus, the government's examination of expressive and associational information on (b) (6), (b) (7)(C) smartphone without any limit as to scope raises serious First Amendment concerns.

Given the dearth of rules limiting CBP officers' discretion to inspect and read information contained on or accessible from electronic devices, travelers such as (b) (6), (b) (7)(C) may justifiably choose not to use their phone to communicate about controversial issues, take photos of artistic works, or maintain a list of professional contacts. In other words, the mere prospect that CBP officers may read information available on digital devices exerts a significant chilling effect on the expression of First Amendment rights.

#### **4. CBP Officers Acted Improperly in Violating CBP's Own Directive and in Providing Inaccurate Information to (b) (6), (b) (7)(C) About the Directive.**

Beyond the concerns stated about the lack of constitutional safeguards in the Directive, we are additionally concerned that CBP officers did not actually comply with the Directive or accurately describe it to (b) (6), (b) (7)(C). The Directive states that "[s]earches of electronic devices should be conducted in the presence of the individual whose information is being examined unless there are national security, law enforcement, or other operational considerations that make it inappropriate to permit the individual to remain present." Directive No. 3340-049, at § 5.1.2. Moreover, the Directive provides that individuals may be permitted to witness the search itself (above and beyond being present in the room) unless that would "reveal law enforcement techniques or potentially compromise other operational considerations." *Id.* However, despite the



lack of apparent applicability of any of these exceptions (for one, a “manual” search on its own is not a novel technique and would not reveal specialized operational details), CBP officers expressly refused (b) (6), (b) (7)(C) request to be present for the search and conducted the search out of his view. (b) (6), (b) (7)(C) does not know the scope of what officers examined or even whether, contrary to their assertions, they connected his device to forensic equipment. As a result, officers conducting the search denied (b) (6), (b) (7)(C) even the minimal protections provided by the Directive and have heightened his concern that the search was sweeping in scope.

In addition, the CBP officers provided (b) (6), (b) (7)(C) with inaccurate information about the Directive and the potential consequences of his decision to refuse a device search. CBP officers told him that if he refused to consent to a search, his phone would be retained for an “indeterminate” period. However, the Directive establishes clear timelines and rules for the retention of electronic devices and information therein. *See* Directive No. 3340-049, at §§ 5.3.1-1.2. Subject to extensions, the Directive states devices should ordinarily be detained for no more than five days. *Id.* at § 5.3.1. The Directive also requires supervisory approval to detain a device or information from a device after a subject is released. *Id.* at § 5.3.1.1. CBP’s statements were inconsistent with CBP’s own policies and contributed to the coercive environment that led (b) (6), (b) (7)(C) to involuntarily unlock his device.

\*\*\*

We ask for prompt acknowledgement of this letter and an investigation into whether CBP’s questioning and search of (b) (6), (b) (7)(C) was consistent with the First and Fourth Amendments of the U.S. Constitution as well as the CBP Directive. We also urge a comprehensive review of CBP’s Directive and practices to determine whether CBP is complying with its obligations under the U.S. Constitution and any agency guidelines – with particular attention to the extent to which officers at ports of entry are:

1. conducting searches of electronic devices without a warrant or probable cause;
2. conducting searches of electronic devices in the absence of safeguards and guidance designed to ensure such searches are targeted at information that would assist in determining admissibility or discovering contraband;
3. conducting searches of electronic devices outside of the view of the person whose device is being searched;
4. singling out persons for secondary screening and searches of electronic devices based on First Amendment-protected expression or associations;
5. examining or retaining information found on electronic devices that is protected by the First Amendment; or
6. failing to properly instruct travelers on the Directive’s protocols, including the consequences of refusing to comply with a demand to search an electronic device.

Thank you for your time and careful attention.

Sincerely,

(b) (6), (b) (7)(C)

Technology and Civil Liberties Policy Attorney  
ACLU of (b) (7)(E)

(b) (6), (b) (7)(C)

Technology and Civil Liberties Policy Attorney  
ACLU of (b) (7)(E)

(b) (6), (b) (7)(C)

Staff Attorney  
Speech, Privacy, and Technology Project  
American Civil Liberties Union Foundation

(b) (6), (b) (7)(C)

Staff Attorney  
Speech, Privacy, and Technology Project  
American Civil Liberties Union Foundation

(b) (6), (b) (7)(C)

Staff Attorney  
National Security Project  
American Civil Liberties Union Foundation



**U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
Person Encounter Detail**

05/24/2017 11:21 EDT

Page 1 of 1

Encounter Person Detail				
Last Name	First Name	Middle Initial	Gender	Date of Birth
(b) (6), (b) (7)(C)			M	(b) (6), (b) (7)(C)
Document Number	Document Type	Document Country	Class of Admission	Admit Until Date
(b) (6), (b) (7)(C)	PASSPORT	UNITED STATES		
Encounter Person Detail				
Encounter Line Type	Encounter Date	Encounter Time	Terminal Lane	Site/Encounter Location
ADVANCED PASSENGER RECORD	02/23/2017	16:43	(b) (7)(E)	(b) (7)(E)
Inbound/Outbound	Inspector	Primary Query Result	Referred To Agency	
INBOUND	(b) (6), (b) (7)(C)	(b) (7)(E)		
Manifest Data				
Manifest Indicator	Passenger Status	Flight/Vessel Number	Departure Location	
C	ON BOARD	(b) (6), (b) (7)(C)		
Transmitted By	Carrier Code	Arrival Location		
(b) (6), (b) (7)(C), (b) (7)(E)				





**U.S. Customs and Border Protection**  
**U.S. Department of Homeland Security**  
**TECS - Secondary Inspection Report**

05/24/2017 11:21 EDT

Page 1 of 1

Referral Source			
Referred By	Referred Date	Referred Time	Referred From
(b) (6), (b) (7)(C)	02/23/2017	16:43 EST	Primary Airport
Referral Reason			
(b) (6), (b) (7)(C)			TKS!!
Encounter (b) (7)(E)			
Last Name	First Name	DOB	
(b) (6), (b) (7)(C)			
Hispanic	Gender	Race	Travel Document Presented
No	M - Male	W - WHITE	Yes
Lost / Stolen Document	Doc Number	Doc Type	
No	(b) (6), (b) (7)(C)	P - PASSPORT	
Issuing Country	Nationality	City of Birth	
USA - UNITED STATES	USA - UNITED STATES		
Country of Birth	Father's Last Name	Father's First Name	
Father's Middle Name	Mother's Last Name	Mother's First Name	
Mother's Middle Name			
Admissibility			
Secondary Officer Name	Site Id	Inspection Start Date and Time	
(b) (6), (b) (7)(C), (b) (7)(E)		02/23/2017 17:00 EST	
Inspection End Date and Time	Last Update Date and Time		
02/23/2017 17:45 EST	02/23/2017 18:16 EST		
Stated Last Name	Stated First Name	Stated DOB	
Disposition	Admit Until Date		
USC - U.S. CITIZEN			
Deferred To	CCD Used		
	No		
WHTI Compliant	FIN Number	Related Document Number	
Create Incident Log	Incident Log Report #	SAS Number	
No			
IOEM Required	IOEM Number	Charge Code	
No			
Referral Code	Create PLOR	Admissibility Inspection Complete	
	No	Yes	
Comments History			
Entered By (b) (6), (b) (7)(C) Created Date/Time: 02/23/2017 18:16 EST Admitted as USC. Please refer to (b) (7)(E) for inspection details.			
Referral Reason History			
Referred By (b) (6), (b) (7)(C) Referred Date/Time: 02/23/2017 16:43 EST   Referred From: Primary Airport (b) (7)(E) TKS!!			



**U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
TECS - Person Query - Detail**

05/24/2017 11:20 EDT

Page 1 of 3

INCIDENT NUMBER: 20172801578765  
INCIDENT TYPE: O - OTHER

APPROVAL STATUS: Approved

SUMMARY				
Incident Date		Incident Time		
02/23/2017		17:00		
Port Code	Site Code	Location		
(b) (7)(E)				
Document Type		Document Number	FIN Number	
P - PASSPORT		(b) (6), (b) (7)(C)		
Last Name	First Name	Middle Initial	Date of birth	
(b) (6), (b) (7)(C)				
Gender	Citizenship	Race	Hispanic	
M - Male	USA - UNITED STATES	W - WHITE	N - NOT OF HISPANIC OR LATINO ORIGIN	
Height	Weight	Hair	Eyes	
Address				
(b) (6), (b) (7)(C)				
City	State	Zip	Country	
(b) (6), (b) (7)(C)			USA - UNITED STATES	
Conveyance Type		Inbound/Outbound		
C - COMMERCIAL AIR		I - In		
Carrier Code	Flight/Vessel Number	Crew	Departure/Destination Port	Departure/Destination Country
(b) (6), (b) (7)(C)		N - No	(b) (6), (b) (7)(C)	
Created By Officer		Supervisor	Primary Officer	
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C) [SUP CBP OFFICER]	(b) (6), (b) (7)(C) [CBP OFFICER]	

**REMARKS**

**(b) (7)(E)**

On February 23, 2017, at approximately 1400 hours, U.S. citizen (b) (6), (b) (7)(C) (U.S. passport # (b) (6), (b) (7)(C) DOB (b) (6), (b) (7)(C) was encountered by TTRT (b) (6), (b) (7)(C) at PPC-A Secondary office (b) (7)(E) (b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C) is traveling alone returning from one week trip in (b) (6), (b) (7)(C) stated the purpose of the trip is to attend an art show called (b) (6), (b) (7)(C) stated he is an installation artist, one of his artwork pieces (b) (6), (b) (7)(C) was being exhibited during the art show.

(b) (6), (b) (7)(C) stated this is his first time travel to (b) (6), (b) (7)(C) The attending of the show was invited by an art gallery (b) (6), (b) (7)(C) stated this is also the first time he has business related contacts with (b) (6), (b) (7)(C) provided his point of contact from (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) stated he does not has any phone number contact for (b) (6), (b) (7)(C) nor (b) (6), (b) (7)(C) The invitation arrangement was done by email exchanging, and (b) (6), (b) (7)(C) has no email contacts of (b) (6), (b) (7)(C) with his possession.

(b) (6), (b) (7)(C) itinerary of the trip was arranged by an employee (b) (6), (b) (7)(C) According





**U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
TECS - Person Query - Detail**

05/24/2017 11:20 EDT

Page 2 of 3

to (b) (6), (b) (7)(C) basically booked the flights and hotel staying for him and forwarded the itinerary through email afterward. (b) (6), (b) (7)(C) stated he did not make any contact to the travel agency nor did he provide any of his contact information to the travel agency. The flight itinerary was booked through a travel agency called (b) (6), (b) (7)(C) address at (b) (6), (b) (7)(C) phone number: (b) (6), (b) (7)(C) contact information: phone (b) (6), (b) (7)(C) email: (b) (6), (b) (7)(C) During the trip, (b) (6), (b) (7)(C) stayed at (b) (6), (b) (7)(C) he does not remember the address, but it is located in (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) stated the above contacts are the only ones he has and know of in (b) (6), (b) (7)(C) resident address: (b) (6), (b) (7)(C) home phone number: (b) (6), (b) (7)(C) email: (b) (6), (b) (7)(C)

The manual examination of the electronic media devices was approved by Chief (b) (6), (b) (7)(C) via SCBPO (b) (6), (b) (7)(C) at approximately 1318 hours.

At approximately 1420 hours, a binding declaration was taken by CBPO (b) (6), (b) (7)(C) carry-on and checked bags. (b) (6), (b) (7)(C) declared approximately \$100 USD and 30 Euros in cash and one bag of salami/sausage as food items. Baggage exam was conducted with positive result due to the bag of meat products was discovered. One bag of 200g of sausage was turned over to CBPA (b) (6), (b) (7)(C) for seized and destroyed. After the baggage examination, CBPO (b) (6), (b) (7)(C) obtained consent from (b) (6), (b) (7)(C) for the examination of his Apple iPhone. (b) (6), (b) (7)(C) was provided the CBP Inspection of Electronic Devices Tear Sheet (CBP Publication N. 0204-0809). (b) (6), (b) (7)(C) did not provide the pass codes to his Apple iPhone, but he was willingly to unlock the phone for the examination.

The manual examination was conducted at approximately 1428 hours and ended at approximately 1435 hours with no derogatory items or phone number found.

At approximately 1438 hours (b) (6), (b) (7)(C), (b) (7)(E) was contacted with event (b) (7)(E) and the inspection result.

At approximately 1445 hours (b) (6), (b) (7)(C) left FIS area with all his belongings without further incident (b) (6), (b) (7)(C) was thanked for his cooperation by CBPO (b) (6), (b) (7)(C)

(b) (7)(E)

NAME (b) (6), (b) (7)(C)

DOB: (b) (6), (b) (7)(C)

TRAVEL INFORMATION: Returning from a business trip in (b) (6), (b) (7)(C)

REASON FOR SECONDARY REFERRAL: (b) (7)(E)

PASSPORT NUMBER/COUNTRY (b) (6), (b) (7)(C) USA

LPR CLASSIFICATION AND A#/VISA CLASSIFICATION (IF ANY): N/A

DISPOSITION (ADMITTED, DENIED/REFUSED, ARRESTED): Admitted USC

(b) (7)(E)

NAME OF SUPERVISOR WITNESSING OR SUPERVISORY NOTIFICATION: SCBPO (b) (6), (b) (7)(C)

TEAR SHEET NOTIFICATION OR ARTICULATE IF NO TEAR SHEET WAS PROVIDED: Yes

USE "MEDIA SCREENING EQUIPMENT" IN NARRATIVE:



U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
TECS - Person Query - Detail

05/24/2017 11:20 EDT

Page 3 of 3

1. PURPOSE OF TRIP: Retuning from a business trip to (b) (6), (b) (7)(C)
2. DURATION OF TRIP: 1 week
3. PERSONS VISITED/PERSONS TO BE VISITED: (b) (6), (b) (7)(C)
4. PLACES VISITED ABROAD/PLACES TO BE VISITED IN THE U.S.: (b) (6), (b) (7)(C)
5. SPONSORING ORG. FOR TRIP/MEANS USED TO PAY FOR TRIP: (b) (6), (b) (7)(C) sponsored the entire trip.
6. OCCUPATION: Artist
7. VALUE OF CASH AND OTHER MONETARY INSTRUMENTS IN THE TRAVELER'S POSSESSION/AMOUNT OF OUTBOUND CURRENCY: \$100 USD
8. NEXT DESTINATION: (b) (6), (b) (7)(C)
9. ENTIRE TRAVEL ITINERARY (CITIES AND COUNTRIES VISITED, INCLUDING OUTBOUND PORT(S) :  
02/17/2017 (b) (6), (b) (7)(C)  
02/23/2017 (b) (6), (b) (7)(C)
10. CITY AND COUNTRY OF BIRTH: (b) (6), (b) (7)(C) USA
11. CURRENT ADDRESS AND TELEPHONE NUMBER (INCLUDE ZIP CODE) : (b) (6), (b) (7)(C)  
Home Phone: (b) (6), (b) (7)(C)
12. RESPONSE FROM ICE, FBI, (b) (7)(E) (INCLUDE NAME AND TELEPHONE NUMBER) (b) (6), (b) (7)(C), (b) (7)(E)  
(b) (6), (b) (7)(C)
13. ADDITIONAL APPROPRIATE INFORMATION (TYPES OF POCKET LITTER, BIOGRAPHICAL DATA OF CO-TRAVELER(S), CBP INTERACTION WITH THE (b) (7)(E) RECORD HOLDERS, TYPE OF QUESTIONS AND RESPONSES, ETC.) :

A manual media review was conducted of (b) (6), (b) (7)(C) apple iPhone SE, approved by Chief (b) (6), (b) (7)(C) via Supervisor (b) (6), (b) (7)(C) 1318 hours. The manual review begun at 1428 hours and concluded at 1435 hours with no derogatory items or phone numbers found (b) (6), (b) (7)(C) willingly unlocked his phone and allowed (b) (6), (b) (7)(C) to review its contents. Review of the media was done in accordance to CBP policy.

TIMELINE OF EVENTS

INTERCEPTED BY CBP OFFICER/CTR/TTRT: (b) (6), (b) (7)(C) at 1400 Hours  
CONTACT TO (b) (6), (b) (7)(C), (b) (7)(E) at 1438 hours  
MEDIA EXAM CONDUCTED: Media Exam started at 1428 hours and concluded at 1435 hours.  
SUBJECT RELEASED FROM FIS (b) (6), (b) (7)(C) exited the FIS at 1445 hours.



(b) (7)(E)



U.S. Customs and  
Border Protection

JUN 28 2018

(b) (6), (b) (7)(C)

CBP Officer

(b) (7)(E)

(b) (6), (b) (7)(C)

This is to inform you that Management Referral, file (b) (7)(E) of which you were the subject, has been completed. The complaint makes the allegation of physical abuse of a passenger on August 24, 2017.

Based on the facts of the complaint, I determined that the complaint is unfounded. Therefore, this case has been closed.

Please sign, date, and return the accompanying copy of this letter to serve as your acknowledgment of receipt of the original.

Sincerely,

(b) (6), (b) (7)(C)

Assistant Area Port Director (Passenger Operations)  
U.S. Customs and Border Protection

(b) (7)(E)

RECEIPT ACKNOWLEDGEMENT:

(b) (6), (b) (7)(C)

Signature

28 JUN 2018

Date

**DEPARTMENT OF HOMELAND SECURITY  
U.S. CUSTOMS AND BORDER PROTECTION  
OFFICE OF PROFESSIONAL RESPONSIBILITY**


**REPORT OF INVESTIGATION**

**(b) (7)(E)**




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 <p style="margin: 0;"><b>DEPARTMENT OF HOMELAND SECURITY</b> Customs and Border Protection</p> <p style="margin: 0;"><b>REPORT OF INVESTIGATION</b></p>		<p><b>1. CASE NUMBER</b> (b) (7)(E)</p> <p><b>PREPARED BY</b> (b) (6), (b) (7)(C)</p> <p><b>2. REPORT NUMBER</b> 003</p>
<p><b>3. TITLE</b> (b) (6), (b) (7)(C) CBP OFFCR/0601 Detainee/Alien - Abuse (Physical Abuse) (b) (7)(E)</p>		
<p><b>4. FINAL RESOLUTION</b></p>		
<p><b>5. STATUS</b> Closing Report</p>	<p><b>6. TYPE OF REPORT</b> Blue Book</p>	<p><b>7. RELATED CASES</b> (b) (7)(E)</p>
<p><b>8. TOPIC</b> CBPO allegedly verbally abused and arrested complainant because of his race, (b) (7)(E)</p>		
<p><b>9. SYNOPSIS</b></p> <p>On August 25, 2017, the Joint Intake Center (JIC), Washington, D.C., received Customs and Border Protection (CBP) Information (INFO) Center referral, number (b) (7)(E) forwarding the allegation of (b) (6), (b) (7)(C). This referral indicates an unidentified CBP Officer (CBPO), allegedly verbally abused (b) (6), (b) (7)(C) for using his phone. According to (b) (6), (b) (7)(C) several CBP Officers (CBPOs) arrested him and allegedly pushed his head to the wall, injuring his wrists and right elbow. (b) (6), (b) (7)(C) feels he was arrested because of his race.</p> <p>This investigation revealed on August 24, 2017, CBPO (b) (6), (b) (7)(C) acted appropriately towards (b) (6), (b) (7)(C) was not arrested; he was detained and handcuffed for officer safety for being noncompliant and confrontational. The handcuffing and detention of (b) (6), (b) (7)(C) followed proper CBP procedures.</p>		
<p><b>(b) (6), (b) (7)(C)</b></p> <p>(b) (6), (b) (7)(C) CBP OPR Special Agent Supervisor</p>		<p><b>11. COMPLETION DATE</b> 31-MAY-2018</p> <p><b>13. APPROVED DATE</b> 05-JUN-2018</p>
<p><b>(b) (6), (b) (7)(C)</b></p> <p>(b) (6), (b) (7)(C) CBP OPR Special Agent Supervisor</p>		<p><b>14. ORIGIN OFFICE</b> CBP OPR (b) (6), (b) (7)(C)</p> <p><b>15. TELEPHONE NUMBER</b> (b) (7)(E)</p>
<p><small>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</small></p>		
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 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<p><b>1. CASE NUMBER</b> <b>(b) (7)(E)</b></p> <p><b>PREPARED BY</b> <b>(b) (6), (b) (7)(C)</b></p> <p><b>2. REPORT NUMBER</b> 003</p>
<p><b>10. NARRATIVE</b></p> <p>DETAILS OF INVESTIGATION:</p> <p>ALLEGATION ONE: CBPO <b>(b) (6), (b) (7)(C)</b> pushed <b>(b) (6), (b) (7)(C)</b> into the jet bridge corner, banged his head into a wall, placed the handcuffs on him too tight, and verbally abused him; Not Sustained.</p> <p>PROSECUTORIAL ACTION: This case was declined by the United States Attorney's (USA's) Office, Northern District of Illinois (NDI), for the violation of Title 18 United States Code (USC) 242, Deprivation of rights under color of law due to a lack of prosecutorial merit.</p> <p>ALLEGATION TWO: CBPO <b>(b) (6), (b) (7)(C)</b> arrested <b>(b) (6), (b) (7)(C)</b> Unfounded.</p> <p>PROSECUTORIAL ACTION: This case was declined by the USA's Office, NDI, for the violation of Title 18 USC 242, Deprivation of rights under color of law due to a lack of prosecutorial merit.</p> <p>On August 25, 2017, the JIC received a CBP INFO Center referral, number <b>(b) (7)(E)</b> an allegation made by <b>(b) (6), (b) (7)(C)</b>. According to the CBP INFO Center referral, an unidentified CBPO verbally abused <b>(b) (6), (b) (7)(C)</b> for using his cell phone. Several CBPOs arrested <b>(b) (6), (b) (7)(C)</b> and allegedly banged his head into the wall, and injured his wrists and right elbow. <b>(b) (6), (b) (7)(C)</b> felt he was arrested because of his race. (EXHIBIT 1)</p> <p>On October 18, 2017, SSA <b>(b) (6), (b) (7)(C)</b> SAC <b>(b) (7)(E)</b> and SSA <b>(b) (6), (b) (7)(C)</b> SAC <b>(b) (7)(E)</b> attempted to obtain a video copy of the August 24, 2017 incident at the <b>(b) (7)(E)</b> <b>(b) (7)(E)</b>. They discovered the <b>(b) (7)(E)</b> at <b>(b) (7)(E)</b> had a 30-day video retention requirement and the footage of the incident was no longer available for duplication.</p> <p>On October 26, 2017, this case was assigned to Senior Special Agent (SSA) <b>(b) (6), (b) (7)(C)</b> CBP Office of Professional Responsibility (OPR), SAC <b>(b) (7)(E)</b> for investigation.</p> <p>SSA <b>(b) (6), (b) (7)(C)</b> queried CBPO <b>(b) (6), (b) (7)(C)</b> in the <b>(b) (7)(E)</b> Sex Offender Information internet open source registry and requested a criminal history check on CBPO <b>(b) (6), (b) (7)(C)</b> from the <b>(b) (7)(E)</b> Sheriff's Department, all with negative results.</p> <p>On January 10, 2018, SSA <b>(b) (6), (b) (7)(C)</b> reviewed CBP, Department of Homeland Security (DHS), <b>(b) (7)(E)</b> Incident Number <b>(b) (7)(E)</b></p>	




 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<p><b>1. CASE NUMBER</b> (b) (7)(E)</p> <p><b>PREPARED BY</b> (b) (6), (b) (7)(C)</p> <p><b>2. REPORT NUMBER</b> 003</p>
<p><b>10. NARRATIVE</b></p> <p>This CBP DHS (b) (7)(E) contained written statements from CBPO (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), (b) (7)(E) and CBPO (b) (6), (b) (7)(C), (b) (7)(E) regarding their interaction with (b) (6), (b) (7)(C) on August 24, 2017. (EXHIBIT 2)</p> <p>[AGENT NOTE: Per CBP Directive 4320-028, a CBP DHS (b) (7)(E) must be created when CBP personnel are involved in a passenger protest, a potentially violent incident, or other situation that may require future action.]</p> <p>According to CBPO (b) (6), (b) (7)(C) statement contained in the (b) (6), (b) (7)(C), (b) (7)(E) was non-compliant and confrontational when asked to put his cell phone away during the 100% ID check of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) on compliance and confrontational demeanor continued and he was handcuffed for officer safety concerns. After being handcuffed, (b) (6), (b) (7)(C) slammed his own head against the wall. (b) (6), (b) (7)(C) complained several times the handcuffs were too tight. CBPO (b) (6), (b) (7)(C) checked the handcuffs and told (b) (6), (b) (7)(C) they were properly tightened. (b) (6), (b) (7)(C) remained confrontational during his escort down to the Passport Control Secondary Area (PCSA) for questioning. Supervisory CBPO (SCBPO) (b) (6), (b) (7)(C), (b) (7)(E) and Chief CBPO (CCBPO) (b) (6), (b) (7)(C), (b) (7)(E) spoke with (b) (6), (b) (7)(C) in the PCSA and released him.</p> <p>According to CBPO (b) (6), (b) (7)(C) statement contained in the (b) (6), (b) (7)(C), (b) (7)(E) was noncompliant when he was asked several times by CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) not to use his cellular telephone upon deplaning. (b) (6), (b) (7)(C) refused, became irate, yelled and aggressively pointed his hand at CBPO (b) (6), (b) (7)(C) remained noncompliant with the CBPOs commands. (b) (6), (b) (7)(C) was placed in handcuffs and remained combative, noncompliant and he banged his own head on the wall. CBPOs escorted (b) (6), (b) (7)(C) to the PCSA where he was interviewed and released once he became compliant.</p> <p>According to CBPO (b) (6), (b) (7)(C) statement contained in the (b) (6), (b) (7)(C), (b) (7)(E) was noncompliant and confrontational when asked to put his telephone away during the 100% ID check of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) noncompliance and confrontational demeanor continued until he was handcuffed for officer safety concerns. CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) struggled to gain control of (b) (6), (b) (7)(C) hands during the handcuffing process. After he was handcuffed, (b) (6), (b) (7)(C) complained the handcuffs were too tight. CBPO (b) (6), (b) (7)(C) checked and verified they were properly tightened. CBPO (b) (6), (b) (7)(C) called on the radio for a supervisor's assistance regarding an unruly passenger. (b) (6), (b) (7)(C) was placed in an escort hold and escorted downstairs to an interview room. (b) (6), (b) (7)(C) was released after speaking with SCBPO (b) (6), (b) (7)(C) and CCBPO (b) (6), (b) (7)(C).</p>	



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	<b>PREPARED BY</b> <b>(b) (6), (b) (7)(C)</b>
	<b>2. REPORT NUMBER</b> 003
<b>10. NARRATIVE</b>	
<p>After a review of the CBP DHS (b) (7)(E) CBPO (b) (6), (b) (7)(C) was named as the subject of this investigation. On January 12, 2018, CBPO (b) (6), (b) (7)(C) Joint Integrity Case Management (JICMS) case (b) (7)(E) and CBPO (b) (6), (b) (7)(C) JICMS case (b) (7)(E) were named as co-subjects of this investigation.</p>	
<p>On March 5, 2018, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) CBP/OPR (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C), (b) (7)(E) and a Star Witness recording was made of this interview. A copy of this Star Witness recording is available upon request. (EXHIBIT 3)</p>	
<p>SSA (b) (6), (b) (7)(C) began by asking (b) (6), (b) (7)(C) to describe the events that took place upon deplaning (b) (6), (b) (7)(C) on August 24, 2017. (b) (6), (b) (7)(C) stated the following:</p>	
<p>10:38:03 UTC - "By airplane door, there was three Border Patrols by the airplane door."</p>	
<p>10:38:24 UTC - "I see this guy, he tell me do you have your passport, I tell him yes I have my passport, I have my wife, my kids passports as well so he tell me to stand by the door."</p>	
<p>10:38:57 UTC - "First the guy who tell me to stand there, was rude. I remember him, he was maybe Indian."</p>	
<p>10:39:07 UTC - "The way he was talking, was too much, he had tension on him."</p>	
<p>10:39:17 UTC - "He tell me stand there, so I feel bad, when I'm standing right by the airplane door where everybody is coming off looking at me like I'm a suspect or something, you know. So, I try to reach my phone to get to talk to my wife, I tell her I'm outside the plane, and then he, he go crazy. Ok? Put your phone down! I tell him, you don't need to talk like this, respect. You know, and then I remember I go crazy."</p>	
<p>10:40:01 UTC - "They put me in the corner, and they try to put the cuffs on."</p>	
<p>10:40:13 UTC - "I remember I tell them that I know martial arts, I did martial arts for years and years."</p>	
<p>10:40:25 UTC - "He was trying to hurt me."</p>	

 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<b>1. CASE NUMBER</b> (b) (7)(E)
	<b>PREPARED BY</b> (b) (6), (b) (7)(C)
	<b>2. REPORT NUMBER</b> 003
<p><b>10. NARRATIVE</b></p> <p>10:40:30 UTC - "He put the cuffs too much tight, to a point where my hand was peeling, blood. Both ways. He was pushing my head into the corner and then he was holding the cuffs where it could hurt me more."</p> <p>10:44:03 UTC - "I treated like a dog."</p> <p>10:46:12 UTC - "If I'm not detained, right now, take this away, right now, this second."</p> <p>During his interview, (b) (6), (b) (7)(C) was presented with three separate photo lineups. Each lineup page consisted of six credential photographs of CBPOs. Each page had one of the CBPOs involved in the August 24, 2017 incident and five random CBPOs not affiliated with the (b) (7)(E) (b) (7)(E) (EXHIBIT 4)</p> <p>10:49:59 UTC - (b) (6), (b) (7)(C) positively identified CBPO (b) (6), (b) (7)(C) from photo lineup "A" as the first CBPO he made contact with upon deplaning (b) (6), (b) (7)(C)</p> <p>10:53:21 UTC - (b) (6), (b) (7)(C) positively identified CBPO (b) (6), (b) (7)(C) from photo lineup "C" as the CBPO who put the handcuffs on too tight and pushed his head against the wall.</p> <p>[AGENT NOTE: (b) (6), (b) (7)(C) was unable to positively identify the third CBPO involved from the photo lineups.]</p> <p>When questioned by SSA (b) (6), (b) (7)(C) said he treated the officer the same way he felt he was being treated. He stated:</p> <p>10:57:33 UTC - "The same way he did it to me, I did it to him. An eye for an eye."</p> <p>When asked by SSA (b) (6), (b) (7)(C) about showing any signs of aggression towards the CBPOs (b) (6), (b) (7)(C) stated:</p> <p>10:58:10 UTC - "Not at all."</p> <p>When asked by SSA (b) (6), (b) (7)(C) if he was compliant throughout the process with the CBPOs (b) (6), (b) (7)(C) said:</p> <p>10:58:17 UTC - "Somehow, yes."</p>	



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	<b>PREPARED BY</b> (b) (6), (b) (7)(C)
	<b>2. REPORT NUMBER</b> 003
<p><b>10. NARRATIVE</b></p> <p>SSA (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) if he believed whether any of his actions might have been taken as threatening by the CBPOs, (b) (6), (b) (7)(C) replied:</p> <p>11:00:30 UTC - "No, no, I'm very friendly."</p> <p>When asked if he considered the CBPOs pushing him into the corner, the forearm up and the handcuffs being on too tight to be physical abuse, he stated:</p> <p>11:03:56 UTC - "Yes."</p> <p>Upon returning to his home in (b) (6), (b) (7)(C) stated he visited a local hospital to have a doctor provide him with treatment for two to three days of continuous headache pain. (b) (6), (b) (7)(C) believed his headache pain was a direct result from his head being banged into the jet bridge wall by the CBPOs during their attempt to handcuff him. He stated he also required treatment for wrist pain resulting from the tight handcuffing by the CBPOs. He stated after the incident, he suffered two to three weeks where he was unable to feel the outsides of his palms on both hands as a result from the handcuffs being placed on his wrists too tight by the CBPOs.</p> <p>On March 28, 2018, SSA (b) (6), (b) (7)(C) requested (b) (6), (b) (7)(C) to forward copies of all medical and prescription documentation provided to him by his doctor regarding the August 24, 2017 incident with CBP at (b) (7)(E).</p> <p>On April 4, 2018, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) interviewed SCBPO (b) (6), (b) (7)(C) at the CBP Office of Field Operations (OFO) Port Office, (b) (7)(E). SCBPO (b) (6), (b) (7)(C) interview was audio/video recorded. A copy of the Star Witness recording is available upon request. (EXHIBIT 5)</p> <p>20:09:04 UTC - According to SCBPO (b) (6), (b) (7)(C) on the date and flight in question, he was notified by CBPOs (b) (6), (b) (7)(C) working (b) (6), (b) (7)(C) for a (b) (7)(E) (b) (7)(E) that they needed assistance and to bring additional officers. SCBPO (b) (6), (b) (7)(C) advised when he arrived on scene with CBPOs (b) (6), (b) (7)(C), (b) (7)(E) within two minutes, (b) (6), (b) (7)(C) was in handcuffs.</p> <p>20:09:31 UTC - SCBPO (b) (6), (b) (7)(C) advised he was briefed by CBPO (b) (6), (b) (7)(C) regarding the circumstances that lead to (b) (6), (b) (7)(C) being placed in handcuffs. According to CBPO (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) deplaned and presented CBPO (b) (6), (b) (7)(C) several passports for him and his family. CBPO (b) (6), (b) (7)(C) had (b) (6), (b) (7)(C) stand to the side until his family deplaned.</p>	



## DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION  
CONTINUATION

## 1. CASE NUMBER

(b) (7)(E)

## PREPARED BY

(b) (6), (b) (7)(C)

## 2. REPORT NUMBER

003

## 10. NARRATIVE

(b) (6), (b) (7)(C) then started using his cell phone and CBPO (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) to put his cell phone away and explained this is a federal inspection area and cell phones are not permitted. (b) (6), (b) (7)(C) refused and said, "you don't tell me what to do, I tell you what to do." CBPOs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) approached (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) continued to be unruly. Subsequently, they attempted to place handcuffs on (b) (6), (b) (7)(C) however, he was resisting. After being handcuffed, (b) (6), (b) (7)(C) started to bang his head on the wall.

After SCBPO (b) (6), (b) (7)(C) was briefed, he advised (b) (6), (b) (7)(C) if he was calm, the handcuffs would be removed. (b) (6), (b) (7)(C) stated to SCBPO (b) (6), (b) (7)(C) "I know martial arts, I could get out of this if I wanted too". (b) (6), (b) (7)(C) started using profanity trying to get out of the handcuffs by "ripping them apart." SCBPO (b) (6), (b) (7)(C) thought there was a chance (b) (6), (b) (7)(C) could breakout of the handcuffs because he was violently pulling them apart. Subsequently (b) (6), (b) (7)(C) was escorted to the Secondary Inspection Unit (SIU) interview room. SCBPO (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) again if he was calm enough to remove the handcuffs, and again (b) (6), (b) (7)(C) started with the martial arts comments, therefore, SCBPO (b) (6), (b) (7)(C) left the handcuffs on (b) (6), (b) (7)(C).

20:11:32 UTC – SCBPO (b) (6), (b) (7)(C) advised he turned over (b) (6), (b) (7)(C) to Acting Watch Commander (AWC) CCBPO (b) (6), (b) (7)(C) in order to deescalate (b) (6), (b) (7)(C) aggressive behavior.

20:12:13 UTC - SCBPO (b) (6), (b) (7)(C) stated A/WC CCBPO (b) (6), (b) (7)(C) got (b) (6), (b) (7)(C) to calm down and subsequently the handcuffs were removed.


20:12:20 UTC - SCBPO (b) (6), (b) (7)(C) said A/WC CCBPO (b) (6), (b) (7)(C) to notice the bruising on (b) (6), (b) (7)(C) wrists from trying to get out of the handcuffs.

20:12:48 UTC – SCBPO (b) (6), (b) (7)(C) advised (b) (6), (b) (7)(C) fought during the handcuffing; that it took three officers to apply the cuffs. CBPOs (b) (6), (b) (7)(C) conducted the handcuffing.


20:13:14 UTC - SCBPO (b) (6), (b) (7)(C) advised (b) (6), (b) (7)(C) "bashed" head on the wall requesting the airlines to videotape it. SCBPO (b) (6), (b) (7)(C) advised CBPO (b) (6), (b) (7)(C) explained to him that (b) (6), (b) (7)(C) hit the front part of his head on the wall. SCBPO (b) (6), (b) (7)(C) said he never noticed any injury on (b) (6), (b) (7)(C) head.

20:14:54 UTC – SCBPO (b) (6), (b) (7)(C) advised he never heard (b) (6), (b) (7)(C) complain the handcuffs were too tight while on the jet bridge.



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	<b>PREPARED BY</b> (b) (6), (b) (7)(C)
	<b>2. REPORT NUMBER</b> 003
<b>10. NARRATIVE</b>	
<p>20:19:43 UTC - SCBPO (b) (6), (b) (7)(C) advised CBPOs (b) (6), (b) (7)(C) have a good work ethic and demeanor, to include a good working reputation.</p>	
<p>20:21:32 UTC - SCBPO (b) (6), (b) (7)(C) advised CBPO (b) (6), (b) (7)(C) checked the handcuffs on (b) (6), (b) (7)(C) on two occasions and the handcuffs were of the appropriate tightness. SCBPO (b) (6), (b) (7)(C) believes (b) (6), (b) (7)(C) had bruising on his wrist because he witnessed (b) (6), (b) (7)(C) attempt to rip the cuffs apart on two occasions.</p>	
<p>20:27:41 UTC - SCBPO (b) (6), (b) (7)(C) advised from the time he came in contact with (b) (6), (b) (7)(C) until the time he left the scene, he never had any physical contact with (b) (6), (b) (7)(C) and never observed any QFO personnel verbally or physically abuse (b) (6), (b) (7)(C).</p>	
<p>20:28:30 UTC - SCBPO (b) (6), (b) (7)(C) advised he never heard (b) (6), (b) (7)(C) complain of any physical injuries.</p>	
<p>Continuing on April 4, 2018, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) interviewed CCBPO (b) (6), (b) (7)(C) at the CBP Port Office, (b) (7)(E). CCBPO (b) (6), (b) (7)(C) interview was audio/video recorded. A copy of the Star Witness recording is available upon request. (EXHIBIT 6)</p>	
<p>CCBPO (b) (6), (b) (7)(C) advised he remembers being the A/WC, but cannot remember specifics regarding the incident. CCBPO (b) (6), (b) (7)(C) said he is not part of the Tactical Terrorism Response Team (TTRT) and is only aware of their procedures in general. However, CCBPO (b) (6), (b) (7)(C) believes CBPOs (b) (6), (b) (7)(C) were working (b) (6), (b) (7)(C) looking for a (b) (7)(E) (b) (7)(E) and encountered a noncompliant passenger that needed to be handcuffed.</p>	
<p>19:27:30 UTC - CCBPO (b) (6), (b) (7)(C) advised CBPOs (b) (6), (b) (7)(C) have a good work ethic and demeanor, to include a good working reputation. However, he could not provide an opinion for CBPO (b) (6), (b) (7)(C) because he has never worked with him.</p>	
<p>19:32:20 UTC - CCBPO (b) (6), (b) (7)(C) remembers (b) (6), (b) (7)(C) being brought to the SIU and placed in an office. Additionally, he remembers (b) (6), (b) (7)(C) making aggressive comments about martial arts while in the SIU.</p>	
<p>19:36:00 UTC - CCBPO (b) (6), (b) (7)(C) explains either he or one of the other CBPOs removed the handcuffs from (b) (6), (b) (7)(C). CCBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) may have had marks on his wrists but does not remember any bleeding. He explained that if he were bleeding, (b) (6), (b) (7)(C) would have received medical attention.</p>	



 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<p><b>1. CASE NUMBER</b> <b>(b) (7)(E)</b></p> <p><b>PREPARED BY</b> <b>(b) (6), (b) (7)(C)</b></p> <p><b>2. REPORT NUMBER</b> 003</p>
<p><b>10. NARRATIVE</b></p> <p>In conclusion, CCBPO (b) (6), (b) (7)(C) does not remember any specifics regarding this incident due to the timeframe, and the many encounters he has with passengers. However, he remembers (b) (6), (b) (7)(C) being combative, verbally aggressive, and disrespectful to the CBPOs. Additionally, CCBPO (b) (6), (b) (7)(C) believes he was the A/WC that day and it would have been his decision to release (b) (6), (b) (7)(C).</p> <p>The CBP (b) (7)(E) Standard Operating Procedure (SOP) Detained, Escort &amp; Transportation, states that a detainee can be handcuffed until released for being verbally or physically abusive, combative, confrontational, or intent to be noncompliant during CBP processing. (EXHIBIT 7)</p> <p>On April 5, 2018, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) interviewed CBPO (b) (6), (b) (7)(C) at the CBP OFO Port Office located at (b) (7)(E) and a Star Witness recording was made of this interview. A copy of this Star Witness recording is available upon request. (EXHIBIT 8)</p> <p>CBPO (b) (6), (b) (7)(C) stated on August 24, 2017 after (b) (6), (b) (7)(C) landed, a call came over the radio from CBPO (b) (6), (b) (7)(C) asking for a supervisor's assistance at the (b) (7)(E) CBPO (b) (6), (b) (7)(C) recalled SCBPO (b) (6), (b) (7)(C) asking him and CBPO (b) (6), (b) (7)(C) to assist with his response to CBPO (b) (6), (b) (7)(C) call for assistance. He stated they all took the elevator and arrived at the exit stairway for gate (b) (7)(E). Upon arrival, CBPO (b) (6), (b) (7)(C) stated he heard yelling and observed an individual in handcuffs being escorted out of the area by CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C). He did not recall any conversations between the handcuffed passenger and CBPOs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) but indicated the handcuffed passenger appeared irate and unruly.</p> <p>At the conclusion of the interview, SSA (b) (6), (b) (7)(C) asked CBPO (b) (6), (b) (7)(C) to respond to allegations made by the handcuffed passenger. SSA (b) (6), (b) (7)(C) asked CBPO (b) (6), (b) (7)(C) if he observed any OFO personnel engage in any type of physical abuse of that passenger. CBPO (b) (6), (b) (7)(C) replied:</p> <p>15:22:27 UTC - "Negative, no."</p> <p>SSA (b) (6), (b) (7)(C) asked if CBPO (b) (6), (b) (7)(C) observed any verbal abuse towards that passenger. He replied:</p> <p>15:22:30 UTC - "None."</p> <p>SSA (b) (6), (b) (7)(C) asked CBPO (b) (6), (b) (7)(C) if he engaged in any physical or verbal abuse of that passenger, CBPO (b) (6), (b) (7)(C) replied:</p> <p>15:22:38 UTC - "I did not."</p>	



## DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION  
CONTINUATION

## 1. CASE NUMBER

(b) (7)(E)

## PREPARED BY

(b) (6), (b) (7)(C)

## 2. REPORT NUMBER

003

## 10. NARRATIVE

Continuing on April 5, 2018, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) interviewed CBPO (b) (6), (b) (7)(C) at the CBP OFO Port Office located at, (b) (7)(E) and a Star Witness recording was made of this interview. A copy of this Star Witness recording is available upon request. (EXHIBIT 9)

CBPO (b) (6), (b) (7)(C) recalled hearing a radio call requesting assistance for SCBPO (b) (6), (b) (7)(C). The call was for assistance with an incident upstairs at the airport. SCBPO (b) (6), (b) (7)(C), CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) responded. Upon arrival at gate (b) (7)(E), CBPO (b) (6), (b) (7)(C) observed (b) (6), (b) (7)(C) in handcuffs being escorted by CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) towards the PCSA. CBPO (b) (6), (b) (7)(C) and SCBPO (b) (6), (b) (7)(C) accompanied them to the PCSA. CBPO (b) (6), (b) (7)(C) described Mr. (b) (6), (b) (7)(C) as being resistant during the escort. He observed (b) (6), (b) (7)(C) not wanting to be in the handcuffs and struggling with the handcuffs behind his back while CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) were holding him in an escort hold. When describing the escort hold being used on (b) (6), (b) (7)(C), CBPO (b) (6), (b) (7)(C) stated:

16:28:52 UTC - "The two officers I believe were (b) (6), (b) (7)(C) Officer (b) (6), (b) (7)(C) and Officer (b) (6), (b) (7)(C) had him in an escort hold like we were trained to escort individuals."


CBPO (b) (6), (b) (7)(C) observed (b) (6), (b) (7)(C) continue to struggle with the handcuffs and complain they were too tight during the escort. CBPO (b) (6), (b) (7)(C) stated:


16:29:09 UTC - "I remember one of the officers, which I believe was Officer (b) (6), (b) (7)(C) check the cuffs to see if they were too tight and he said they were good. He was able to place his fingers, like we were trained, in the cuffs."

CBPO (b) (6), (b) (7)(C) noted throughout the entire escorting and arrival at the PCSA, (b) (6), (b) (7)(C) complained about the handcuffs being tight but at the same time, he continued to resist the handcuffs by moving around and flexing his arms. CBPO (b) (6), (b) (7)(C) stated:

16:29:57 UTC - "I told the subject several times to just, you can sit back and relax and the cuffs won't bother you. I was like, you moving around and struggling with them is what's gonna cause the pain that you're feeling right now. So just sit back and relax."



 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<b>1. CASE NUMBER</b> (b) (7)(E)
	<b>PREPARED BY</b> (b) (6), (b) (7)(C)
	<b>2. REPORT NUMBER</b> 003
<p><b>10. NARRATIVE</b></p> <p>CBPO (b) (6), (b) (7)(C) stated SCBPO (b) (6), (b) (7)(C) arrived at the office and attempted to speak with (b) (6), (b) (7)(C) again stated the handcuffs were too tight. CBPO (b) (6), (b) (7)(C) could not recall which CBPO checked the handcuffs again, but said:</p> <p>16:30:32 UTC - "They were checked again, and they were fine."</p> <p>He remembered SCBPO (b) (6), (b) (7)(C) informing (b) (6), (b) (7)(C) he needed to sit back and relax and offered to take off the handcuffs. CBPO (b) (6), (b) (7)(C) recalled (b) (6), (b) (7)(C) replying:</p> <p>16:30:52 UTC - "If I did not want to be in these cuffs, I don't have to be in these cuffs. I know martial arts."</p> <p>CBPO (b) (6), (b) (7)(C) stated he and SCBPO (b) (6), (b) (7)(C) took this comment as a threat and did not remove the handcuffs. CBPO (b) (6), (b) (7)(C) recalled SCBPO (b) (6), (b) (7)(C) informing (b) (6), (b) (7)(C) since he made the martial arts statement, he would remain in the handcuffs, they are fine, they are fitted properly and he needed to sit back and relax.</p> <p>SSA (b) (6), (b) (7)(C) asked CBPO (b) (6), (b) (7)(C) to respond to several allegations made by (b) (6), (b) (7)(C) Regarding physical abuse, SSA (b) (6), (b) (7)(C) asked if at any point from CBPO (b) (6), (b) (7)(C) arrival on scene until he left the scene, did he observe any OFO personnel engage in any type of physical abuse of that passenger, CBPO (b) (6), (b) (7)(C) replied:</p> <p>16:43:15 UTC - "Not at all."</p> <p>SSA (b) (6), (b) (7)(C) asked if CBPO (b) (6), (b) (7)(C) heard any OFO personnel engage in any verbal abuse of that passenger, CBPO (b) (6), (b) (7)(C) said:</p> <p>16:43:18 UTC - "No, not at all."</p> <p>SSA (b) (6), (b) (7)(C) asked if CBPO (b) (6), (b) (7)(C) personally engaged in any physical abuse of that passenger, CBPO (b) (6), (b) (7)(C) stated:</p> <p>16:43:31 UTC - "No."</p>	

 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<b>1. CASE NUMBER</b>
	(b) (7)(E)
	<b>PREPARED BY</b>
	(b) (6), (b) (7)(C)
	<b>2. REPORT NUMBER</b>
	003

**10. NARRATIVE**

SSA (b) (6), (b) (7)(C) asked if CBPO (b) (6), (b) (7)(C) ever made any physical contact with the passenger, from when he arrived on scene until he exited the scene. CBPO (b) (6), (b) (7)(C) replied:

16:43:38 UTC - "No."

SSA (b) (6), (b) (7)(C) asked CBPO (b) (6), (b) (7)(C) if he recalled if (b) (6), (b) (7)(C) ever complained of any injuries because of the handcuffs being too tight. CBPO (b) (6), (b) (7)(C) stated:

16:44:31 UTC - "No."


On April 11, 2018, SSA (b) (6), (b) (7)(C) telephonically contacted AUSA (b) (6), (b) (7)(C) Civil Rights Division, NDI regarding this case. AUSA (b) (6), (b) (7)(C) declined prosecution for the violation of Title 18 USC 242, Deprivation of rights under color of law, due to a lack of prosecutorial merit. (EXHIBIT 10)

Continuing on April 11, 2018, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) interviewed CBPO (b) (6), (b) (7)(C) at the CBP Port Office located at (b) (7)(E). CBPO (b) (6), (b) (7)(C) interview was audio/video recorded. A copy of the Star Witness recording is available upon request (EXHIBIT 11)

21:20:02 UTC – CBPO (b) (6), (b) (7)(C) said he was assigned to the TTRT, working (b) (6), (b) (7)(C) with CBPOs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) regarding a (b) (6), (b) (7)(C), (b) (7)(E) deplaned and had a few passports, and advised CBPO (b) (6), (b) (7)(C) his family was seated behind him on the plane. CBPO (b) (6), (b) (7)(C) asked him to stand to the side. A short time later, (b) (6), (b) (7)(C) was on his cell phone. CBPO (b) (6), (b) (7)(C) requested (b) (6), (b) (7)(C) to put his cell phone away and explained; cell phones are not permitted in the federal inspection area. (b) (6), (b) (7)(C) said he was a U.S. citizen and did not have to listen and he could do whatever he wants.

CBPO (b) (6), (b) (7)(C) stated CBPO (b) (6), (b) (7)(C) again told (b) (6), (b) (7)(C) he had to comply with our commands, and (b) (6), (b) (7)(C) refused. CBPO (b) (6), (b) (7)(C) repeated CBPO (b) (6), (b) (7)(C) request to put the cell phone away. (b) (6), (b) (7)(C) again refused making aggressive gestures with his hands and said he did not have to listen. CBPO (b) (6), (b) (7)(C) attempted to gain control of (b) (6), (b) (7)(C) hands and he resisted by pulling away. CBPO (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) several times to place his hands behind his back. As (b) (6), (b) (7)(C) continued to resist, CBPO (b) (6), (b) (7)(C) assisted CBPO (b) (6), (b) (7)(C) as (b) (6), (b) (7)(C) was struggling and refusing to calm down.



 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<b>1. CASE NUMBER</b> (b) (7)(E)
	<b>PREPARED BY</b> (b) (6), (b) (7)(C)
	<b>2. REPORT NUMBER</b> 003
<p><b>10. NARRATIVE</b></p> <p>CBPO (b) (6), (b) (7)(C) believes CBPO (b) (6), (b) (7)(C) placed the handcuffs on (b) (6), (b) (7)(C) continued to resist while in handcuffs, and complained they were too tight. CBPO (b) (6), (b) (7)(C) checked the handcuffs and advised (b) (6), (b) (7)(C) they were placed on him appropriately.</p> <p>21:23:49 UTC – CBPO (b) (6), (b) (7)(C) stated that CBPO (b) (6), (b) (7)(C) called for a supervisor and SCBPO (b) (6), (b) (7)(C) responded with two additional CBPOs. Subsequently, (b) (6), (b) (7)(C) was escorted to the secondary area office.</p> <p>21:24:20 UTC – CBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) made a comment about knowing martial arts while in the secondary area, saying he could get out of the handcuffs and if he wanted too, he would not let anyone put him in handcuffs.</p> <p>21:33:10 UTC - CBPO (b) (6), (b) (7)(C) was unaware that (b) (6), (b) (7)(C) hit his head on the wall, but was told by both, CBPOs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) was hitting his own head on the wall.</p> <p>21:36:05 UTC – CBPO (b) (6), (b) (7)(C) said CBPO (b) (6), (b) (7)(C) had (b) (6), (b) (7)(C) in an escort hold and he assisted while they moved (b) (6), (b) (7)(C) to the secondary area.</p> <p>21:37:34 UTC CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was trying to break out of the handcuffs when they were initially placed on him.</p> <p>21:38:55 UTC – CBPO (b) (6), (b) (7)(C) stated that he never verbally or physically abused (b) (6), (b) (7)(C) and never witnessed any abuse by others towards (b) (6), (b) (7)(C). Additionally, CBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) was handcuffed for his safety, the CBPOs safety, and everyone else's safety.</p> <p>21:46:07 UTC – CBPO (b) (6), (b) (7)(C) did not see any injuries that were alleged by (b) (6), (b) (7)(C)</p> <p>In conclusion, CBPO (b) (6), (b) (7)(C) believes he, CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) handled this situation professionally according to CBP's policies and procedures.</p> <p>Continuing on April 11, 2018, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) interviewed CBPO (b) (6), (b) (7)(C) at the CBP Port Office, (b) (7)(E). CBPO (b) (6), (b) (7)(C) interview was audio/video recorded. A copy of the Star Witness recording is available upon request. (EXHIBIT 12)</p>	



## DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION  
CONTINUATION

## 1. CASE NUMBER

(b) (7)(E)

## PREPARED BY

(b) (6), (b) (7)(C)

## 2. REPORT NUMBER

003

## 10. NARRATIVE

19:40:40 UTC – CBPO (b) (6), (b) (7)(C) said he was assigned to a (b) (7)(E) arriving on (b) (6), (b) (7)(C) on August 24, 2018. According to CBPO (b) (6), (b) (7)(C) deplaned and presented CBPO (b) (6), (b) (7)(C) several passports for him and his family, who had not deplaned yet. CBPO (b) (6), (b) (7)(C) had (b) (6), (b) (7)(C) stand to the side until his family came off the plane. (b) (6), (b) (7)(C) then started using his cell phone and CBPO (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) to put his cell phone away and explained this is a CBP processing area and cell phones are not permitted. (b) (6), (b) (7)(C) refused and said, "I'm not going to listen to you guys." CBPO (b) (6), (b) (7)(C) was adjacent to (b) (6), (b) (7)(C) said to (b) (6), (b) (7)(C) sir, the Officer is asking you to do something and you have to comply with his request. (b) (6), (b) (7)(C) responded, "No, I don't have to listen to you guys; you don't tell me what to do." CBPO (b) (6), (b) (7)(C) addressed (b) (6), (b) (7)(C) again; sir he is asking you to do something and you just have to comply with the request. (b) (6), (b) (7)(C) became verbally loud, aggressive with raising his hands in the air saying, "I don't have to listen to you "

Subsequently, while other passengers were deplaning, CBPO (b) (6), (b) (7)(C) attempted to have (b) (6), (b) (7)(C) put his hands down by grabbing them. At this time, (b) (6), (b) (7)(C) became combative and was resisting. CBPO (b) (6), (b) (7)(C) came to assist CBPO (b) (6), (b) (7)(C) calm (b) (6), (b) (7)(C) telling him to cooperate and relax. However, he continued to be combative, raising his hands and pushing.


19:48:21 UTC – CBPO (b) (6), (b) (7)(C) explains he has to stop passengers from deplaning for their safety, by closing off the jet bridge area due to (b) (6), (b) (7)(C) being noncompliant. CBPOs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) eventually were able to physically get (b) (6), (b) (7)(C) hands behind his back and CBPO (b) (6), (b) (7)(C) placed the handcuffs on (b) (6), (b) (7)(C) and requested assistance from the Passenger Analysis Unit (PAU). SCBPO (b) (6), (b) (7)(C) arrived with backup a short time later. (b) (6), (b) (7)(C) was then taken to the secondary inspection area. CBPO (b) (6), (b) (7)(C) resumed his TTRT duties for (b) (6), (b) (7)(C) however, he was relieved a short time later and responded to the secondary area where (b) (6), (b) (7)(C) was being interviewed.


19:56:40 UTC – CBPO (b) (6), (b) (7)(C) believes that while CBPO (b) (6), (b) (7)(C) was patting down (b) (6), (b) (7)(C) subsequent to being handcuffed, (b) (6), (b) (7)(C) hit his own head on the wall.

20:05:52 UTC – CBPO (b) (6), (b) (7)(C) said CBPO (b) (6), (b) (7)(C) checked the handcuffs for tightness and determined that the handcuffs were appropriately applied. CBPO (b) (6), (b) (7)(C) advised (b) (6), (b) (7)(C) if he would stop resisting, the handcuffs would not hurt.


20:10:25 UTC – CBPO (b) (6), (b) (7)(C) said he never observed an injury to (b) (6), (b) (7)(C) forehead.




 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<p><b>1. CASE NUMBER</b> (b) (7)(E)</p> <p><b>PREPARED BY</b> (b) (6), (b) (7)(C)</p> <p><b>2. REPORT NUMBER</b> 003</p>
<p><b>10. NARRATIVE</b></p> <p>20:11:05 UTC – CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was not compliant while on the jet bridge and continued resisting after he was handcuffed.</p> <p>20:18:28 UTC – CBPO (b) (6), (b) (7)(C) said he never verbally or physically abused (b) (6), (b) (7)(C) and never witnessed any abuse by others towards (b) (6), (b) (7)(C)</p> <p>On April 12, 2018, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) interviewed CBPO (b) (6), (b) (7)(C) at the CBP OFO Port Office located at (b) (7)(E) and a Star Witness recording was made of this interview. A copy of this Star Witness recording is available upon request. (EXHIBIT 13)</p> <p>SSA (b) (6), (b) (7)(C) asked CBPO (b) (6), (b) (7)(C) to describe the events that took place on August 24, 2017 with (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) stated the following:</p> <p>16:26:22 UTC - "Officer (b) (6), (b) (7)(C) um noticed the passenger um, pull out his cell phone, I don't know exactly what he was doing on his cell phone, (b) (6), (b) (7)(C) told him, informed him cell phones were not advised in the area, told him to put it away. I do know he told him multiple times to put the phone away, um the passenger did not comply with his verbal commands."</p> <p>16:27:01 UTC - "I do remember the passenger telling (b) (6), (b) (7)(C) that he didn't have to listen to him, um, he was in charge he didn't have to listen to what we were telling him."</p> <p>16:27:21 UTC - "Again he told me, uh no, I think I'm in charge here, you don't tell me what to do."</p> <p>16:27:26 UTC - "At that time, I told him he needed to put the phone away otherwise he was gonna be escorted out of the area. I believe made the same comment again saying he did not need to listen to me."</p> <p>16:27:45 UTC - "During this time, he was very, he was very aggressive in the manner he was telling us, when he told me, he spoke to myself and Officer (b) (6), (b) (7)(C) he was very aggressive in his manner. Wasn't in a polite way, is was in a rude way the way he was telling us. Um, at no point did Officer (b) (6), (b) (7)(C) or myself, like yell at him, we told him in a firm manner that he needed to comply with our commands."</p> <p>16:28:17 UTC - "He was making hand gestures towards me saying he didn't need to listen to me, was like you are not in charge."</p> <p>16:28:28 UTC - "I went to grab him. Uh, to escort him out of the area."</p>	


 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<b>1. CASE NUMBER</b> (b) (7)(E)
	<b>PREPARED BY</b> (b) (6), (b) (7)(C)
	<b>2. REPORT NUMBER</b> 003
<p><b>10. NARRATIVE</b></p> <p>16:28:54 UTC - "He started pulling more away from me, but in a manner towards backing away."</p> <p>16:29:20 UTC - "He pulled away back into the corner."</p> <p>16:29:35 UTC - "His hands were clinched. He didn't, his demeanor towards me was not polite demeanor, so it was definitely in a threatening manner."</p> <p>16:29:57 UTC - "He was showing a lot of uh, verb, uh excuse me, um assaultive indicators."</p> <p>16:30:20 UTC - "Officer [REDACTED] stepped in to help me out."</p> <p>16:31:13 UTC - "We gave him multiple commands to put his hands behind his back, um, he would not comply at any point."</p> <p>16:31:32 UTC - "I placed handcuffs on him for officer safety issues."</p> <p>16:32:38 UTC - "At some point, he complained that the handcuffs were too tight. I checked them for tightness. I was able to fit two hands, I'm sorry two fingers between the uh, the clasp and his wrists so he had more than enough, uh space in there between both of his handcuffs."</p> <p>16:34:37 UTC - "He started slamming his head on the wall, like so I had him handcuffed, he was against the wall, um, and he just started slamming his head, maybe, I can't exactly remember how many times, maybe three or four times, just slamming his forehead on the wall in front of him. Um, I told him to stop doing it, uh, I know I attempted to make him stop, in a physical manner, pulling him away from it or something, I can't exactly remember how, but I do remember telling him not to do it anymore."</p> <p>16:36:19 UTC - "I had him in the "L-escort", tilted a little bit, just like you are trained to do."</p> <p>16:37:52 UTC - "When he was already handcuffed, he um, he tensed up a lot, while his hands were behind his back, he flexed, tensed up a lot, trying to pull away from the handcuffs, like he was Superman or something, like he was just gonna break away, break the handcuffs away."</p> <p>SSA [REDACTED] asked CBPO [REDACTED] if at any point during his involvement with this passenger, did he or did any other CBPO engage in any physical abuse of that passenger. CBPO [REDACTED] stated:</p> <p>17:01:36 UTC - "No."</p>	



 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<p><b>1. CASE NUMBER</b> (b) (7)(E)</p> <p><b>PREPARED BY</b> (b) (6), (b) (7)(C)</p> <p><b>2. REPORT NUMBER</b> 003</p>
<p><b>10. NARRATIVE</b></p> <p>SSA (b) (6), (b) (7)(C) asked CBPO (b) (6), (b) (7)(C) if at any point during his involvement with the passenger, did he, or did anyone else from CBP engage in any verbal abuse of that passenger. CBPO (b) (6), (b) (7)(C) said:</p> <p>17:01:45 UTC - "No."</p> <p>SSA (b) (6), (b) (7)(C) asked CBPO (b) (6), (b) (7)(C) to confirm (b) (6), (b) (7)(C) was not arrested during the incident. CBPO (b) (6), (b) (7)(C) stated</p> <p>17:01:55 UTC - "No, he was just being detained."</p> <p>SSA (b) (6), (b) (7)(C) asked CBPO (b) (6), (b) (7)(C) to verify (b) (6), (b) (7)(C) banged his own forehead into the wall. CBPO (b) (6), (b) (7)(C) said:</p> <p>17:02:19 UTC - "Correct."</p> <p>SSA (b) (6), (b) (7)(C) asked how many times CBPO (b) (6), (b) (7)(C) recalled checking the handcuffs for tightness. CBPO (b) (6), (b) (7)(C) replied:</p> <p>17:03:10 UTC "Twice, at least I believe."</p> <p>SSA (b) (6), (b) (7)(C) asked CBPO (b) (6), (b) (7)(C) if he recalled the passenger ever complaining of any other type of injuries before, during or after the encounter. CBPO (b) (6), (b) (7)(C) stated:</p> <p>17:05:56 UTC - "No."</p> <p>SSA (b) (6), (b) (7)(C) asked if CBPO (b) (6), (b) (7)(C) ever observed any injuries on this passenger to include head injuries, wrist injuries or any other type of injuries. CBPO (b) (6), (b) (7)(C) said</p> <p>17:06:05 UTC - "Injury? No. Um, even after he slammed his head, I didn't notice anything. He hit it pretty hard too, he was doing it really hard, but I didn't notice anything."</p> <p>SSA (b) (6), (b) (7)(C) asked CBPO (b) (6), (b) (7)(C) how he believed the situation with (b) (6), (b) (7)(C) was handled. CBPO (b) (6), (b) (7)(C) replied:</p> <p>17:06:51 UTC - "I believe it was handled, I mean, the right way in accordance with CBP Policy. The use of force was justified in my opinion, it was the least, the least amount of force necessary to contain the situation and handle it."</p>	

 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<b>1. CASE NUMBER</b> (b) (7)(E)
	<b>PREPARED BY</b> (b) (6), (b) (7)(C)
	<b>2. REPORT NUMBER</b> 003
<p><b>10. NARRATIVE</b></p> <p>On May 9, 2018, (b) (6), (b) (7)(C) emailed SSA (b) (6), (b) (7)(C) copies of the General Emergency Department Discharge Instructions (GEDDI) and prescription documentation he received after obtaining medical treatment at the (b) (6), (b) (7)(C), (b) (7)(E) (b) (6), (b) (7)(C), (b) (7)(E) on August 25, 2017.</p> <p>The GEDDI shows on August 25, 2017 (b) (6), (b) (7)(C) was seen for a head injury, paresthesias (abnormal sensation in any part of the body), injuries resulting from aforementioned confrontation, and he was diagnosed with an abrasion. (b) (6), (b) (7)(C) was prescribed ten Acetaminophen-Codeine (Tylenol #3), tablets to treat his pain. (EXHIBIT 14)</p> <p>CBP OPR, Personnel Security Division (IA CLEARANCES), advised CBPO (b) (6), (b) (7)(C) holds a TS/SCI security clearance.</p>	



 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION</b> <b>Exhibit List</b></p>	<b>1. CASE NUMBER</b> <b>(b) (7)(E)</b>
	<b>PREPARED BY</b> <b>(b) (6), (b) (7)(C)</b>
	<b>2. REPORT NUMBER</b> 003

1. CBP INFO Center referral, number **(b) (7)(E)** received by the JIC, dated August 25, 2017.
2. **(b) (7)(E)** dated September 29, 2017
3. Star Witness audio/video recording of **(b) (6), (b) (7)(C)** interview, dated March 5, 2018.
4. Photospreads containing photographs of CBPOs **(b) (6), (b) (7)(C)**
5. Star Witness audio/video recording of SCBPO **(b) (6), (b) (7)(C)** interview, dated April 4, 2018.
6. Star Witness audio/video recording of CCBPO **(b) (6), (b) (7)(C)** interview, dated April 4, 2018.
7. CBP **(b) (7)(E)** Standard Operating Procedure (SOP) Detained, Escort & Transportation, dated February 29, 2016.
8. Star Witness audio/video recording of CBPO **(b) (6), (b) (7)(C)** interview, dated April 5, 2018.
9. Star Witness audio/video recording of CBPO **(b) (6), (b) (7)(C)** interview, dated April 5, 2018.
10. CBP Report of Investigation, number two, regarding the prosecutorial declination.
11. Star Witness audio/video recording of CBPO **(b) (6), (b) (7)(C)** interview, dated April 11, 2018.
12. Star Witness audio/video recording of CBPO **(b) (6), (b) (7)(C)** interview, dated April 11, 2018.
13. Star Witness audio/video recording of CBPO **(b) (6), (b) (7)(C)** interview, dated April 12, 2018.
14. Medical Documentation from **(b) (6), (b) (7)(C), (b) (7)(E)** regarding injuries sustained by **(b) (6), (b) (7)(C)**

**O F F I C I A L U S E O N L Y**  
**DEPARTMENT OF HOMELAND SECURITY**  
**U. S. CUSTOMS AND BORDER PROTECTION**  
**OFFICE OF PROFESSIONAL RESPONSIBILITY**



**(b) (7)(E)**

**EXHIBIT 1**

**DEPARTMENT OF HOMELAND SECURITY**  
**U. S. CUSTOMS AND BORDER PROTECTION**  
**OFFICE OF INTERNAL AFFAIRS**  
**O F F I C I A L U S E O N L Y**

**From:** (b) (6), (b) (7)(C)  
**To:** CRCLCompliance  
**Cc:** JOINT INTAKE; (b) (6), (b) (7)(C) OPRTMADRFI  
**Subject:** CBP INFO CENTER Reference 170824-002467  
**Date:** Friday, August 25, 2017 12:03:21 PM

**FOR OFFICIAL USE ONLY**

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Good afternoon.

Please review and advise.

Regards,

(b) (6), (b) (7)(C)

<b>Reference #</b> (b) (7)(E)
<b>Status</b> Closed
<b>Assigned To</b> (b) (6), (b) (7)(C)
<b>Product</b> Discrimination Race
<b>Category</b> Land Border, Airport, or Seaport (b) (7)(E)
<b>Disposition</b> Travelers US Citizen/US Residen
<b>SLA</b> Not specified
<b>Queue</b> Complaints
<b>Date Created</b> 08/24/2017 08:33 PM
<b>Date Initial Solution Response</b>

**Allegation of racial discrimination and excess use of force.**

**Discussion Thread**

Response (b) (6), (b) (7)(C) 08/25/2017 12:00 PM

Good afternoon, (b) (6), (b) (7)(C)

Thank you for contacting the CBP Information Center (CIC) Compliments and Complaints Branch (CCB). U.S. Customs and Border Protection (CBP) appreciates you taking the time to email us.

Your complaint and allegation of discrimination and excessive force has been forwarded to the appropriate office within the Department of Homeland Security.

Since they will process this complaint we are closing it.. If they refer it back to our office, we will reopen it.

Regards,



08/25/2017 12:00 PM

**Last Updated**

08/25/2017 12:00 PM

**Date Closed**

08/25/2017 12:00 PM

**Customer SmartSense**

-1 (on -3 to +3 scale)

**Staff SmartSense**

+1 (on -3 to +3 scale)

**Response Needed**

Yes

**Language**

English

**Flight Number**

(b) (6), (b) (7)(C)

**Dist Field Office**

(b) (6), (b) (7)(C)

**Incident Date**

08/24/2017 12:00 PM

**PLOR**

Not Warranted

**Privacy Issue**

Yes

**Employee Conduct**

Unprofessional

**Referred out of CIC**

No

**Form Type**

Departing 1st

**Created by Generic Supervisor**

No

**Disposition (CF)**

Under Review

**Auto Close**

No

**Video Footage Attached**

No

(b) (6), (b) (7)(C)

Senior Public Information Officer

Customer (Abraham Yasin)

08/24/2017 08:33 PM

I, (b) (6), (b) (7)(C) unboarded my flight (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C) around 4:00 pm. Right outside the plane, I was asked for my passport and I have 5 in hand for myself and all my family. A CBP officer asked me who this passports where for and I told him. I got my phone out to call my wife inside the plane and the same officer yelled at me to put the phone down. First, there is no visible sign or announcement stating that one cannot use the phone in this area and second, a CBP officer shouting in a demeaning manner to travelers is verbal abuse. I got upset and told him to talk nicely to me and the argument continued but with no physical signs of aggression. After a few words back and forth though, several officers came to handcuff me and they pushed my head to the wall and injured my wrists and right elbow. I got physically abused for demanding the verbal abuse to stop. I never showed any signs of aggression. I was talked downstairs from where I was and got questioned about my race and Nationality. After the ordeal, I got released by Officer (b) (6), (b) (7)(C) who let me know one of the Officers involved was (b) (6), (b) (7)(C). He couldn't provide a reason for the "arrest" and didn't apologize. He just told me to file this complaint. Additionally, I want this matter to be reviewed and I demand a response for CBP. I plan to file a lawsuit against CBP and this officer and all those involved in shoving me and banging my head to the wall for no



reason and "arresting" me for no reason other than my Race.

**Primary Contact**

First Name: (b) (6), (b) (7)(C)  
Last Name: [REDACTED]  
Organization:  
Login:  
Title:  
Contact Type:  
Email: (b) (6), (b) (7)(C)  
Email - Alternate #1:  
Email - Alternate #2:  
Office Phone: (b) (6), (b) (7)(C)  
Mobile Phone:  
Fax:  
Assistant Phone:  
Home Phone:  
Street (b) (6), (b) (7)(C)  
City [REDACTED]  
State/Province (b) (6), (b) (7)(C)  
Postal Code [REDACTED]  
Country United States

**Additional Information**

Carrier-Vessel Name: (b) (6), (b) (7)(C)  
Employee Name/Badge Number: Officer (b) (6), (b) (7)(C) and Officer (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Senior Public Information Officer  
Department of Homeland Security  
U.S. Customs and Border Protection  
Office of Intergovernmental and Public Liaison  
CBP Information Center  
Compliments and Complaints Branch  
1300 Pennsylvania Ave., N.W.  
MS: 1345  
Washington, DC 20229  
Desk: (b) (6), (b) (7)(C)  
Fax: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

**O F F I C I A L U S E O N L Y**  
**DEPARTMENT OF HOMELAND SECURITY**  
**U. S. CUSTOMS AND BORDER PROTECTION**  
**OFFICE OF PROFESSIONAL RESPONSIBILITY**



**(b) (7)(E)**

**EXHIBIT 2**

**DEPARTMENT OF HOMELAND SECURITY**  
**U. S. CUSTOMS AND BORDER PROTECTION**  
**OFFICE OF INTERNAL AFFAIRS**  
**O F F I C I A L U S E O N L Y**



**U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
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09/29/2017 14:20 EDT

Generated By: (b) (6), (b) (7)(C)

Page 1 of 5

INCIDENT NUMBER: (b) (7)(E)

APPROVAL STATUS: Approved

INCIDENT TYPE: P - PASSENGER PROTEST

SUMMARY				
Incident Date		Incident Time		
08/24/2017		18:38		
Port Code	Site Code	Location		
(b) (6), (b) (7)(C), (b) (7)(E)				
Document Type		Document Number	FIN Number	
P - PASSPORT		(b) (6), (b) (7)(C)		
Last Name	First Name	Middle Initial	Date of birth	
(b) (6), (b) (7)(C)				
Gender	Citizenship	Race	Hispanic	
M - Male	USA - UNITED STATES	U - UNKNOWN	N - NOT OF HISPANIC OR LATINO ORIGIN	
Height	Weight	Hair	Eyes	
Address				
(b) (6), (b) (7)(C)				
City	State	Zip	Country	
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)		USA - UNITED STATES	
Conveyance Type		Inbound/Outbound		
C - COMMERCIAL AIR		I - In		
Carrier Code	Flight/Vessel Number	Crew	Departure/Destination Port	Departure/Destination Country
(b) (6), (b) (7)(C)		N - No	(b) (6), (b) (7)(C)	
Created By Officer		Supervisor	Primary Officer	
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C) [SUP CBP OFFICER]	(b) (6), (b) (7)(C) [CBP OFFICER]	

**REMARKS**

CBPO (b) (6), (b) (7)(C) statement:

On 08/24/2017 at approximately 1620 CBPO's (b) (6), (b) (7)(C) were conducting 100% identification of inbound (b) (6), (b) (7)(C), (b) (7)(E) of (b) (6), (b) (7)(C), (b) (7)(E) Passenger (b) (6), (b) (7)(C) presented his U.S. passport (b) (6), (b) (7)(C) stated to Officer (b) (6), (b) (7)(C) that he was traveling with his family but they were at the back of the airplane and he was in possession of their passports. Officer (b) (6), (b) (7)(C) instructed (b) (6), (b) (7)(C) to stand off to the side to wait for his family while the officers finished identifying the flight. (b) (6), (b) (7)(C) stood off the side and then pulled out his cell phone. Officer (b) (6), (b) (7)(C) informed (b) (6), (b) (7)(C) the use of cell phones was prohibited and he needed to put the phone away. (b) (6), (b) (7)(C) did not comply with Officer (b) (6), (b) (7)(C) instructions. Officer (b) (6), (b) (7)(C) informed (b) (6), (b) (7)(C) to put his phone away again. (b) (6), (b) (7)(C) stated "no, you don't tell me what to do. I'm in charge here." CBPO (b) (6), (b) (7)(C) then stepped over to (b) (6), (b) (7)(C) and informed him that he needed to comply with CBPO (b) (6), (b) (7)(C) commands. (b) (6), (b) (7)(C) then raised his hand and started making aggressive pointing





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09/29/2017 14:20 EDT

Generated By: (b) (6), (b) (7)(C)

Page 2 of 5

gestures toward CBPO (b) (6), (b) (7)(C) face and speaking in a loud voice informing CBPO (b) (6), (b) (7)(C) he did not have to comply and he was in charge. CBPO (b) (6), (b) (7)(C) then proceeded to gain control of (b) (6), (b) (7)(C) hands to escort him out of the area, (b) (6), (b) (7)(C) attempted to pull away from CBPO (b) (6), (b) (7)(C) control. (b) (6), (b) (7)(C) pulled away and backed himself into a corner of gate (b) (7)(E) boarding area. (b) (6), (b) (7)(C) continued to pull away in an aggressive manner while CBPO (b) (6), (b) (7)(C) attempted to gain control of (b) (6), (b) (7)(C) hands. (b) (6), (b) (7)(C) placed one hand between himself and the wall about waist level. CBPO (b) (6), (b) (7)(C) instructed (b) (6), (b) (7)(C) to place his free hand behind his back, (b) (6), (b) (7)(C) stated "no". CBPO (b) (6), (b) (7)(C) instructed (b) (6), (b) (7)(C) multiple times to place his hands behind his back. After a brief struggle CBPO's (b) (6), (b) (7)(C) were able to gain control of (b) (6), (b) (7)(C) hands and handcuffs were placed on him for officer safety. CBPO (b) (6), (b) (7)(C) instructed (b) (6), (b) (7)(C) to spread his feet so an immediate pat down could be conducted. (b) (6), (b) (7)(C) failed to comply after multiple commands. CBPO (b) (6), (b) (7)(C) conducted an immediate pat down and removed a fanny pack from the front waist of (b) (6), (b) (7)(C) so in could be inspected for weapons. (b) (6), (b) (7)(C) continued to squirm and multiple attempts were made to pull away from officers. (b) (6), (b) (7)(C) then proceeded to slam his head against the wall. CBPO (b) (6), (b) (7)(C) used pressure point controls in an attempt to gain compliance, pressure point controls failed (b) (6), (b) (7)(C) continued to flex his muscles and put excess pressure on the handcuffs in an attempt to escape from them. CBPO (b) (6), (b) (7)(C) called for a supervisor and assistance from additional officers. (b) (6), (b) (7)(C) stated "you can't do this I'm a U.S. Citizen, my father is Border Patrol and then stated my father is a judge you will pay for this." (b) (6), (b) (7)(C) shouted out for people to record the situation. CBPO (b) (6), (b) (7)(C) then pointed to a camera and informed him the whole situation was being recorded. (b) (6), (b) (7)(C) stated his handcuffs were too tight and they were hurting, CBPO (b) (6), (b) (7)(C) checked for tightness of the handcuffs and was able to place two fingers between the cuffs and his wrist. (b) (6), (b) (7)(C) was informed the handcuffs were at the proper tightness. (b) (6), (b) (7)(C) was instructed multiple times to calm down and comply with the instructions (b) (6), (b) (7)(C) stated "no I don't have to listen". SCBPO (b) (6), (b) (7)(C) and additional officers arrived on scene and (b) (6), (b) (7)(C) was then placed in an escort hold and escorted down to the FIS. (b) (6), (b) (7)(C) complained that CBPO (b) (6), (b) (7)(C) was hurting him and he did not like the way being held. CBPO (b) (6), (b) (7)(C) informed (b) (6), (b) (7)(C) that he was being placed in an escort hold and it was not intended to be comfortable. (b) (6), (b) (7)(C) was escorted to passport control secondary and seated. (b) (6), (b) (7)(C) complained again that his handcuffs were too tight, CBPO (b) (6), (b) (7)(C) again checked for tightness and was able to place two fingers between the cuffs and his wrist. CBPO (b) (6), (b) (7)(C) then instructed he would be stood up and be escorted to another room. (b) (6), (b) (7)(C) stated "I can stand up you don't need to help me" CBPO (b) (6), (b) (7)(C) instructed (b) (6), (b) (7)(C) he would assist him in standing up and maintain control of him. (b) (6), (b) (7)(C) was escorted to an interview room in passport control secondary where SCBPO (b) (6), (b) (7)(C) informed him he needed to behave and comply. (b) (6), (b) (7)(C) informed SCBPO (b) (6), (b) (7)(C) he knows martial arts and if he wanted to get out of the handcuffs he would, no further contact was made between CBPO (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) Watch Commander (b) (6), (b) (7)(C) was informed and arrived on scene. Computer queries were performed and returned no derogatory info. (b) (6), (b) (7)(C) was released with the concurrence of Watch Commander (b) (6), (b) (7)(C) after he spoke with him.





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09/29/2017 14:20 EDT

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Page 3 of 5

CBPO (b) (6), (b) (7)(C) statement:

On 24 August 24, 2017 around 1600 hours TTRT CBPOs (b) (6), (b) (7)(C) were working inbound flight (b) (6), (b) (7)(C) at the gate (b) (7)(E) TTRT CBPOs were identifying passengers coming off of the flight. The airline representatives were advised to make an announcement for all of the arriving passengers to have their passports out for the identification. Around 1610 hours (b) (6), (b) (7)(C) bearing US passport# (b) (6), (b) (7)(C) came out of the jet bridge (b) (7)(E) with a stack of passports and stated he was holding his family members' passports; however, they were still on the plane. CBPO (b) (6), (b) (7)(C) advised (b) (6), (b) (7)(C) to hold on to the passports and wait for his family near gate (b) (7)(E) door and Jet bridge (b) (7)(E) door where he would remain in the sight of CBPOs while CBPOs continue to identify the flight.

Around 1615 hours (b) (6), (b) (7)(C) was observed using his cellular phone. CBPO (b) (6), (b) (7)(C) addressed (b) (6), (b) (7)(C) to put his phone away and (b) (6), (b) (7)(C) did not respond. CBPO (b) (6), (b) (7)(C) again addressed (b) (6), (b) (7)(C) and informed him to put his phone away. (b) (6), (b) (7)(C) questioned "why?." CBPO (b) (6), (b) (7)(C) informed (b) (6), (b) (7)(C) that phones are not allowed during CBP processing and (b) (6), (b) (7)(C) stated "no, you don't tell me what to do." CBPO (b) (6), (b) (7)(C) then stepped in and informed (b) (6), (b) (7)(C) to comply with CBPO (b) (6), (b) (7)(C) command. (b) (6), (b) (7)(C) became irate and stated he would not listen. (b) (6), (b) (7)(C) aggressively pointed his hand at CBPO (b) (6), (b) (7)(C) and loudly stated that he would not comply with CBPOs command. (b) (6), (b) (7)(C) was informed by CBPO (b) (6), (b) (7)(C) that it was CBP inspection area and he would have to comply, (b) (6), (b) (7)(C) refused to listen to the verbal commands and stated "I'm in charge here and I don't have to listen to you." (b) (6), (b) (7)(C) continued to yell at CBPO (b) (6), (b) (7)(C) in aggressive manner. When CBPO (b) (6), (b) (7)(C) attempted to gain control of (b) (6), (b) (7)(C) hand to escort him, (b) (6), (b) (7)(C) pulled himself away from CBPO (b) (6), (b) (7)(C) and dragged himself in the corner between two doors at (b) (7)(E) Then CBPO (b) (6), (b) (7)(C) moved forward to assist CBPO (b) (6), (b) (7)(C) to gain control of (b) (6), (b) (7)(C) continued his active resistance, refused to comply CBPO (b) (6), (b) (7)(C) order to relax his hands place his hand in the small of his back, and became combative. After brief struggle to gain control of (b) (6), (b) (7)(C) hands CBPO (b) (6), (b) (7)(C) managed to bring (b) (6), (b) (7)(C) hands behind his back. CBPO (b) (6), (b) (7)(C) then placed handcuffs on (b) (6), (b) (7)(C) hands. Multiple times (b) (6), (b) (7)(C) was asked to stop resisting and comply with the order; however, (b) (6), (b) (7)(C) continued to fight CBPOs stating he did not have to listen to CBPOs. When CBPO (b) (6), (b) (7)(C) attempted to perform immediate pat down for officer safety and multiple times instructed (b) (6), (b) (7)(C) to cooperate; however, (b) (6), (b) (7)(C) continued to ignore the commands and refused to cooperate. (b) (6), (b) (7)(C) also hit his own head to the wall behind him during the struggle. (b) (6), (b) (7)(C) fanny pack was removed after placing handcuffs and was given to CBPO (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) searched the fanny pack.

At the gate (b) (6), (b) (7)(C) continued his resistance and stated his father-in-law is a "border patrol" and his brother is a lawyer. (b) (6), (b) (7)(C) also threatened CBPOs with legal actions and stated "I will take you to the court." (b) (6), (b) (7)(C) also asked an airline employee who just walked in to the scene to record the incident. (b) (6), (b) (7)(C) was reminded that the encounter was being recorded by the security cameras present in the area. During this encounter, at 1621 CBPO (b) (6), (b) (7)(C) contacted PAU for supervisor and backup





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Page 4 of 5

officer's assistance. SCBPO (b) (6), (b) (7)(C) and additional officers arrived at the scene and (b) (6), (b) (7)(C) was escorted to FIS processing area along with his fanny pack and a black hat that was found on the floor.

In passport control secondary, SCBPO (b) (6), (b) (7)(C) and WC (b) (6), (b) (7)(C) spoke to (b) (6), (b) (7)(C) regarding the incident and explained CBPs warranted actions during the situation.

CBPO (b) (6), (b) (7)(C) did not have any interaction with (b) (6), (b) (7)(C) in the passport control secondary interview room. (b) (6), (b) (7)(C) was released in concurrence with WC (b) (6), (b) (7)(C) On his way out of SIU interview room, CBPO (b) (6), (b) (7)(C) returned (b) (6), (b) (7)(C) his fanny pack. (b) (6), (b) (7)(C) asked why his fanny pack was opened and CBPO (b) (6), (b) (7)(C) informed him that fanny pack was opened to obtain his documents.

(b) (6), (b) (7)(C) was escorted from the PPC secondary to primary for processing by CBPO (b) (6), (b) (7)(C) and TRRT officers.

CBPO (b) (6), (b) (7)(C) statement:

On August 24, 2017, CBPO (b) (6), (b) (7)(C) was assigned to Tactical Terrorism Response Team (TRRT) at (b) (7)(E) from 1400 to 2400. CBPO (b) (6), (b) (7)(C) was assigned to work a (b) (6), (b) (7)(C) coming from (b) (6), (b) (7)(C) at gate (b) (7)(E) with CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C). At approximately 1610 hours, CBPO (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) were conducting 100% identification of the flight. At approximately 1615 hours, subject later identified as U.S. citizen (b) (6), (b) (7)(C) U.S. passport number (b) (6), (b) (7)(C) approached CBPO (b) (6), (b) (7)(C) and presented his passport, along with his wife's and children's passports. Subject stated his family was seating behind him and that they were still on the airplane. (b) (6), (b) (7)(C) was instructed by CBPO (b) (6), (b) (7)(C) to wait for his family since he had their passports. While we were continuing to check other passenger's passports, subject started using his cell phone device. Subject was instructed by CBPO (b) (6), (b) (7)(C) to put his phone away. (b) (6), (b) (7)(C) asked CBPO (b) (6), (b) (7)(C) why he needed to put his cell phone away. CBPO (b) (6), (b) (7)(C) stated that cell phones were not allowed in this area. Subject then stated "I'm a U.S. citizen and I don't have to listen to you". Subject also stated "you work for me and I can do whatever I want, I'm in charge here". CBPO (b) (6), (b) (7)(C) then stated that he has to comply with CBPO (b) (6), (b) (7)(C) orders. (b) (6), (b) (7)(C) started making aggressive gestures and raising his voice stated "I don't have to do anything, I'm U.S. citizen". CBPO (b) (6), (b) (7)(C) then went ahead to gain control of subject's hands and CBPO (b) (6), (b) (7)(C) went to assist CBPO (b) (6), (b) (7)(C) grabbing the subject by his other hand. Subject started pulling away and yelling, "leave me alone, I don't have to listen to you, my father works for border patrol, and I know what I can do". (b) (6), (b) (7)(C) continued to pull away while CBPO's (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) attempted to gain control of his hands. CBPO (b) (6), (b) (7)(C) instructed the subject multiple times to place his hands behind his back and calm down. CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) were able to gain control of (b) (6), (b) (7)(C) hands and put handcuffs for officer safety. (b) (6), (b) (7)(C) continued to pull away from officers and take handcuffs off. (b) (6), (b) (7)(C) stated his handcuffs were too tight and his hands were hurting. CBPO (b) (6), (b) (7)(C) checked for tightness of the handcuffs and the handcuffs were at the proper tightness. (b) (6), (b) (7)(C) was instructed multiple times to calm down and comply with the instructions. (b) (6), (b) (7)(C) stated "I don't have to listen to you".



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Page 5 of 5

CBPO's (b) (6), (b) (7)(C) used a minimum use of force necessary to restrain the subject from injuring himself, officers and surrounding passengers.

CBPO (b) (6), (b) (7)(C) called for a supervisor assistance with unruly passenger. SCBPO (b) (6), (b) (7)(C) arrived few minutes later with CBPO's (b) (6), (b) (7)(C) was then placed in an escort hold and escorted downstairs to Secondary office, where he was placed in an interview room. SCBPO (b) (6), (b) (7)(C) informed the subject that he needed to calm down and comply with orders. (b) (6), (b) (7)(C) stated "I know martial arts and if I didn't want to be in handcuffs I wouldn't allow them to put them on". Watch Commander (b) (6), (b) (7)(C) was notified. Watch Commander (b) (6), (b) (7)(C) and SCBPO (b) (6), (b) (7)(C) spoke to the subject. (b) (6), (b) (7)(C) was then released without further incident with the concurrence of Watch Commander (b) (6), (b) (7)(C) at approximately 1655 hours.



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**(b) (7)(E)**

**EXHIBIT 3**

**DEPARTMENT OF HOMELAND SECURITY**  
**U. S. CUSTOMS AND BORDER PROTECTION**  
**OFFICE OF INTERNAL AFFAIRS**  
**O F F I C I A L U S E O N L Y**



# STAR WITNESS - AUDIO/VIDEO

**(b) (6), (b) (7)(C)**

MARCH 5, 2018

Original DVD is in OPR SAC **(b) (7)(E)** Case  
Folder

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**DEPARTMENT OF HOMELAND SECURITY**  
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**OFFICE OF PROFESSIONAL RESPONSIBILITY**



**(b) (7)(E)**

**EXHIBIT 4**

**DEPARTMENT OF HOMELAND SECURITY**  
**U. S. CUSTOMS AND BORDER PROTECTION**  
**OFFICE OF INTERNAL AFFAIRS**  
**O F F I C I A L U S E O N L Y**

(A)

# PHOTO SPREAD

#1  
 (b) (6), (b) (7)(C)  
 DATE \_\_\_\_\_  
 INITIALS \_\_\_\_\_  
 NOTES \_\_\_\_\_

#2  
 (b) (6), (b) (7)(C)  
 DATE 3/5/2018  
 INITIALS (b) (6), (b) (7)(C)  
 NOTES First  
one to see  
off plane

#3  
 (b) (6), (b) (7)(C)  
 DATE \_\_\_\_\_  
 INITIALS \_\_\_\_\_  
 NOTES \_\_\_\_\_

#4  
 (b) (6), (b) (7)(C)  
 DATE \_\_\_\_\_  
 INITIALS \_\_\_\_\_  
 NOTES \_\_\_\_\_

#5  
 (b) (6), (b) (7)(C)  
 DATE \_\_\_\_\_  
 INITIALS \_\_\_\_\_  
 NOTES \_\_\_\_\_

#6  
 (b) (6), (b) (7)(C)  
 DATE \_\_\_\_\_  
 INITIALS \_\_\_\_\_  
 NOTES \_\_\_\_\_

AGENCY CBP 022 (b) (6), (b) (7)(C) TIME PHOTO SPREAD SHOWN 1047 VIEWED BY (b) (6), (b) (7)(C)  
 OFFICER (b) (6), (b) (7)(C) DATE PHOTO SPREAD SHOWN 03/05/18 DATE OF OFFENSE 08/24/2017

NONE RECOGNIZED 3/5/2018

(B)

# PHOTO SPREAD

(b) (6), (b) (7)(C) #1	(b) (6), (b) (7)(C) #2	(b) (6), (b) (7)(C) #3
DATE _____	DATE _____	DATE _____
INITIALS _____	INITIALS _____	INITIALS _____
NOTES _____	NOTES _____	NOTES _____

(b) (6), (b) (7)(C) #4	(b) (6), (b) (7)(C) #5	(b) (6), (b) (7)(C) #6
DATE _____	DATE _____	DATE _____
INITIALS _____	INITIALS _____	INITIALS _____
NOTES _____	NOTES _____	NOTES _____

AGENCY OPR (b) (6), (b) (7)(C) TIME PHOTO SPREAD SHOWN 1049 VIEWED BY (b) (6), (b) (7)(C)

OFFICER (b) (6), (b) (7)(C) DATE PHOTO SPREAD SHOWN 03/05/2018 DATE OF OFFENSE 03/24/17



(c)

# PHOTO SPREAD

#1  
 DATE \_\_\_\_\_  
 INITIALS \_\_\_\_\_  
 NOTES \_\_\_\_\_

(b) (6), (b) (7)(C)  
 #2

DATE \_\_\_\_\_  
 INITIALS \_\_\_\_\_  
 NOTES \_\_\_\_\_

(b) (6), (b) (7)(C)  
 #3

DATE \_\_\_\_\_  
 INITIALS \_\_\_\_\_  
 NOTES \_\_\_\_\_

(b) (6), (b) (7)(C)  
 #4

DATE \_\_\_\_\_  
 INITIALS \_\_\_\_\_  
 NOTES \_\_\_\_\_

(b) (6), (b) (7)(C)  
 #5

DATE 3/5/2018  
 INITIALS (b) (6), (b) (7)(C)  
 NOTES he was the one start the violence

(b) (6), (b) (7)(C)  
 #6

DATE \_\_\_\_\_  
 INITIALS \_\_\_\_\_  
 NOTES \_\_\_\_\_

(b) (6), (b) (7)(C)  
 #7

AGENCY OPR (b) (6), (b) (7)(C)  
 OFFICER (b) (6), (b) (7)(C)  
 TIME PHOTO SPREAD SHOWN 1050  
 DATE PHOTO SPREAD SHOWN 03/05/2018  
 VIEWED BY (b) (6), (b) (7)(C)  
 DATE OF OFFENSE 03/24/17

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**(b) (7)(E)**  
**EXHIBIT 5**

**DEPARTMENT OF HOMELAND SECURITY**  
**U. S. CUSTOMS AND BORDER PROTECTION**  
**OFFICE OF INTERNAL AFFAIRS**  
**O F F I C I A L U S E O N L Y**

# STAR WITNESS - AUDIO/VIDEO

SCBPO (b) (6), (b) (7)(C)

APRIL 4, 2018

Original DVD is in OPR SAC (b) (7)(E) Case  
Folder

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**(b) (7)(E)**

**EXHIBIT 6**

**DEPARTMENT OF HOMELAND SECURITY**  
**U. S. CUSTOMS AND BORDER PROTECTION**  
**OFFICE OF INTERNAL AFFAIRS**  
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# STAR WITNESS - AUDIO/VIDEO

CCBPO (b) (6), (b) (7)(C)

APRIL 4, 2018

Original DVD is in OPR SAC/(b) (7)(E)Case  
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**(b) (7)(E)**

**EXHIBIT 7**

**DEPARTMENT OF HOMELAND SECURITY**  
**U. S. CUSTOMS AND BORDER PROTECTION**  
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**U.S. Customs and Border Protection**  
**(b) (7)(E)**

**STANDARD OPERATING PROCEDURE (SOP)**  
**DETAINED, ESCORT & TRANSPORTATION**

**DATE: February 29, 2016**

**PURPOSE:** To provide guidelines and secure procedures on the detention, transport, and escort of persons by U.S. Customs and Border Protection, **(b) (7)(E)** including both **(b) (7)(E)**

**BACKGROUND:**

As per Admissibility & Passenger Programs Executive Director's memorandum dated November 27, 2007, entitled, "Secure Detention Procedures", and memorandum dated October, 2015, entitled, "Secure Detention, Escort and Transport Procedures" the following procedures will be strictly adhered to when a person(s) is detained at the Port of Entry.

**THESE PROCEDURES ARE MANDATORY.**

**REFERENCES:**

CBP Directive No. 3340-030B, *Secure Detention, Transport and Escort Procedures at Ports of Entry*

CBP Directive No. 5240-007, *Personal Property Disposition Procedures*

**POLICY:**

CBP Officers (CBPO's) will notify the Secondary Inspection's Unit (SIU) Supervisory CBP Officer (SCBPO) when a situation arises requiring the temporary detention of person(s) in secure areas of the Port of Entry (POE).

CBPO's will strictly adhere to CBP Directive 3340-030B, entitled Secure Detention, Transport and Escort Procedures at Ports of Entry, dated August 2, 2008.

SIU SCBPO, when possible, will insure that the same CBPO will process the case from start to finish eliminating the transfer of the detainee to another CBPO.

SIU SCBPO will insure that the incoming SIU Supervisor is briefed on all detention cases.

SIU SCBPO will insure that criminal and administrative subjects, detained for Admissibility Administrative Proceedings are transported to designated local, ERO detention facilities, in accordance to mandatory detention guidelines listed below).



## ROLES AND RESPONSIBILITIES:

### Supervisors:

- Insure that CBPO's under their direction are familiar with the guidelines set forth in the Directives listed above.
- Continue to muster at least, on a quarterly basis on the contents of the Directives listed above.
- Prioritize cases involving detention and transportation of suspects above all others to insure that detainees are processed and transported or released in as expeditious a manner as is practicable.
- Insure that appropriate manpower resources are assigned to such cases in furtherance of the expedition of those cases.

### Supervisors and CBPO's:

- Knowing, understanding and adhering to the contents of the CBP Directives listed above.
- Maintaining vigilance with each passenger in the secure locations at both ports of arrival.
- Identifying and interdicting persons and goods whose entry would be contrary to the rule of law or threatens the interests of the United States.
- Maintaining control of the person being processed at secondary locations.
- Taking appropriate precautions, such as, blocking escape routes and other items as defined by CBP Directives and policies, local policy and infrastructure, to insure that the person being inspected does not proceed through the Federal Inspection (FIS) Baggage Control area without being released by the CBPO.

CBPOs and Supervisors are responsible for, at minimum, the following during their shifts to insure compliance with national procedures and this SOP:

### CBPOs assigned to Cell Duty:

- CBPOs will be responsible for completing TECS Reports, Detention logs and other reports pertaining to detentions.
- CBPO's will insure, duty handcuffs are working properly, by testing the equipment on a regular basis.
- Insure temperatures outside the 66-80F range must be explained in the narrative and in **(b) (7)(E)** Note specific temperature readings on narrative and **(b) (7)(E)**

### SCBPOs:

- Responsible for reviewing and approving reports submitted by CBP Officers.
- Insure that appropriate restraining devices are readily available, and that handcuffs, leg restraints, belly chains, or other restraining devices are working properly.
- Insure the availability of secure areas for short term detention.
- Insure that suicide watch procedures are adhered to (to include reviewing the caution sheet and assuring that all CBPO's are aware of potential high risk detainees).
- Control property in the secure safe, of detainee when necessary.
- Insure that detainees have access to meals, drinking water, and restrooms.



- Responsible for conducting temperature checks in areas where minor children are being held or processed. Digital thermometers are kept in the Command Center for this purpose.
- Insure that all detention and escort requirements as outlined are followed; and required actions will be monitored daily by each shift supervisor.

**PROCEDURE:**

**Restraint:**

The use of restraints on persons in CBP custody shall be conducted in a manner that is safe, secure, humane, and professional. When restraints are used, the Officer must have an articulable fact(s) to support the decision. *(See attachment A, "Restraint Chart", taken from the CBP Directive 3340-030B Secure Detention, Transport and Escort Procedures at Ports of Entry dated August 2, 2008).*

**Escort:**

**FIS Primary to SIU:**

If there is a (b) (7)(E) the CBPO will:

- Primary officer will refer subject in (b) (7)(E) to include detailed reason for referral.
- Primary CBPO will signal for primary rovers, (b) (7)(E) (b) (7)(E)
- Primary Rover (CBPO) will retrieve passport from primary officer and escort subject to designated secondary processing area (i.e., Tactical Terrorism Response Team (TTRT) or SIU) *(See attachment B, "Escort Procedures")*.
- SIU Officer will complete secondary processing, per referral indicators

**Detention**

SIU SCBPO will be responsible for insuring that CBPO's detaining person(s) at the POE adhere to Suicide Watch Procedures.

The CBP Officer placing a person(s) in a secure area of the POE will be responsible for:

- Full inspection of detention room, prior to placing subject in area
- Conduct a full pat-down on all subjects with approval of the shift supervisor.
- Removing eyeglasses, shoelaces, belts, neckties, scarves, pens, pencils, pins, cigarettes, lighters, matches, prescription/non-prescription medication, and any other object that can pose a threat to the detainee, officers or facilitate escape.
- The CBPO assigned to cell duty will prepare a detention log by computer in (b) (7)(E) for all detainees placed in a detention cell. If computer system is temporarily down, CBPO

will hand write log on CBP Form 3501; and input information in (b) (7)(E) when system restores; entering the information relating to each detainee immediately upon placing him/her in a hold room and/or holding cell.

- If aliens are detained, a duty officer will man detention cell at all times. If duty officer requires relief, he/she will advise SIU SCBPO for replacement coverage.
- Insuring that each entry will contain the following information:
  - Name of the person detained
  - Date of Birth (DOB)
  - Reason detained
  - Time & Date placed into hold room and/or holding cell
  - Time & Date removed
  - 15-minute interval checks
  - Physical/Mental condition
  - Officer's initials and comments
  - Meals offered/eaten/declined
- Monitoring hold rooms every 15 minutes and annotating the log with both the time and officer's initials.
- Adhering to Caution Sheet procedures. An individual Caution Sheet will be generated for those detainees who pose a special risk, e.g. serious illness, possible suicide risk and asylum seekers.
  - Officers will closely monitor and if possible segregate any detainee exhibiting signs of hostility, depression, or other symptomatic behavior (i.e. threats of suicide).
  - Officers will notify the shift supervisor and execute an Individual Caution Sheet. The Individual Caution Sheet must accompany the subject when transferred to another facility.
  - An Individual Caution Sheet will be posted near the entrance to the detention cell or in the secure area for those detainees who are determined to be a possible suicide risk.
  - A Sit Room Report must be generated if an attempted suicide occurs while an individual is in CBP custody

CBPO's using attended areas for short term detention will be responsible for:

- Exercising caution for the safety of the person(s) and CBP employees.
- Informing the SIU SCBPO and other CBP Employees working in or transiting this area that they must exercise due diligence to safeguard their firearms and other weapons, i.e., baton, chemical spray, etc.
- Insuring that the person(s) are monitored at all times by at least one officer.
- Insuring the area within the person's direct reach is cleared of all items that could be used as a weapon or to facilitate an escape.



- Insuring that evidence or other items that can be destroyed or pose a threat to any person be kept where they are inaccessible to a detained individual.

**Priority to Detain:**

(b) (7)(E)

- Persons that CBP intends to prosecute or turn over to an outside agency for prosecution, persons convicted of aggravated felonies and other convicted criminals that are subject to either deportation or inadmissibility grounds;
- Fugitives, persons with wants and/or warrants;
- Aliens identified through the Alien Smuggler Identification and Deportation Project.
- Persons who are a danger to themselves or others, pose an escape risk, or in any other circumstance where detention is needed to permit the safe performance of the officer's duties;
- Persons who attempt to enter the U.S. illegally by way of large international, organized, criminal smuggling activities;
- Persons who attempt to enter with fraudulent documents or no documents;
- Persons who have committed fraud under the definitions contained within the (i.e., immigrant and/or nonimmigrant visas obtained by fraud, willful misrepresentation, falsely claiming to be a United States citizen, etc.); and
- Persons who have violated the laws or regulations enforced by CBP and not enumerated in the above sections (i.e., administrative cases).

**JUVENILE DETENTION:**

- All juvenile detentions must be logged in (b) (7)(E)
- Special care must be exercised when processing and detaining persons under the age of 18. The CBP policy is outlined in 8 CFR § 236.3 and must be strictly followed. The Office of Refugee Resettlement (ORR) Health and Human Services (HHS) has assumed the authority for decisions related to the care and placement of unaccompanied alien children detained in long-term federal custody. All Ports of Entry shall coordinate the placement of unaccompanied alien children with ICE/DRO. Currently, the POE contacts the ICE/DRO Field Office Juvenile Coordinator (FOJC) who coordinates placement of the juvenile in a facility designated by ORR.
- When it is determined that an unaccompanied alien juvenile requires detention, CBP must immediately contact the ICE/DRO FOJC to obtain pre-authorization to place the unaccompanied alien child with ORR. CBP must obtain pre-authorization regardless of the amount of anticipated time in detention. Officers must provide the FOJC with the following information for the juvenile:

- Name
  - Aliases (if any)
  - Alien Registration Number
  - Country of Citizenship
  - Sex
  - Date of Birth
  - Age
  - Date of entry
  - Place of entry
  - Date of custody
  - Criminal background (if any)
- At all stages of CBP processing, officers shall take precautions to ensure that all juvenile's rights are protected and that he or she is treated with respect and concern. Any detention at the POE must be in accordance with the *Flores v. Reno* settlement. [See IFM Appendix 17-4, policy memorandum discussing Flores settlement.]
    - Officers will place each detained juvenile in the least restrictive setting appropriate to the juvenile's age and special needs, provided that such setting is consistent with the need to ensure the juvenile's timely appearance and to protect the juvenile's well-being and that of others.
    - All detention options must be considered when detaining unaccompanied alien juveniles. Normally, they should be seated in the secondary area or the THA, segregated from other members of the public, under direct supervision and control of an officer. These detainees may be placed in a secure area (e.g. detention cell or hold room) within a POE based on the totality of the circumstances.
    - Minors will have access to restrooms, drinking water, food, and medical assistance if needed.
    - Minors should NOT be restrained unless they have shown or threatened violent behavior, have history of criminal activity, or there is an articulable likelihood of escape.
      - Minors will be allowed reasonable access to their parents or legal guardians if the supervisor believes it will be constructive. However, parent(s) or legal guardian(s) will not be allowed to inflict corporal punishment upon juveniles while in the custody of CBP.
    - Unaccompanied minors must NOT be held with unrelated adults.
      - Officers shall not release a minor to any person or agency that they have reason to believe may harm or neglect the minor or fail to present the child for any proceedings. Officers shall ensure that the person who accepts custody of the child completes the Custodial Sponsor Release Agreement (Attached) before relinquishing custody. For those family member specifically cited in the *Flores v Reno* Settlement, no form is necessary.
      - In situations where a female is nursing an infant, the infant will not be removed from the care of the mother (unless she poses a danger to the child). If a mother and infant must be separated for safety purposes, a social service worker may need to be



contacted to take custody of a U.S. citizen child. Alien children who must be separated from the family unit become unaccompanied alien minors and treatment is guided by the *Flores v Reno* Settlement.

### **ADDITIONAL DETENTION REQUIREMENTS:**

#### **Meals:**

Officers shall provide a meal to any person, whether in a hold room or not, who is detained more than 6 hours (including secondary time or case preparation time). Juveniles, small children, toddlers, babies, and pregnant women shall have access to snacks, milk, or juice at all times. Regardless of the time in custody, officers shall provide a juvenile with meal service. In cases where an adult detainee requests a snack or meal due to extraordinary circumstances before the next meal service, the officer shall accommodate the request. Officers should be sensitive to culinary cultural/religious dietary restrictions and/or differences of all detainees whenever feasible. A record of what type of meal is given to each detainee shall be logged. For a person detained in an unattended secure area, time of feeding or declination of a meal shall also be noted in the Personal Detention Log.

- **Drinking Water:**

Drinking water shall be available for detainees requesting water, using disposable cups or bottled water. It is the responsibility of the supervisor to ensure that drinking water is available.

- **Restrooms:**

Access to restrooms shall be available to any detainees in a hold room, THA's or in the secondary inspection area. Detainees using restrooms shall have access to toilet items such as soap, toilet paper, feminine hygiene items, diapers, and wipes. Detainees using restrooms shall be closely monitored, under direct supervision. Access to restroom facilities may be restricted if the detainee is suspected of being an internal carrier.

- **Telephone/Notification:**

In certain circumstances, it may be necessary for CBP officers to notify outside individuals when detaining a person for further processing. Below are the guidelines for notification.

- **Consular Notification:** The Vienna Convention on Consular Relations (VCCR), of which the United States is a signatory, is a multilateral treaty regarding the arrest, detention, death, guardianship or trusteeship of foreign nationals. The VCCR requires that foreign nationals (including Lawful Permanent Residents) who are arrested or detained be advised of the right to have their consular officials notified of that fact "without delay," e.g. as soon as it becomes feasible. The notification to consular officials should be made within 24-72 hours of the arrest. An alien who is determined to be inadmissible at a port of entry and who is required to remain at that port until



- the time of his/her departure and/or flight is not normally considered to be detained within the meaning of the VCCR.
- In cases of certain nationalities, if the alien will be detained longer than 24 hours or the alien is turned over to another agency, existing treaties and CBP policy require that CBP notify the appropriate consular or diplomatic officers about the alien's detention, even if the alien requests that this not be done. For the list of applicable countries, see 8 § CFR 236.1(e) or the use the following link to the Department of State website: [http://travel.state.gov/law/consular/consular\\_745.html](http://travel.state.gov/law/consular/consular_745.html).
  - When CBP detains foreign nationals for other than admissibility related issues, the Secondary supervisory CBP officer or CBP enforcement officers must coordinate consular notification. If the agency that CBP turns the alien over to confirms that it will make the consular notification, that agency's point of contact and phone number will be annotated in the S/A/S report. If the receiving agency will not make the notification, CBP will create and maintain records sufficient to verify compliance with notification requirements in **(b) (7)(E)**. These records will document all foreign national advisements and notifications to foreign consular representatives, including the time and date the foreign national was advised of the right to consular notification, whether or not the foreign national requested consular notification, and the time and date of any such notification.
    - Any person detained for more than two hours after a personal search is conducted will be given the opportunity to have OFO personnel notify someone, including an attorney, of his or her delay unless probable cause has been established. See Personal Search Guide:

### Two Hour Subject Detention Notifications

1	Subject detained more than two hours after a personal search.
2	Supervisors will ensure that subject is given the opportunity to have OFO personnel notify someone, including an attorney, of his or her delay unless probable cause has been established.
3	Use attached <b>Contact Advisory of CBP Detention Attachment 2</b> form if subject wants someone contacted. Forward form to FPF when generated via outgoing interoffice mail tray located in supervisor's desk. Officers must include name and number of person and time contacted in IOIL or SAS report.
4	Document declination to have a person contacted in IOIL or SAS report.
5	When the two hour notification period has elapsed, the supervisor will notify the ICE duty agent and/or a CBP enforcement officer prior to the notification. The detainee will not be given the opportunity to consult with an attorney at any time before Miranda warnings are required and such right is invoked by the detainee.

### Notification for Detainees in Passport Secondary

1	Person administratively detained for more than 3 hours pending a determination of the person's admissibility or adverse action has been initiated before the 3-hour mark.
2	3-hour mark begins at the time the person is referred to secondary for immigration administrative admissibility processing as indicated by TECS.
3	Detainee must provide officers with a name and telephone number of the person to be contacted.



4	Use attached <b>Contact Advisory of CBP Detention (3 hour) form</b> if subject wants someone contacted (contact script included). Attach form to A-file when generated or forward to FPF via outgoing interoffice mail tray located in supervisor's desk.
5	Use attached <b>Declination of Notifications for Detention (3 hour) form</b> if subject declines to have someone contacted. Attach form to A-file when generated or forward to FPF via outgoing interoffice mail tray located in supervisor's desk.
6	Case officer will also notify the supervisor of the 3-hour notification requirement.
7	If no one or a machine answers the phone, the officer will annotate the contact form and the Form I-213 as such.
8	Officers must include the name and number of the person and time contacted on Form I-213.
9	<b>(b) (7)(E)</b>

### **Port Director (PD) Notifications for Detained Subjects**

1	PD must be notified of any prolonged detention lasting 8 hours or longer.
2	When a person has been detained for 8 hours from the time that supervisory approval was first given for any personal search or that a personal search was initiated, the ICE duty agent and/or a CBP enforcement officer will contact the U.S. Attorney's office.
3	The PD will be notified of all detentions that reach or exceed 12 hours.
4	The DFO must be notified through the chain of command, if the detention period at the POE extends to 24 hours or more.
5	The PD and/or the DFO must be notified of any event or incident which may be politically sensitive to the U.S. or a foreign government to include searches and detentions of persons claiming diplomatic immunity or special status, potentially sensitive requests for asylum made to CBP officials, actions involving foreign or U.S. government officials, government representatives, or prominent foreign nationals and/or any event or incident that has or may result in significant media attention.

- Dependent upon the length of detention and security risks, the supervisor will determine whether or not a detainee will be allowed to communicate by telephone or in person with any other person, including consular officials. [8 CFR § 236.1(e).]

### **Transportation Away from International Airport**

All detainees shall be classified for the use and level of restraints prior to being transported by the officer assigned to affect transport utilizing the "Restraint Chart" (*See attachment A*).

SIU SCBPO will insure that:

- Two CBPO's transport detainees to the designated, local ERO detention facilities in the port's transport vehicle and that appropriate restraint procedures are followed (*See attachment A, "Restraint Chart" and attachment B, "Escort Procedures"*).
- When operationally feasible, at least one CBPO will be of the same sex as the detainee(s).

- Detainees are transferred immediately upon completion of the port processing; or as operationally feasible.
- SIU Case Officer is responsible for emailing (b) (7)(E) to advise of detained subjects
- Supervisor will insure that designated detention facility is contacted for detention availability

CBPO's transporting detainees will ensure that:

- I-203, Order to Detain or Release Alien, are prepared and accompany detainee when transported to the detention facility.
- The Forms I-216, Record of Persons and Property Transferred and I-203, Order to Detain or Release Alien, are prepared and accompany detainee.
- The detainee's personal property is properly secured in accordance with CBP Directive 5240-007 *Personal Property Disposition Procedures*.
- The caution sheet on the detainee(s) is reviewed prior to the removal from a secure area.
- The radio in the transport vehicle is operational by conducting a radio check with sector prior to departure from the POE.
- If available, also take the port cellular phone as backup communication.
- Regular radio and/or cellular telephonic communication is maintained, and inform Sector of the following information:
  - Escorting officer's identity
  - Planned route of travel, including starting and ending locations
  - The estimated time of departure/arrival (ETD/ETA)
  - The total number of detainees in the vehicle
  - Special-handling cases (e.g. juveniles, family units, escape risk)
  - Notification of any actual or estimated delays in departure and revisions to ETA
- The CBPO's transporting must wear their body armor and shall not transport any personal items other than those needed to carry out their assigned duties during the trip.
- Detainees are escorted in a manner that is safe, secure, humane, and professional.
- No detainee shall be transported/escorted without the assigned officer conducting a search of the detainee.
- Juveniles are processed in accordance with established guidelines and that the DRO juvenile coordinator has been contacted.



- When escorting detainees in CBP vehicles, especially unaccompanied detainees of the opposite sex or minors, all officers shall maintain regular radio or telephonic communication with other CBP personnel, insofar as technologically possible and resources allow.
- Families, unaccompanied females, and unaccompanied minors shall be separated from unrelated adult males by separate passenger compartments or an empty row of seats. If possible, these detainees shall be transported separately from other detainees.
- The passenger section of all empty CBP vehicles and all immediate confinement areas shall be searched prior to, as well as following, each escort to ensure that no weapons or contraband have been hidden or left behind.
- When escorting a detainee in view of the general public for removal from the United States, officers shall use care and discretion when handling and removing restraints from detainees to avoid undue concern by the traveling public.
- Sector is notified of the arrival at the facility.
- The SIU SCBPO is notified of the arrival at the facility. A notification should also be made at the halfway mark.
- CBPO's will secure the vehicle before leaving it unattended. This includes removing the keys from the ignition.
- CBPO's must return the keys to the assigned location or to a SIU SCBPO.
- Detainees transferred for medical treatment will be accompanied by at least two CBPOs who will remain with the detainee until medical authorities determine whether the situation will require hospitalization or continued care.
- If the medical transfer is a result of the personal search procedures (body cavity search, X-ray searches and monitored bowel movements), two CBPO's will accompany the detainee at least one of whom should be of the same gender as the detainee. The Port Director (PD) or Acting PD will be contacted for approval of such searches in all cases. The local Associate/Assistant Chief Counsel will be consulted for legal advice by the PD or Acting PD. Contact will be maintained with SECTOR at all times and arrival and departure times and mileage will be reported.
- When transporting a juvenile to a medical facility for a body cavity search, X-ray searches or monitored bowel movements, an adult relative or legal guardian will be notified and will be allowed to be present at the medical facility. A determination on whether to allow the adult to travel to the detention facility in the same vehicle as the juvenile will be made by the PD or Acting PD. If no adult relative or legal guardian can

be located, all efforts made to make such contact will be documented in TECS and/or IDENT/ENFORCE.

- If the detainee is to be transported via ambulance, at least one CBPO will follow the detainee to the medical facility in a marked CBP vehicle.
- If the detainee is not hospitalized and will receive medical treatment, the Officer(s) will remain until such treatment is completed and then escort the subject back to the port of entry.
- If the detainee is to be hospitalized, Officer(s) shall notify the Supervisory CBP OIC who will contact the Port Director or Acting PD for a determination on whether to remain at the facility.

(b) (7)(E)

### En-route Emergency

**If the transport team encounters an en-route emergency, the SIU Supervisor will be immediately contacted. Officer safety is of paramount importance and shall never be compromised.**

- **Attack:** If the transport team encounters an attack from external entities, CBPO's will request assistance from the (b) (7)(E) Police Department, or a Police Department at which jurisdiction the attack has occurred. The CBP Border Patrol, ICE, CBP Field Operations or any other state and local agency can be contacted to provide assistance. The transport vehicle will not stop but continue to proceed until it is incapacitated.
- **Death:** If the detainee dies while in transit, (b) (7)(E) will be contacted immediately and the SIU Supervisor thereafter. The SIU Supervisor will notify Port Watch commander. The Port Watch Commander will be responsible for reporting the death to the Commissioner's Situation Room and Port Management and the ICE duty agent.
- **Escape/Absconder:**
  - **Two Officer Transport with Single Detainee:** If a detainee absconds at anytime during the transport, the passenger CBPO will engage in a foot pursuit as officer safety permits and will maintain communication with the transport driver. The driver will call (b) (7)(E) and request state and local law enforcement agency aid and provide a description of the detainee, location, direction of travel and any pertinent information concerning the escapee. The driver will also notify the SIU Supervisor which in turn will notify the ICE duty agent. Descriptors such as name, height, weight, type and color of clothing, direction of flight and A-number will be very beneficial in trying to locate the absconder.



- **Single Officer Transport or Two Officer Transport with Multiple Detainees:** If the transport involves multiple detainees and one escapes, the passenger will not engage in a foot pursuit but remain at the transport vehicle to not jeopardize the security and accountability of the other detainees. The driver will call (b) (7)(E) and request state and local law enforcement agency aid and provide a description of the detainee, location, direction of travel and any pertinent information concerning the escapee. The driver will also notify the SIU Supervisor which in turn will notify the ICE duty agent. Descriptors such as name, height, weight, type and color of clothing, direction of flight and A-number will be very beneficial in trying to locate the absconder. At no point will CBPO's engage in a vehicle pursuit.
- **Fire:** If the transport team encounters a fire whether inside or outside the vehicle, the driver will immediately stop the vehicle, evacuate the detainee(s) and contact local fire department, law enforcement authority and the (b) (7)(E) POE. The SIU Supervisor will immediately dispatch a second transport unit to complete the transaction. The SIU Supervisor will be responsible for contacting the ICE duty agent, the Office of Professional Responsibility and all other necessary contacts (e.g. Port Management, Sitroom, and (b) (7)(E) Field Office).
- **Illness:** If a detainee becomes ill during the transport, the CBPO will assess the situation and decide whether the transport can continue or if medical assistance is required. If medical assistance is needed, the detainee will be transported to the nearest medical facility and the SIU Supervisor will be notified of the situation who in turn will make all other necessary notifications.

*Note: In cases involving violations of immigration law, supervisors will process all aliens in accordance with the CFR. All aliens that are applicants for admission and are found to be inadmissible will be expeditiously processed in one of the following manners: Expedited Removal - Withdrawal of Application for Admission - Notice to Appear - Parole (when applicable).*

- **Traffic Accident:** If the transport team is involved in an auto accident, the CBPO will contact the local law enforcement agency for assistance and (b) (7)(E) for situational awareness purposes. In addition, the SIU supervisor will be notified who in turn will contact the ICE duty agent, port management and all other necessary contacts.
- **Vehicle Failure:** If the team experiences vehicle failure, the SIU Supervisor will immediately make arrangements to have the vehicle replaced and continue with the transport. Sector will be notified immediately.
- **Violent Behavior by Detainee:** If the detainee becomes violent whether towards the CBPO's or themselves, appropriate, additional restraint measures will be taken as per CBP policy and without compromising Officer Safety.



## **REPORTING REQUIREMENTS**

See Commissioner's Situation Room (CBP Directive 3340-025C and any subsequent directives) for specific reporting requirements and procedures.

If a person absconds successfully, notify all appropriate law enforcement agencies immediately, in accordance with local policy.

All incidents of assaults, threats, shootings, or the use of force involving CBP employees and their families shall be reported by a supervisor immediately to the Commissioner's Situation Room via (b) (7)(E) and to the Joint Intake Center via (b) (7)(E). The supervisor making the notification is responsible for any office reporting requirements as well as ensuring that any federal, state or local law enforcement authorities with jurisdiction are notified in a timely manner in accordance with locally established contingency plans.

## Attachment A

### Restraint Chart

#### Restraint Chart

Detainees will remain in the highest threat class qualified until released or transferred to another agency.

Risk Classification	Restraints Required
<b>Group A</b> All detainees not in Group B or C.	Discretionary
<b>Group B</b> Non-ambulatory Detainees.  Detainees requiring mechanical assistance or devices to perform or maintain basic life sustaining functions.  Detainees requiring medication to sustain normal life functions.	Only restraints recommended and approved by a medical professional. May include pharmacological restraints only when administered by a medical professional with a written order from a physician.
<b>Group C</b> Detainees who CBP or another agency will prosecute (e.g. smuggling cases).  Detainees who at any time were charged or convicted of criminal violations involving coercion, threat of force, assault, violence, or killing any person or animal.  Detainees meeting the definition of "aggravated felon" in the section 101(a)(43) of the INA.  Detainees who are or have been verbally or physically abusive, combative, confrontational, vulgar or coercive during the course of their CBP processing or custody, or who have otherwise indicated willingness or intent to be non-compliant.  Detainees serving criminal sentences, being transferred or delivered to other jurisdictions where criminal proceedings may be pending.  Detainees who are escape risks or national security risks.	Minimum: Handcuffs  Recommended: Handcuffs and shackles or leg weights. When supported by articulable reasons, additional restraints, such as belly chains, black boxes, leg irons or knee straps, may be used.

## Attachment B

### Escort Procedures

<b>Class Descriptors</b>	<b>Minimum Number of Escorts Required</b>
<p>Class 1</p> <p>Aliens granted voluntary departure or withdrawal of application of admission provided there is no significant adverse information regarding the alien or risk that the alien will fail to depart the U.S.</p> <p>Aliens who do not fall into any class below and are escorted to a point of departure, placed on the carrier, and met by other DHS officers at the point of arrival.</p>	<p>No escort required</p>
<p>Class 1a</p> <p>Persons in need of assistance because of age, infirmity, mental capacity, handicap, or language barriers.</p> <p>Detainee en route to receive care or to point of release from CBP custody.</p> <p>Unaccompanied juveniles</p>	<p>A minimum of one escort</p> <p>Two escorts are required for a group of two to five juveniles. An additional escort is required for each additional five juveniles.</p> <p>Instances where both male and female juveniles are being transported require one escorting CBPO of each sex.</p>
<p>Class 2</p> <p>Persons at any time convicted of a crime or known to be criminally involved, but determined by CBP to be non-violent.</p>	<p>Minimum of two escorts for up to 13 detainees.</p> <p>Each additional group of 5 requires one more escort.</p> <p>Will always utilize a secure vehicle.</p>
<p>Class 3</p> <p>Persons who have been determined by CBP to be violent, dangerous, and/or disruptive.</p>	<p>At least two escorts per detainee are required.</p> <p>Will always utilize a secure vehicle.</p>



<p>Persons who are or have been physically or verbally abusive, combative, or confrontational during CBP custody.</p> <p>Persons who have indicated a willingness or intent to resist physical removal from the U.S.</p> <p>Persons who are being escorted to a medical facility as a continuation of the personal process.</p> <p>Persons who are serving criminal sentences, or are being transferred or delivered to other jurisdictions where criminal proceedings are pending, regardless of whether the underlying crimes involved force or violence.</p>	
<p>Class 3a</p> <p>Individuals deemed by Public Health or another competent medical authority to be in need of medical services during travel.</p>	<p>A minimum of two escorts plus a medical professional.</p>
<p>Class 3 b</p> <p>Persons who are a national security threat and/or have a terrorist nexus as identified by CBP, third agencies, or databases checks that are taken into custody.</p>	<p>A minimum of two escorts per detainees are required.</p> <p>Will always utilize a secure vehicle.</p>

DEPARTMENT OF HOMELAND SECURITY

**Customs and Border Protection**

**Field Operations**

**Contact Advisory of CBP Detention**

To be used for any person who has been administratively detained for 3 hours pending a determination of his or her admissibility. The detainee will be afforded the opportunity to have CBP notify someone (including an attorney) of the delay. The 3-hour period for notification commences when the passenger is referred to CBP hard secondary for immigration administrative proceedings and should be done as soon as reasonably possible under the circumstances.

I am Officer (name) of U.S. Customs and Border Protection at (Port of Entry). Your, (husband, sister, friend, etc.) who has arrived in the United States (on flight number if the detainee arrived by air) has asked that we contact you. He (or she) is safe, however a decision regarding his or her application for admission is pending (or he or she will not be able to enter the United States at this time if a decision has been made). He (or she) is not available to speak with you during Customs and Border Protection processing. However, he (or she) will be afforded the opportunity to contact you at the completion of all CBP processing (\*if the person arrived by air or sea, or if the person arrived by land but cannot be returned to Canada or Mexico immediately).

**Person Contacted:** \_\_\_\_\_

**Phone Number Contacted:** \_\_\_\_\_

**Relationship:** \_\_\_\_\_

**Time of Notification:** \_\_\_\_\_

**Person making notification:** \_\_\_\_\_ (Title,  
**Badge Number if applicable)**

**Remarks:**

**O F F I C I A L U S E O N L Y**  
**DEPARTMENT OF HOMELAND SECURITY**  
**U. S. CUSTOMS AND BORDER PROTECTION**  
**OFFICE OF PROFESSIONAL RESPONSIBILITY**



**(b) (7)(E)**

**EXHIBIT 8**

**DEPARTMENT OF HOMELAND SECURITY**  
**U. S. CUSTOMS AND BORDER PROTECTION**  
**OFFICE OF INTERNAL AFFAIRS**  
**O F F I C I A L U S E O N L Y**



# STAR WITNESS - AUDIO/VIDEO

CBPO (b) (6), (b) (7)(C)

APRIL 5, 2018

Original DVD is in OPR SAC/(b) (7)(E) Case  
Folder

**O F F I C I A L U S E O N L Y**  
**DEPARTMENT OF HOMELAND SECURITY**  
**U. S. CUSTOMS AND BORDER PROTECTION**  
**OFFICE OF PROFESSIONAL RESPONSIBILITY**



**(b) (7)(E)**

**EXHIBIT 9**

**DEPARTMENT OF HOMELAND SECURITY**  
**U. S. CUSTOMS AND BORDER PROTECTION**  
**OFFICE OF INTERNAL AFFAIRS**  
**O F F I C I A L U S E O N L Y**

# STAR WITNESS - AUDIO/VIDEO

CBPO (b) (6), (b) (7)(C)

APRIL 5, 2018

Original DVD is in OPR SAC/(b) (7)(E) Case  
Folder





**O F F I C I A L U S E O N L Y**  
**DEPARTMENT OF HOMELAND SECURITY**  
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**OFFICE OF PROFESSIONAL RESPONSIBILITY**



**(b) (7)(E)**  
**EXHIBIT 10**

**DEPARTMENT OF HOMELAND SECURITY**  
**U. S. CUSTOMS AND BORDER PROTECTION**  
**OFFICE OF INTERNAL AFFAIRS**  
**O F F I C I A L U S E O N L Y**

 <p><b>DEPARTMENT OF HOMELAND SECURITY</b> <b>Customs and Border Protection</b></p> <p><b>REPORT OF INVESTIGATION</b></p>		<p><b>1. CASE NUMBER</b> <b>(b) (7)(E)</b></p> <p><b>PREPARED BY</b> <b>(b) (6), (b) (7)(C)</b></p> <p><b>2. REPORT NUMBER</b> 002</p>
<p><b>3. TITLE</b> <b>(b) (6), (b) (7)(C)</b> CBP OFFCR/0601 Detainee/Alien - Abuse (Physical Abuse) <b>(b) (6), (b) (7)(C), (b) (7)(E)</b></p>		
<p><b>4. FINAL RESOLUTION</b></p>		
<p><b>5. STATUS</b> Interim Report</p>	<p><b>6. TYPE OF REPORT</b> Investigative Findings</p>	<p><b>7. RELATED CASES</b> <b>(b) (7)(E)</b></p>
<p><b>8. TOPIC</b> Case presentation to the United States Attorney's Office, Northern District of Illinois</p>		
<p><b>9. SYNOPSIS</b> Prosecution against CBPO <b>(b) (6), (b) (7)(C)</b> was declined by the United States Attorney's Office, (USA) Northern District of Illinois (NDI), for the violation of Title 18, United States Code (USC), 242, Deprivation of rights under color of law due to a lack of prosecutorial merit.</p>		
<p><b>10. CASE OFFICER (Print Name &amp; Title)</b> <b>(b) (6), (b) (7)(C)</b> CBP OPR Special Agent</p>	<p><b>11. COMPLETION DATE</b> 30-MAY-2018</p>	<p><b>14. ORIGIN OFFICE</b> CBP OPR <b>(b) (7)(E)</b></p>
<p><b>12. APPROVED BY (Print Name &amp; Title)</b> <b>(b) (6), (b) (7)(C)</b> - CBP OPR Special Agent Supervisor</p>	<p><b>13. APPROVED DATE</b> 30-MAY-2018</p>	<p><b>15. TELEPHONE NUMBER</b> <b>(b) (7)(E)</b></p>
<p><small>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</small></p>		
<p><small>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</small></p>		

 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<b>1. CASE NUMBER</b> (b) (7)(E)
	<b>PREPARED BY</b> (b) (6), (b) (7)(C)
	<b>2. REPORT NUMBER</b> 002

**10. NARRATIVE**

On April 11, 2018, Senior Special Agent (SSA) (b) (6), (b) (7)(C) telephonically contacted Assistant United States Attorney (AUSA) (b) (6), (b) (7)(C) Civil Rights Division, NDI and briefed her regarding the facts of this case. AUSA (b) (6), (b) (7)(C) declined prosecution against CBPO (b) (6), (b) (7)(C) for the violation of Title 18, USC, 242, Deprivation of rights under color of law, due to a lack of prosecutorial merit.



 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION Exhibit List</p>	1. CASE NUMBER <b>(b) (7)(E)</b>
	PREPARED BY <b>(b) (6), (b) (7)(C)</b>
	2. REPORT NUMBER 002

None

**O F F I C I A L U S E O N L Y**  
**DEPARTMENT OF HOMELAND SECURITY**  
**U. S. CUSTOMS AND BORDER PROTECTION**  
**OFFICE OF PROFESSIONAL RESPONSIBILITY**



**(b) (7)(E)**

**EXHIBIT 11**

**DEPARTMENT OF HOMELAND SECURITY**  
**U. S. CUSTOMS AND BORDER PROTECTION**  
**OFFICE OF INTERNAL AFFAIRS**  
**O F F I C I A L U S E O N L Y**

# STAR WITNESS - AUDIO/VIDEO

CBPO (b) (6), (b) (7)(C)

APRIL 11, 2018

Original DVD is in OPR SAC/(b) (7)(E) Case  
Folder



**O F F I C I A L U S E O N L Y**  
**DEPARTMENT OF HOMELAND SECURITY**  
**U. S. CUSTOMS AND BORDER PROTECTION**  
**OFFICE OF PROFESSIONAL RESPONSIBILITY**



**(b) (7)(E)**  
**EXHIBIT 12**

**DEPARTMENT OF HOMELAND SECURITY**  
**U. S. CUSTOMS AND BORDER PROTECTION**  
**OFFICE OF INTERNAL AFFAIRS**  
**O F F I C I A L U S E O N L Y**

# STAR WITNESS - AUDIO/VIDEO

CBPO (b) (6), (b) (7)(C)

APRIL 11, 2018

Original DVD is in OPR SAC/(b) (7)(E) Case  
Folder

**O F F I C I A L U S E O N L Y**  
**DEPARTMENT OF HOMELAND SECURITY**  
**U. S. CUSTOMS AND BORDER PROTECTION**  
**OFFICE OF PROFESSIONAL RESPONSIBILITY**



**(b) (7)(E)**

**EXHIBIT 13**

**DEPARTMENT OF HOMELAND SECURITY**  
**U. S. CUSTOMS AND BORDER PROTECTION**  
**OFFICE OF INTERNAL AFFAIRS**  
**O F F I C I A L U S E O N L Y**



# STAR WITNESS - AUDIO/VIDEO

CBPO (b) (6), (b) (7)(C)

APRIL 12, 2018

Original DVD is in OPR SAC/(b) (7)(E) Case  
Folder

**O F F I C I A L U S E O N L Y**  
**DEPARTMENT OF HOMELAND SECURITY**  
**U. S. CUSTOMS AND BORDER PROTECTION**  
**OFFICE OF PROFESSIONAL RESPONSIBILITY**



**(b) (7)(E)**

**EXHIBIT 14**

**DEPARTMENT OF HOMELAND SECURITY**  
**U. S. CUSTOMS AND BORDER PROTECTION**  
**OFFICE OF INTERNAL AFFAIRS**  
**O F F I C I A L U S E O N L Y**

(b) (6), (b) (7)(C), (b) (7)(E)

Patient: (b) (6), (b) (7)(C)  
Patient Ph: (b) (6), (b) (7)(C)  
Physician: (b) (6), (b) (7)(C)  
MR #: (b) (6), (b) (7)(C)  
Account #: (b) (6), (b) (7)(C)  
Today's Date: 8/25/2017

### General Emergency Department Discharge Instructions

The treatment and evaluation you received have been provided on an emergency basis only and is not intended to be a substitute for, or an effort to provide complete medical care. It is important that you follow up with your primary care provider for ongoing monitoring and intervention. Tell your follow-up physician or clinic that we have sent you. Take a copy of your discharge instructions, which includes a list of your current medications and any new medications prescribed and share this information with them. If you had x-rays, an EKG, or lab tests today, they have been reviewed by your doctor. We will contact you at once if other important findings are noted after further review by our staff. If your symptoms become worse or you do not improve as expected and you are unable to reach your usual health care provider, you should return to the Emergency Department. We are available 24 hours a day. Please make an appointment for further treatment as instructed.

You were treated In the Emergency Department by:

Primary Provider: (b) (6), (b) (7)(C)

The Following Instructions Were Selected for You Today: Head Injury, NOS, Paresthesias, Abrasion, Assault, General

#### Head Injury, NOS

You have been seen for a head injury.

A head injury can happen after something strikes the head or as a result of a fall or other injury. Head injuries can range from mild injuries to more severe injuries. The more severe injuries can result in broken bones or injury to the brain itself. Mild head injuries will show no abnormalities if a CT (CAT) scan of the brain is done.

Although you had an injury to your head, you do not seem to have a serious brain injury.

Head injury symptoms can last from hours to months. The time depends on how bad the injury was. It also depends on whether you've had a concussion in the past. Some problems with a concussion can include: Sleep, memory and concentration problems. They also include chronic (ongoing) headaches and sensitivity to light. These symptoms can happen soon after the concussion. They can also develop slowly over time. They can last up to a year. When this happens, it is called "post concussion syndrome."

If you develop "post-concussive syndrome," you should follow up with your doctor. Your doctor can care for you or provide a referral to a head-injury specialist.

Treatment includes observation at home and pain medicine like acetaminophen (Tylenol®) or ibuprofen (Advil®) or

(b) (6), (b) (7)(C)

8/25/2017 10:51 PM  
Page: 1 of 7



Motrin®). Prescription pain medicine is probably not needed.

You might have a mild headache for a few days.

Over the next 24 hours:

- Stay with family or friends who can watch your behavior.
- Avoid alcohol or drugs.

**YOU SHOULD SEEK MEDICAL ATTENTION IMMEDIATELY, EITHER HERE OR AT THE NEAREST EMERGENCY DEPARTMENT, IF ANY OF THE FOLLOWING OCCURS:**

- Your headache gets worse.
- Your headache pain changes.
- You have fever (temperature higher than 100.4°F / 38°C), neck pain, vision changes, difficulty walking or change of behavior.
- You feel numbness, tingling, weakness in your arms or legs.
- You faint.
- Your vision changes.
- You vomit often or cannot keep medicine down.
- You are confused or have difficulty waking from sleep.

### Paresthasias

You have been seen for paresthasias.

Paresthasia is an abnormal sensation (feeling) in any part of the body. The paresthasia itself has no long-term bad effects. People often describe it as tingling, numbness, burning, or pricking of the skin. Many say it feels like "pins and needles," or like the body part is asleep.

Paresthasias can be a symptom of some illnesses. This means there are many things that can cause paresthasias. The paresthasias can be a sign of an underlying medical condition.

Some causes of paresthasias are:

- Skin Problems: Irritation of skin by certain chemicals. Swelling of the skin from an injury. A burn or frostbite can feel like numbness.
- Pressure on a nerve. This can happen when your arm "falls asleep" from lying on it too long. Carpal tunnel syndrome can do the same thing.
- Hyperventilation (rapid or deep breathing).
- Deficiency in some vitamins and minerals. This includes vitamins B1, B5, and B12.
- Electrolyte problems.
- Diabetic neuropathy (nerve disorders) from long-standing diabetes.
- Problems with circulation.
- Strokes.

You may have had some testing to help find out the cause of your paresthasias.

(b) (6), (b) (7)(C)

We still do not know the cause of your paresthesias. However, it is OK for you to go home. You may need more tests to figure out the cause.

See your primary care doctor or the referral specialist for more work-up and management of your paresthesias.

**YOU SHOULD SEEK MEDICAL ATTENTION IMMEDIATELY, EITHER HERE OR AT THE NEAREST EMERGENCY DEPARTMENT, IF ANY OF THE FOLLOWING OCCUR:**

- Your arms get weak, numb or paralyzed (can't move), especially on one side.
- You have vision loss, trouble speaking or problems thinking.
- Your speech is abnormal or one side of your face droops.
- You lose consciousness ("pass out") or almost lose consciousness.
- You have numbness or tingling after a head, neck or back injury.
- You feel very dizzy or like the room is spinning.
- You have other concerns.

### Abrasion

You have been diagnosed with an abrasion. This is a scrape of the outer skin layers.

Take off old dressings every day. Then put on a clean, dry dressing. If the dressing sticks to the wound, moisten it with water. This way, it can come off more easily.

Keep the wound clean and dry for the next 24 hours. You can wash the wound gently with soap and water. Then put on a dry bandage if needed, to protect it.

Put a thin layer of antibiotic ointment on the wound 2-3 times a day. This can be Polysporin® / triple antibiotic. This can help prevent infection. It may help keep scarring to a minimum.

**YOU SHOULD SEEK MEDICAL ATTENTION IMMEDIATELY, EITHER HERE OR AT THE NEAREST EMERGENCY DEPARTMENT, IF ANY OF THE FOLLOWING OCCURS:**

- Unusual redness or swelling.
- There are red streaks going up the arm or leg.
- The wound smells bad or has a lot of drainage.
- Fever (temperature higher than 100.4°F / 38°C), chills, more pain and / or swelling.

### **Assault, General**

You were seen because there were injuries to parts of your body after you were assaulted (attacked).

Assault means that you were physically attacked with enough violence to cause injuries. The injuries you have are a result of how you were attacked.

Avoid any situations or people that may lead to getting injured again. This might mean making changes to your lifestyle or even filing legal paperwork against your attacker(s).

(b) (6), (b) (7)(C)



You may feel tired or hurt around the injured areas for a few days after you leave the hospital. You can use over-the-counter pain medicines such as acetaminophen (Tylenol®) and medicines called NSAIDS such as ibuprofen (Advil®/Motrin®).

You may have some psychological effects because of your assault. These can include feelings of fear, anger or guilt. It is very important to talk to your primary care doctor about any such concerns.

**YOU SHOULD SEEK MEDICAL ATTENTION IMMEDIATELY, EITHER HERE OR AT THE NEAREST EMERGENCY DEPARTMENT, IF ANY OF THE FOLLOWING OCCUR:**

- Your chest hurts a lot or you get short of breath.
- You have serious abdominal (belly) pain or you vomit (throw up) blood.
- You cough up blood.
- You lose consciousness (pass out).
- You feel more confused or tired.
- You have a strong headache or a headache that doesn't go away with pain medicine.
- You feel like you may hurt yourself or others.

If you can't follow up with your doctor, or if at any time you feel you need to be rechecked or seen again, come back here or go to the nearest emergency department.

**,Acetaminophen-Codeine (Tylenol #3) 300 mg-30 mg Tablet Acetaminophen-Codeine (Tylenol #3) 300 mg-30 mg Tablet**

You have been given a medication that contains acetaminophen and codeine.

- This medication is used to relieve pain.
- DO NOT take this medication if you have liver disease or drink alcohol on a daily basis.
- DO NOT take this medication if you are taking other over-the-counter medications that contain Tylenol or acetaminophen (the active ingredient in Tylenol).
- If you have side-effects that you think are caused by this medicine, tell your doctor. Two very common side-effects are constipation and nausea.
- DO NOT drink alcoholic beverages while taking this medicine.
- If you become dizzy, sit or lie down at the first signs. You should be careful going up and down stairs.
- Keep this medication out of the reach of children. Always keep this medication in child-proof containers. DO NOT give your medication to anyone else.
- If you are pregnant or breast feeding, notify your doctor before taking this medication.

This medication can be HABIT-FORMING. Discontinue use when no longer needed and never give this medication to others.

You have been given a medication, or a prescription for a medication, that causes drowsiness or dizziness. DO NOT drive a car, operate machinery, or perform jobs that require you to be alert until you know how you are going to react to this medicine.

THESE INSTRUCTIONS ARE NOT COMPREHENSIVE (complete): Ask your pharmacist for additional information and

(b) (6), (b) (7)(C)



precautions for this medication.

**Follow Up Information:**

Follow up with Your Physician in 3-5 days. Call as soon as possible to arrange.

Follow up with (b) (6), (b) (7)(C) in 3-5 days. Call as soon as possible to arrange.

Follow up with (b) (6), (b) (7)(C) in 3-5 days. Call as soon as possible to arrange.

**What To Do:**

- Take this sheet with you when you go to your follow-up visit.
- If you have any problem arranging the follow-up visit, contact the Emergency Department immediately.
- Take all medications as directed.

**Studies Done In the Emergency Department:**

- There are occasions where additional lab tests return, such as a culture result or an X-ray or EKG - is further reviewed after you are discharged. If a change in your diagnosis or treatment is indicated, we will attempt to contact you. It is critical that we have a current phone number for you.
- If you have received any radiology testing today, please note that the x-ray has been read by your ED physician. A final reading by a Radiologist will be completed and you will be notified by the Emergency Department staff of any additional findings. If you need a copy of your x-ray for your follow-up appointment, please contact the Imaging Department at (b) (6), (b) (7)(C) to have images ready for pickup.
- Culture Reports - If you had cultures drawn you will be notified of your culture results only if further treatment is recommended by the ED Physician. You may also obtain these results by visiting our Patient Portal website found at (b) (6), (b) (7)(C) and activating you personalized account. For assistance with the Patient Portal, please call (b) (6), (b) (7)(C)

If you are unable to obtain these results through our Patient Portal, you may obtain a copy of your culture results from our medical records department Monday - Friday 9AM-4PM. To speak with someone in the medical records department please call (b) (6), (b) (7)(C) Results will not be given out over the phone.

**Additional Information or Instructions:**

**Prescriptions Written:**

Acetaminophen-Codeine (Tylenol #3) 300 mg-30 mg Tablet, Take one to two (1-2) tablets every 6 hours as needed for pain. Caution: may cause sedation. Dispense Ten (10).

(b) (6), (b) (7)(C)

Prescriber: (b) (6), (b) (7)(C)

Paper Prescription given to patient

*If side effects develop, such as a rash, difficulty breathing, or a severe upset stomach, stop the medication and call your doctor or the Emergency Department.*

**Preventative Health Instructions:**

The care you received in the emergency department has been done on an emergency basis only and is not intended to be a substitute for regular medical care. If your condition or symptoms persist or get worse at any time, you should return to the emergency department if you're unable to contact your own physician. Please understand that although we may not have determined a specific cause of your symptoms today, further evaluation may be necessary. It is important to get a primary care provider (doctor, PA, or nurse practitioner) for follow up as well as ongoing healthcare needs.

The following information is provided for you as education regarding preventative health care and follow up from your emergency department visit:

Regular exercise, good diet and adequate fluid intake are very important for general health maintenance. Please discuss these with your primary care doctor to develop a plan specific to your needs.

**SMOKING CESSATION:**

Smoking is related to many diseases including Pneumonia, Bronchitis, Emphysema, Various Cancers, Heart Attack, and Stroke. If you are a smoker, we encourage you to quit. There are many methods to help you quit. Please discuss these options with your primary care physician, your clinic, or go online to the American Lung Association at [www.lungusa.org](http://www.lungusa.org) and double click the Quit Smoking icon in the tabs at the top of the page.

**IMMUNIZATIONS:**

Vaccines are available for vaccine preventable diseases including Hepatitis A and B, Diphtheria, Tetanus, Pertusis, Haemophilus Influenzae, Polio, Measles, Mumps, Rubella, Varicella (chicken Pox), Pneumococcal and Influenza. It is important to keep children up to date on their immunization schedule to help prevent the spread of these diseases. If you have children, please discuss their immunization schedule with the child's primary care physician or clinic. If you are in (b) (6), (b) (7)(C) or in (b) (6), (b) (7)(C) for more information.

**ABUSE:**

No one deserves physical or emotional abuse. If you are the victim of abuse; either physical, sexual, or psychological, help is available. Please discuss any concerns you have with your ED physician, your primary care physician, or your clinic. Hope Alliance is an organization with the sole purpose of assisting those affected by domestic abuse and violence. Please call their hotline at 1-800-460-SAFE (7223) or 512-255-1212 or online to [www.wccc.info](http://www.wccc.info)

(b) (6), (b) (7)(C)



**MENTAL HEALTH CRISIS INFORMATION:**

If you are experiencing a mental health emergency call, 1-800-841-1255 anytime for immediate assistance.

**SEAT BELTS:**

Seat belts save lives. Each percentage-point increase in safety belt use represents 2.8 million more people buckling up, 250 more lives saved, and 6,400 serious injuries prevented annually. We encourage everyone to use your safety belt correctly and restrain children appropriately. Please go to [www.rntsa.dot.gov](http://www.rntsa.dot.gov) for more information.

**SATISFACTION SURVEY REMINDER:**

Your satisfaction is very important to us. You may receive a telephone call from The Gallup Organization asking you a short list of questions regarding the services you received while at (b) (6), (b) (7)(C). We sincerely hope that you are "always very satisfied" with your experience at (b) (6), (b) (7)(C).

**BILLING REMINDER:**

Your personal physician or other physicians providing you with services related to your hospital stay or visit will bill you separately. This can include fees related to hospitalists (i.e. the physician who may have managed your care while in our facility) and specialists (e.g. anesthesiologists, pathologists, radiologists, cardiologists, pulmonologists). Independent laboratory or radiology services will also bill you separately for reading and interpreting EKG's, X-rays, EEG's and lab work. If you have questions about those bills, please call the number printed on your statements. You will receive separate bill for the services rendered to you by the attending physician in the emergency department from (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) Please contact the physician's billing office regarding any questions you may have concerning the physician services or your statement. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

If your blood pressure measured over 119/79 during your emergency department visit, you should have your blood pressure re-checked with your regular provider or the referral provider within 4 weeks. Hypertension is a common, but serious, illness that should be monitored closely.

I, (b) (6), (b) (7)(C) understand the instructions and will arrange for follow-up care.

\_\_\_\_\_  
PATIENT/REPRESENTATIVE SIGNATURE

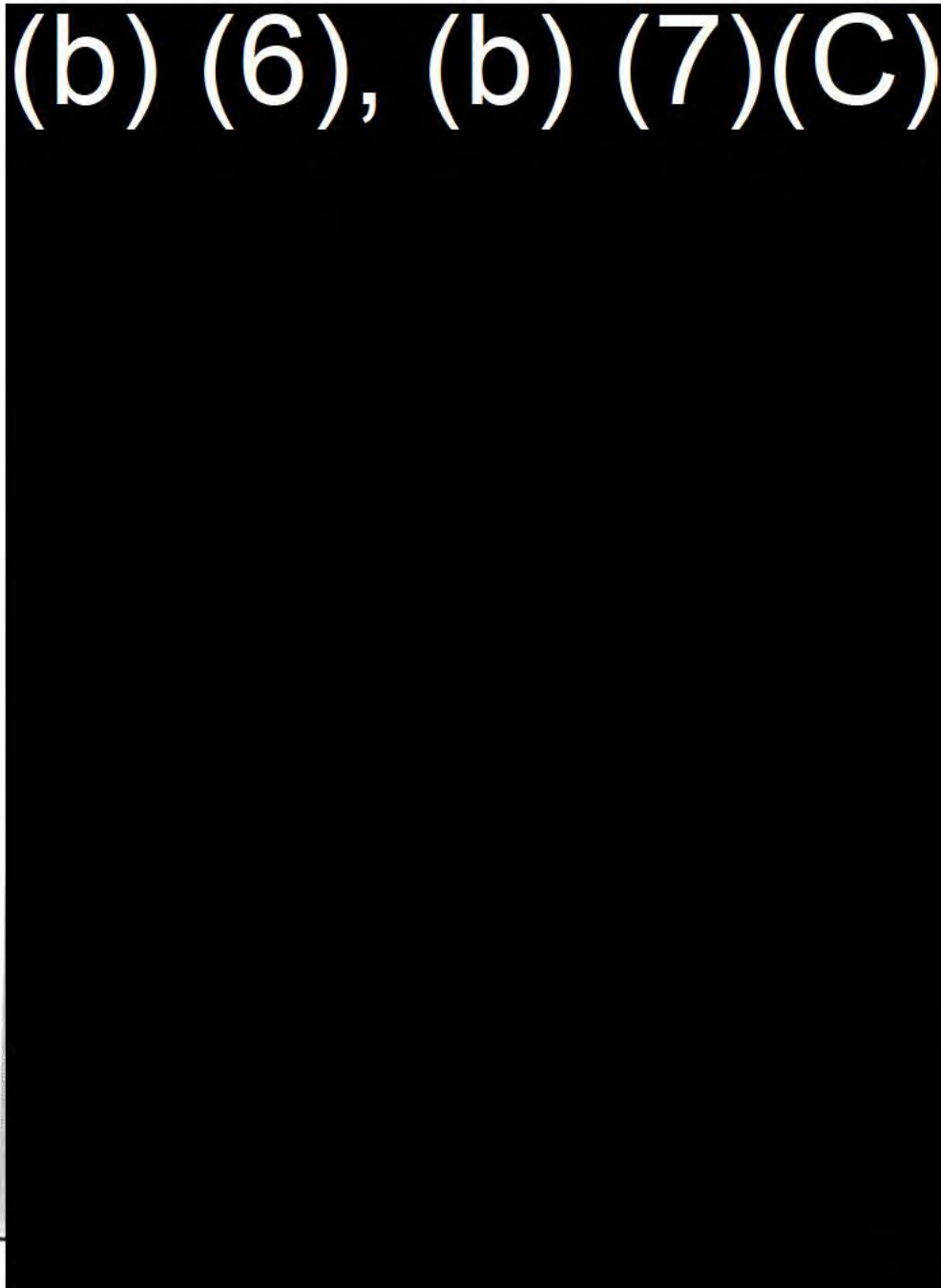
\_\_\_\_\_  
STAFF SIGNATURE

\_\_\_\_\_  
Date/Time

(b) (6), (b) (7)(C)



**(b) (6), (b) (7)(C)**



**From:**  
**To:**  
**Cc:**

(b) (6), (b) (7)(C), (b) (7)(E)

**Subject:** FW: ACTION: Management Referral (b) (6), (b) (7)(C), (b) (7)(E)

**Date:** Friday, November 03, 2017 2:45:33 PM

**Attachments:** [Initial ROI.pdf](#)  
[Third Party Statement \(b\) \(6\), \(b\) \(7\)\(C\).pdf](#)

(b) (6), (b) (7)(C)

After obtaining a third party statement and reviewing this incident, management determined to close this out with no further action.

(b) (7)(E)

Please draft the closeout letter.

Thanks,

(b) (6), (b) (7)(C)

Assistant Port Director

(b) (7)(E)

Customs and Border Protection

(b) (6), (b) (7)(C) desk

cell

**From:** (b) (6), (b) (7)(C)

**Sent:** Tuesday, October 24, 2017 1:13 PM

**To:**

(b) (6), (b) (7)(C)

**Cc:**

(b) (6), (b) (7)(C), (b) (7)(E)

**Subject:** FW: Management Referral (b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)

Attached for your review and action is (b) (7)(E) a PAX COMPLAINT against CBPO

(b) (6), (b) (7)(C)

Thanks

(b) (6), (b) (7)(C)

Assistant Director, Field Operations

Mission Support

(b) (7)(E)

Voice: (b) (6), (b) (7)(C)

Fax:

Mobile: (b) (6), (b) (7)(C)

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**From:** (b) (6), (b) (7)(C)

**Sent:** Monday, October 23, 2017 8:13 PM

**To:** (b) (7)(E)

**Subject:** Management Referral (b) (6), (b) (7)(C), (b) (7)(E)

Good evening (b) (7)(E)

Attached please find (b) (7)(E). Please note that although (b) (6), (b) (7)(C) has a significant past, there is no prior discipline on record. His case was dismissed and his discipline was reversed by an arbitrator. After reviewing the materials, it seems as though, the traveler didn't decide to file a complaint until he learned of CBPO (b) (6), (b) (7)(C) indictment. I recommend issuing a third party notice to Officer (b) (6), (b) (7)(C) and getting a statement from him regarding the encounter with this traveler.

Thank you,

(b) (6), (b) (7)(C)

*Labor and Employee Relations Specialist*

(b) (6), (b) (7)(C)


*U.S. Customs & Border Protection*

(b) (6), (b) (7)(C)

*Your feedback is important to us! Click [here](#) to let us know how we're doing.*



 <p><b>DEPARTMENT OF HOMELAND SECURITY</b> <b>Customs and Border Protection</b></p> <p><b>REPORT OF INVESTIGATION</b></p>		<p><b>1. CASE NUMBER</b> <b>(b) (7)(E)</b></p> <p><b>PREPARED BY</b> <b>(b) (6), (b) (7)(C)</b></p> <p><b>2. REPORT NUMBER</b> 001</p>
<p><b>3. TITLE</b> <b>(b) (6), (b) (7)(C), (b) (7)(E)</b> CBP OFFICER/1610 General Misconduct-Other Non-criminal <b>(b) (7)(E)</b></p>		
<p><b>4. FINAL RESOLUTION</b></p>		
<p><b>5. STATUS</b> Initial Report</p>	<p><b>6. TYPE OF REPORT</b> Allegation</p>	<p><b>7. RELATED CASES</b> <b>(b) (7)(E)</b></p>
<p><b>8. TOPIC</b> Civilian alleged CBPO was aggressive and stared at him in a hostile manner</p>		
<p><b>9. SYNOPSIS</b> On October 3, 2017, the Joint Intake Center (JIC), Washington D.C., received an email from Supervisory U.S. Customs and Border Protection (CBP) Officer (SCBPO) <b>(b) (6), (b) (7)(C), (b) (7)(E)</b> <b>(b) (7)(E)</b> regarding a complaint made by <b>(b) (6), (b) (7)(C)</b> a civilian. <b>(b) (6), (b) (7)(C)</b> alleged that CBP Officer (CBPO) <b>(b) (6), (b) (7)(C), (b) (7)(E)</b> was aggressive, stared at him in a hostile manner and lied about <b>(b) (6), (b) (7)(C)</b> being aggressive in order to escalate the situation. It was also reported that <b>(b) (6), (b) (7)(C)</b> subsequently conducted a Google search of CBPO <b>(b) (6), (b) (7)(C)</b> which revealed an off-duty fatal shooting involving CBPO <b>(b) (6), (b) (7)(C)</b> that occurred in February 2005.</p>		
<p><b>10. CASE OFFICER (Print Name &amp; Title)</b> <b>(b) (6), (b) (7)(C)</b> Joint Intake Specialist</p>	<p><b>11. COMPLETION DATE</b> 10-OCT-2017</p>	<p><b>14. ORIGIN OFFICE</b> Joint Intake Center</p>
<p><b>12. APPROVED BY (Print Name &amp; Title)</b> <b>(b) (6), (b) (7)(C)</b> Joint Intake Specialist</p>	<p><b>13. APPROVED DATE</b> 11-OCT-2017</p>	<p><b>15. TELEPHONE NUMBER</b> No Phone Number</p>
<p><small>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</small></p>		
<p><small>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</small></p>		

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	1. CASE NUMBER <b>(b) (7)(E)</b>
	PREPARED BY <b>(b) (6), (b) (7)(C)</b>
	2. REPORT NUMBER 001

**10. NARRATIVE**  
NONE

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION Exhibit List</p>	1. CASE NUMBER (b) (7)(E)
	PREPARED BY (b) (6), (b) (7)(C)
	2. REPORT NUMBER 001

None



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**From:** (b) (6), (b) (7)(C)  
**Sent:** Tuesday, October 3, 2017 1:56 AM  
**To:** JOINT INTAKE  
**Subject:** FW: ACTION: Complaint re: CBPO (b) (6), (b) (7)(C)  
**Attachments:** (b) (7)(E).pdf

JIC,  
Please see attached passenger complaint regarding his experience with a CBP Officer upon entry at (b) (7)(E). Following his experience with CBP, the passenger used a search engine and uncovered information about the CBP Officer regarding a past arrest and acquittal for Murder.

Thank you,  
(b) (6), (b) (7)(C)  
Section Chief  
(b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C)  
**Sent:** Monday, October 02, 2017 9:22:44 PM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** FW: ACTION: Complaint re: CBPO (b) (6), (b) (7)(C)

SC (b) (6), (b) (7)(C)

FYI. Please work with (b) (6), (b) (7)(C) on this.

(b) (6), (b) (7)(C)  
Assistant Port Director  
(b) (7)(E)  
Customs and Border Protection  
(b) (6), (b) (7)(C) desk  
(b) (6), (b) (7)(C) cell

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**From:** (b) (6), (b) (7)(C)  
**Sent:** Monday, October 2, 2017 10:54 AM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** ACTION: Complaint re: CBPO (b) (6), (b) (7)(C)

PSM (b) (6), (b) (7)(C)

Please see attached complaint for your action. This will require bullets on the inspection of the pax, statements from the officer and witnesses, including managers, etc. Once compiled, send all docs to WC (b) (6), (b) (7)(C) for appropriate disciplinary action and cc this distro.

Thanks,

Thanks,

(b) (6), (b) (7)(C)

Assistant Port Director

(b) (7)(E)

Customs and Border Protection

(b) (6), (b) (7)(C) desk

cell

(b) (6), (b) (7)(C)

RECEIVED  
SEP 27 REC'D  
*WR*

September 19, 2017

(b) (6), (b) (7)(C)

Acting Port Director, U.S. Customs and Border Protection ("CBP")

(b) (6), (b) (7)(C), (b) (7)(E)

Re: An encounter with your officer who may have shot an unarmed man in the head

Dear Director (b) (6), (b) (7)(C)

I flew into (b) (6), (b) (7)(C), (b) (7)(E) on September 6 on a (b) (6), (b) (7)(C) flight from (b) (6), (b) (7)(C). Upon landing, the flight attendants asked us to have our passports in hand for CBP officers who would be meeting the flight. This often means that your officers are waiting to arrest a totally bad ass fugitive who's on the flight. However, in this case, the welcoming party was for me, a U.S. citizen and attorney with no criminal record.

Exiting the jetbridge, I was met by Officer (b) (6), (b) (7)(C) who began to question me. I informed Officer (b) (6), (b) (7)(C) that I don't answer questions from law enforcement officers. You may think that's an antagonistic response, but I believe that answering questions from police officers is generally a bad idea. I advise my clients not to answer questions from law enforcement agents, and this is my personal policy as well. (Spoiler alert: CBP officers don't like it).

Officer (b) (6), (b) (7)(C) was professional and courteous at all times. He was accompanied by Officer (b) (6), (b) (7)(C) an older (b) (6), (b) (7)(C) officer. They led me on the "walk of shame" from the arrival gate to the baggage claim area. We had a pleasant conversation during the walk about the constitutional rights of U.S. citizens when re-entering the country. We didn't agree on everything, but the interaction was cordial.

While waiting for my luggage, I had an odd encounter with Officer (b) (6), (b) (7)(C) who previously had been quite friendly and courteous. In the midst of a polite conversation, he suddenly told me to "Shut up!" and asked "Do you want this to go sideways?" and added, "If you get aggressive with me again I'll put you in handcuffs." Then he stared at me in a hostile manner.



Officer (b) (6), (b) (7)(C) seemed quite agitated. It was strange. I hadn't been aggressive with him at all. It seemed he was fabricating "aggressiveness" on my part in order to escalate the encounter.

My instinct was to do what Officer (b) (6), (b) (7)(C) told me to do. I shut up. He calmed down.

After I collected my luggage, we all walked to the secondary inspection area. Officers (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) inspected my baggage, tried to get me to answer questions, and then let me go after about ninety minutes. Pretty routine stuff.

Upon returning home to (b) (6), (b) (7)(C) I couldn't shake the feeling that there was something odd about Officer (b) (6), (b) (7)(C). He was cordial most of the time, but he briefly snapped by lying about my "aggressiveness" and threatening to place me in handcuffs for no reason. Something was off about him.

On a hunch, I googled (b) (6), (b) (7)(C), (b) (7)(E) Holy shit.

I learned the following: In 2005, an off duty (b) (6), (b) (7)(C) CBP Officer at (b) (7)(E) named (b) (6), (b) (7)(C) shot and killed an unarmed 20 year-old college student named (b) (6), (b) (7)(C). Apparently, (b) (6), (b) (7)(C) and three friends were walking through Officer (b) (6), (b) (7)(C) apartment complex at night and they were making noise. College students sometimes do that.

Officer (b) (6), (b) (7)(C) heard the noise outside his apartment. He could have called the police. He could have shouted "Hey, keep it down!" He could have just ignored the noise and gone back to sleep.

Instead, Officer (b) (6), (b) (7)(C) went outside in his pajamas with his CBP duty weapon and confronted the young men. According to witnesses, he said "You don't want to fuck with a cop do you?" Then he pistol whipped one of the men and knocked him down. When (b) (6), (b) (7)(C) stepped between Officer (b) (6), (b) (7)(C) and his friends to shield them, Officer (b) (6), (b) (7)(C) shot (b) (6), (b) (7)(C) in the head.

Did Officer (b) (6), (b) (7)(C) call the police to report this shooting? No. Did he provide medical attention to (b) (6), (b) (7)(C)? No. He walked back into his apartment. His neighbors called the police. About five minutes later, Officer (b) (6), (b) (7)(C) opened his apartment door, with his gun still in his hand, and yelled at his neighbors to "Shut up!"

Officer (b) (6), (b) (7)(C) was indicted by a grand jury and charged with murder. He was tried before a judge, who ruled that he was not guilty, because his gun must have accidentally discharged while he was pointing it directly at (b) (6), (b) (7)(C) head.

The 2009 news articles about Officer (b) (6), (b) (7)(C) acquittal say that he hoped to return to work for CBP at (b) (6), (b) (7)(C). I don't know if he ever did. Perhaps the (b) (6), (b) (7)(C) year-old (b) (6), (b) (7)(C) who threatened to escalate my secondary inspection to the point of handcuffing is not the same (b) (6), (b) (7)(C) who walked outside his apartment with a gun to confront noisemakers in 2005.



Maybe the Officer (b) (6), (b) (7)(C) who asked me "Do you want this to go sideways?" is not the same Officer (b) (6), (b) (7)(C) who asked four young men "You don't want to fuck with a cop do you?" before pistol-whipping one of them. Maybe the Officer (b) (6), (b) (7)(C) who falsely accused me of being "aggressive" is not the same Officer (b) (6), (b) (7)(C) who claimed those four men became aggressive when he confronted them with his weapon. Maybe the Officer (b) (6), (b) (7)(C) who told me to "Shut up!" is not the same Officer (b) (6), (b) (7)(C) who emerged from his apartment to tell neighbors to "Shut up!" after he shot and killed (b) (6), (b) (7)(C)

You probably know if it's the same guy. If it is, I appreciate that he was found not guilty of murder, that the incident took place outside work, and that he's probably a member of a pesky labor union. CBP's lawyers must have told the agency to reinstate a killer to his job.

However, you have an obligation to (b) (7)(E) passengers to do what you can to keep them safe. Given Officer (b) (6), (b) (7)(C) history of exercising spectacularly bad judgment by escalating a harmless noise issue to the point of shooting an unarmed man in the head with his CBP duty weapon, I suggest that you do everything possible to keep him away from the public. Assign him to inspect cargo. Or, at a minimum, keep him confined to the primary inspection booth, where his encounters with passengers will be limited to brief questioning separated by a physical partition.

Officer (b) (6), (b) (7)(C) shouldn't be conducting secondary inspections, which sometimes become contentious. He apparently perceives mild-mannered disagreement from passengers as "aggressiveness" warranting threats of handcuffing. He shouldn't be meeting targeted passengers at the gate, nor handling any stressful matters that might result in him snapping again and "accidentally" executing another unarmed person.

Thank you for taking the time to read my letter. I plan to fly into (b) (6), (b) (7)(C) again next month after visiting (b) (6), (b) (7)(C) If you must have armed officers meet me at the gate again, please send someone without such a volatile and violent disposition.

Cordially,

(b) (6), (b) (7)(C)

cc: (b) (6), (b) (7)(C) Director of Field Operations  
(b) (6), (b) (7)(C) Office of Professional Responsibility



**U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
Person Encounter Detail**

10/10/2017 18:17 EDT

Page 1 of 1

Encounter Person Detail				
<b>(b) (6), (b) (7)(C)</b>				
Last Name	First Name	Middle Initial	Gender	Date of Birth
<b>(b) (6), (b) (7)(C)</b>			M	<b>(b) (6), (b) (7)(C)</b>
Document Number	Document Type	Document Country	Class of Admission	Admit Until Date
<b>(b) (6), (b) (7)(C)</b>	PASSPORT	UNITED STATES		
Encounter Person Detail				
Encounter Line Type	Encounter Date	Encounter Time	Terminal Lane	Site/Encounter Location
ADVANCED PASSENGER RECORD	09/06/2017	10:48		<b>(b) (7)(E)</b>
Inbound/Outbound	Inspector	Primary Query Result	Referred To Agency	
INBOUND	<b>(b) (6), (b) (7)(C), (b) (7)(E)</b>			
Manifest Data				
Manifest Indicator	Passenger Status	Flight/Vessel Number	Departure Location	
C	ON BOARD	<b>(b) (6), (b) (7)(C)</b>	<b>(b) (6), (b) (7)(C)</b>	
Transmitted By	Carrier Code	Arrival Location		
<b>(b) (7)(E)</b>	CX	<b>(b) (6), (b) (7)(C), (b) (7)(E)</b>		





**U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
TECS - (b) (7)(E)**

10/10/2017 18:15 PM EDT

Page 1 of 10

TECS RECORD ID: (b) (7)(E)

**IMAGE INFORMATION - PART I (0)**

**PERSON SUBJECT QUERY DETAILS INFORMATION**

<b>Tecs Record ID</b>	<b>Entry Date</b>	<b>Update Date</b>
(b) (7)(E)	06/07/2015	11/15/2015
<b>Record Status</b>	<b>Category</b>	
(b) (7)(E)		

**Query Notification**

(b) (7)(E)

<b>Primary Action</b>	<b>Start Date</b>	<b>Stop Date</b>
-----------------------	-------------------	------------------

0 - NOT ON PRIMARY

<b>Last Name</b>	<b>First Name</b>	<b>Middle Name</b>
------------------	-------------------	--------------------

(b) (6), (b) (7)(C)

**Alias (0)**

<b>Approval Status</b>	<b>Hispanic Indicator</b>
------------------------	---------------------------

Y - Approved

N - NOT OF HISPANIC OR LATINO ORIGIN

<b>Date of Birth (1)</b>	<b>Race (1)</b>	<b>Gender (1)</b>
--------------------------	-----------------	-------------------

1) (b) (6), (b) (7)(C)

1) W - WHITE

1) MALE

<b>No Fly Indicator</b>	<b>Selectee Indicator</b>
-------------------------	---------------------------

(b)(3), (b) (7)(E)

**REMARKS INFORMATION (2)**

No	Date	Remarks
1	06/07/2015	(b) (7)(E)
2	06/07/2015	(b) (7)(E)

**PERSONAL DATA INFORMATION**

<b>Nickname (0)</b>	<b>Hair (0)</b>	<b>Eyes (0)</b>
---------------------	-----------------	-----------------

<b>Height</b>	<b>Weight</b>	<b>Units</b>	<b>Scars/Marks/Tattoos</b>
000-000	000-000	ENGLISH	

**PERSONAL IDENTIFICATION INFORMATION**

<b>Citizenship (1)</b>	<b>SSN (0)</b>	<b>Residency Status</b>
------------------------	----------------	-------------------------

1) USA - UNITED STATES



**U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
TECS - (b) (7)(E)**

10/10/2017 18:15 PM EDT

Page 2 of 10

BIRTH PLACE INFORMATION (1)				
No	Country	State	City	
1	USA - UNITED STATES	(b) (6), (b) (7)(C)		
ALIEN INFORMATION (0)				
EXCLUSION INFORMATION (0)				
PASSPORT INFORMATION (0)				
ADDRESS INFORMATION (0)				
DRIVERS' LICENSE INFORMATION (0)				
PHONE INFORMATION (0)				
ALTERNATE COMMUNICATION INFORMATION (0)				
MISCELLANEOUS INFORMATION (0)				
CRIMINAL AFFILIATION INFORMATION (0)				
CONTACT INFORMATION				
Organization	Full Name	Telephone		
CBP FIELD OPS - (b) (7)(E)	(b) (6), (b) (7)(C)			
CASE NUMBER INFORMATION (0)				
FINGER PRINT INFORMATION				
No	Left	Description	Right	Description
	Code		Code	
1				
2				
3				
4				
5				
SPOUSE INFORMATION (0)				
WARRANT INFORMATION (0)				
ATF PROFILE INFORMATION (0)				
BAGGAGE DECLARATION (CF6059) INFORMATION (0)				
FINANCIAL INFORMATION (0)				
EMPLOYMENT INFORMATION (0)				
PILOT LICENSE INFORMATION (0)				
IMAGE INFORMATION - PART II (0)				



**U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
TECS - (b) (7)(E)**

10/10/2017 18:15 PM EDT

Page 3 of 10

TECS RECORD ID: (b) (7)(E)

**IMAGE INFORMATION - PART I (0)**

**PERSON SUBJECT QUERY DETAILS INFORMATION**

Tecs Record ID	Entry Date	Update Date
(b) (7)(E)	08/04/2015	06/05/2017
Record Status	Category	
(b) (7)(E)		

**Query Notification**

(b) (7)(E)

Primary Action	Start Date	Stop Date
(b) (7)(E)	08/04/2015	08/03/2016
Last Name	First Name	Middle Name

(b) (6), (b) (7)(C)

**Alias (0)**

Approval Status	Hispanic Indicator
Y - Approved	N - NOT OF HISPANIC OR LATINO ORIGIN

Date of Birth (1)	Race (1)	Gender (1)
1) (b) (7)(E)	1) W - WHITE	1) MALE

No Fly Indicator	Selectee Indicator
(b)(3), (b) (7)(E)	

**REMARKS INFORMATION (1)**

No	Date	Remarks
1	06/05/2017	(b) (7)(E)

**PERSONAL DATA INFORMATION**

Nickname (0)	Hair (0)	Eyes (0)	
Height	Weight	Units	Scars/Marks/Tattoos
		ENGLISH	

**PERSONAL IDENTIFICATION INFORMATION**

Citizenship (1)	SSN (0)	Residency Status
1) USA - UNITED STATES		

**BIRTH PLACE INFORMATION (1)**

No	Country	State	City
1	USA - UNITED STATES	(b) (6), (b) (7)(C)	

**ALIEN INFORMATION (0)**





**U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
TECS - (b) (7)(E)**

10/10/2017 18:15 PM EDT

Page 4 of 10

<b>EXCLUSION INFORMATION (0)</b>				
<b>PASSPORT INFORMATION (0)</b>				
<b>ADDRESS INFORMATION (0)</b>				
<b>DRIVERS' LICENSE INFORMATION (0)</b>				
<b>PHONE INFORMATION (0)</b>				
<b>ALTERNATE COMMUNICATION INFORMATION (0)</b>				
<b>MISCELLANEOUS INFORMATION (1)</b>				
<b>No</b>	<b>Misc Number</b>			<b>Type</b>
1	(b) (7)(E)			
<b>CRIMINAL AFFILIATION INFORMATION (1)</b>				
<b>No</b>	<b>Criminal Affiliation</b>			<b>Date</b>
1	NO GANG INVOLVEMENT			
<b>CONTACT INFORMATION</b>				
<b>Organization</b>		<b>Full Name</b>	<b>Telephone</b>	
		(b) (6), (b) (7)(C), (b) (7)(E)		
<b>CASE NUMBER INFORMATION (0)</b>				
<b>FINGER PRINT INFORMATION</b>				
<b>No</b>	<b>Left</b>		<b>Right</b>	
	<b>Code</b>	<b>Description</b>	<b>Code</b>	<b>Description</b>
1				
2				
3				
4				
5				
<b>SPOUSE INFORMATION (0)</b>				
<b>WARRANT INFORMATION (0)</b>				
<b>ATF PROFILE INFORMATION (0)</b>				
<b>BAGGAGE DECLARATION (CF6059) INFORMATION (0)</b>				
<b>FINANCIAL INFORMATION (0)</b>				
<b>EMPLOYMENT INFORMATION (0)</b>				
<b>PILOT LICENSE INFORMATION (0)</b>				
<b>IMAGE INFORMATION - PART II (0)</b>				



**U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
TECS - (b) (7)(E)**

10/10/2017 18:15 PM EDT

Page 5 of 10

TECS RECORD ID (b) (7)(E)

**IMAGE INFORMATION - PART I (0)**

**PERSON SUBJECT QUERY DETAILS INFORMATION**

<b>Tecs Record ID</b>	<b>Entry Date</b>	<b>Update Date</b>
-----------------------	-------------------	--------------------

(b) (7)(E)	09/04/2007	09/04/2007
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<b>Record Status</b>	<b>Category</b>
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(b) (7)(E)	
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**Query Notification**

(b) (7)(E)

<b>Primary Action</b>	<b>Start Date</b>	<b>Stop Date</b>
-----------------------	-------------------	------------------

(b) (7)(E)		
------------	--	--

<b>Last Name</b>	<b>First Name</b>	<b>Middle Name</b>
------------------	-------------------	--------------------

(b) (6), (b) (7)(C)		
---------------------	--	--

**Alias (0)**

<b>Approval Status</b>	<b>Hispanic Indicator</b>
------------------------	---------------------------

	N - NOT OF HISPANIC OR LATINO ORIGIN
--	--------------------------------------

<b>Date of Birth (1)</b>	<b>Race (1)</b>	<b>Gender (1)</b>
--------------------------	-----------------	-------------------

1) (b) (6), (b) (7)(C)	1) W - WHITE	1) MALE
------------------------	--------------	---------

<b>No Fly Indicator</b>	<b>Selectee Indicator</b>
-------------------------	---------------------------

(b)(3), (b) (7)(E)	
--------------------	--

**REMARKS INFORMATION (0)**

**PERSONAL DATA INFORMATION**

<b>Nickname (0)</b>	<b>Hair (0)</b>	<b>Eyes (0)</b>
---------------------	-----------------	-----------------

--	--	--

<b>Height</b>	<b>Weight</b>	<b>Units</b>	<b>Scars/Marks/Tattoos</b>
---------------	---------------	--------------	----------------------------

		ENGLISH	
--	--	---------	--

**PERSONAL IDENTIFICATION INFORMATION**

<b>Citizenship (1)</b>	<b>SSN (0)</b>	<b>Residency Status</b>
------------------------	----------------	-------------------------

1) USA - UNITED STATES		
------------------------	--	--

**BIRTH PLACE INFORMATION (0)**

**ALIEN INFORMATION (0)**

**EXCLUSION INFORMATION (0)**

**PASSPORT INFORMATION (0)**



**U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
TECS - (b) (7)(E)**

10/10/2017 18:15 PM EDT

Page 6 of 10

ADDRESS INFORMATION (1)				
No	Entered Address		Standardized Address	
1	Address Date	Street	House Number	Rural Route
	09/04/2007	(b) (6), (b) (7)(C)		
	Apt/Suite	City	PO Box Number	Prefix
		(b) (6), (b) (7)(C)		
	State	Country	Street Name	Suffix
	(b) (6), (b) (7)(C)	USA - UNITED STATES	(b) (6), (b) (7)(C)	
	Zip	Type	Directional	Carrier Route
	(b) (6), (b) (7)(C)	1		
			APT Number	City
				(b) (6), (b) (7)(C)
		State	Country	
		(b) (6), (b) (7)(C)	US	
		Zip		
		(b) (6), (b) (7)(C)		
DRIVERS' LICENSE INFORMATION (0)				
PHONE INFORMATION (0)				
ALTERNATE COMMUNICATION INFORMATION (0)				
MISCELLANEOUS INFORMATION (0)				
CRIMINAL AFFILIATION INFORMATION (0)				
CONTACT INFORMATION				
Organization		Full Name	Telephone	
		(b) (6), (b) (7)(C), (b) (7)(E)		
CASE NUMBER INFORMATION (0)				
FINGER PRINT INFORMATION				
No	Left		Right	
	Code	Description	Code	Description
1				
2				
3				
4				
5				
SPOUSE INFORMATION (0)				
WARRANT INFORMATION (0)				
ATF PROFILE INFORMATION (0)				





U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
TECS - (b) (7)(E)

10/10/2017 18:15 PM EDT

Page 7 of 10

BAGGAGE DECLARATION (CF6059) INFORMATION (0)
FINANCIAL INFORMATION (0)
EMPLOYMENT INFORMATION (0)
PILOT LICENSE INFORMATION (0)
IMAGE INFORMATION - PART II (0)



**U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
TECS - (b) (7)(E)**

10/10/2017 18:15 PM EDT

Page 8 of 10

TECS RECORD ID: (b) (7)(E)

**IMAGE INFORMATION - PART I (0)**

**PERSON SUBJECT QUERY DETAILS INFORMATION**

Tecs Record ID	Entry Date	Update Date
(b) (7)(E)	09/27/2007	09/27/2007

Record Status	Category
(b) (7)(E)	

**Query Notification**

(b) (7)(E)

Primary Action	Start Date	Stop Date
(b) (7)(E)		

Last Name	First Name	Middle Name
(b) (6), (b) (7)(C)		

(b) (6), (b) (7)(C)

**Alias (0)**

Approval Status	Hispanic Indicator
	N - NOT OF HISPANIC OR LATINO ORIGIN

Date of Birth (1)	Race (1)	Gender (1)
1) (b) (6), (b) (7)(C)	1) W - WHITE	1) MALE

No Fly Indicator	Selectee Indicator
(b)(3), (b) (7)(E)	

**REMARKS INFORMATION (0)**

**PERSONAL DATA INFORMATION**

Nickname (0)	Hair (0)	Eyes (0)

Height	Weight	Units	Scars/Marks/Tattoos
		ENGLISH	

**PERSONAL IDENTIFICATION INFORMATION**

Citizenship (1)	SSN (0)	Residency Status
1) USA - UNITED STATES		

**BIRTH PLACE INFORMATION (0)**

**ALIEN INFORMATION (0)**

**EXCLUSION INFORMATION (0)**

**PASSPORT INFORMATION (0)**



**U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
TECS - (b) (7)(E)**

10/10/2017 18:15 PM EDT

Page 9 of 10

ADDRESS INFORMATION (1)				
No	Entered Address		Standardized Address	
1	Address Date	Street	House Number	Rural Route
	09/27/2007	(b) (6), (b) (7)(C)		
	Apt/Suite	City	PO Box Number	Prefix
		(b) (6), (b) (7)(C)		
	State	Country	Street Name	Suffix
	(b) (6), (b) (7)(C)	USA - UNITED STATES	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
	Zip	Type	Directional	Carrier Route
	(b) (6), (b) (7)(C)	1		
		APT Number	City	
			(b) (6), (b) (7)(C)	
	State	Country		
	(b) (6), (b) (7)(C)	US		
	Zip			
	(b) (6), (b) (7)(C)			
DRIVERS' LICENSE INFORMATION (0)				
PHONE INFORMATION (0)				
ALTERNATE COMMUNICATION INFORMATION (0)				
MISCELLANEOUS INFORMATION (0)				
CRIMINAL AFFILIATION INFORMATION (0)				
CONTACT INFORMATION				
Organization		Full Name	Telephone	
		(b) (6), (b) (7)(C), (b) (7)(E)		
CASE NUMBER INFORMATION (0)				
FINGER PRINT INFORMATION				
No	Left	Description	Right	Description
	Code		Code	
1				
2				
3				
4				
5				
SPOUSE INFORMATION (0)				
WARRANT INFORMATION (0)				
ATF PROFILE INFORMATION (0)				





U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
TECS - (b) (7)(E)

10/10/2017 18:15 PM EDT

Page 10 of 10

BAGGAGE DECLARATION (CF6059) INFORMATION (0)
FINANCIAL INFORMATION (0)
EMPLOYMENT INFORMATION (0)
PILOT LICENSE INFORMATION (0)
IMAGE INFORMATION - PART II (0)



**U.S. Customs and Border Protection**  
**U.S. Department of Homeland Security**  
**TECS - Secondary Inspection Report**

10/10/2017 18:17 EDT

Page 1 of 3

Referral Source			
Referred By	Referred Date	Referred Time	Referred From
(b) (6), (b) (7)(C)	09/06/2017	10:48 EDT	Primary Airport
Referral Reason			
(b) (7)(E)			
Encounter - 72187853			
Last Name	First Name	DOB	
(b) (6), (b) (7)(C)			
Carrier Code	Flight / Vessel Number		
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)		
Hispanic	Gender	Race	Travel Document Presented
No	M - Male	W - WHITE	Yes
Doc Number		Doc Type	Issuing Country
(b) (6), (b) (7)(C)		P - PASSPORT	USA - UNITED STATES
State/Province	Nationality	City of Birth	Country of Birth
	USA - UNITED STATES		
Father's Last Name	Father's First Name	Father's Middle Name	
Mother's Last Name	Mother's First Name	Mother's Middle Name	
Baggage			
Secondary Officer Name	Site Id		
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C), (b) (7)(E)		
Inspection Start Date and Time	Inspection End Date and Time		
09/06/2017 11:03 EDT	09/06/2017 12:16 EDT		
Flight / Vessel Crew	Inbound / Outbound		
No	I - INBOUND		
Departure / Destination			
(b) (6), (b) (7)(C)			
Embarkation			
(b) (6), (b) (7)(C)			
No. of Passengers on Declaration	Bag Exam	Number of Bags X-Rayed	
1	Yes		
Personal Search	Positive / Negative Inspection	CCD Used	X-Ray/NII Utilized for this Inspection
No	N - Negative	No	No
Category			
Violation Codes			
Related Document Number	Create Incident Log	Incident Log Report Number	
	Yes	(b) (7)(E)	
SAS Number	IOEM Required	IOEM Number	
	No		
Referring Officer Code	Reason for Referral Code		
	(b) (7)(E)		
Baggage Inspection Complete	Create PLOR		
Yes	No		



**U.S. Customs and Border Protection**  
**U.S. Department of Homeland Security**  
**TECS - Secondary Inspection Report**

10/10/2017 18:17 EDT

Page 2 of 3

**Comments History**

Entered By: (b) (6), (b) (7)(C) Created Date/Time: 09/06/2017 14:52 EDT  
 On September 6, 2017, (b) (6), (b) (7)(C) arrived at (b) (6), (b) (7)(C), (b) (7)(E) on (b) (6), (b) (7)(C) from (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) was identified planeside by CBPO (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C). The reason (b) (6), (b) (7)(C) was met planeside is because a (b) (7)(E) was not able to be put into the system. Immediately after being identified (b) (6), (b) (7)(C) became upset and stated to the officers "why are you talking to me" (b) (6), (b) (7)(C) said "I am a United States Citizen and I don't have to say anything" In an attempt to deescalate the situation it was explained to (b) (6), (b) (7)(C) that United States Citizens are subject to examination and that his rights will be and are respected. (b) (6), (b) (7)(C) mentioned that he has been stopped many times by CBP for no reason. He stated he had a constitutional right not to answer any questions about his travels or anything else. (b) (6), (b) (7)(C) only answered questions pertaining to getting a binding declaration for the baggage search. (b) (6), (b) (7)(C) was taken to the baggage secondary area for a baggage exam. (b) (6), (b) (7)(C) was traveling on a newly issued Passport. The Passport was issued August 21, 2017. Two older passports were discovered doing the baggage exam. (b) (6), (b) (7)(C), (b) (7)(E) was contacted because in (b) (6), (b) (7)(C) old passports he had visas from (b) (6), (b) (7)(C), (b) (7)(E) (b) (6), (b) (7)(C), (b) (7)(E) was onsite. Copies of his passport's, visa stamps and (b) (6), (b) (7)(C) Driver Licenses were made to be submitted to (b) (6), (b) (7)(C), (b) (7)(E) was onsite and appraised of the situation. (b) (6), (b) (7)(C) was offered food, water and restroom breaks. SCBPO (b) (6), (b) (7)(C) was onsite and keep up to date on the situation. On (b) (6), (b) (7)(C) CBP Form 6059B he listed (b) (6), (b) (7)(C) as his final destination. He listed (b) (6), (b) (7)(C) as countries visited. On his new passport application (b) (6), (b) (7)(C) listed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) as his residence.

An internet search for (b) (6), (b) (7)(C) showed he is a licensed attorney with the (b) (6), (b) (7)(C) Bar Association. Information listed below. Internet searches also show (b) (6), (b) (7)(C) has worked on cases for the ACLU.

Bar # : (b) (6), (b) (7)(C)  
 Member since: (b) (6), (b) (7)(C)  
 Status: Attorney Active  
 Company: The Law Office of (b) (6), (b) (7)(C)  
 (b) (6), (b) (7)(C)  
 Phone : (b) (6), (b) (7)(C)  
 Email : (b) (6), (b) (7)(C)

Time Line of Events.  
 07:36 hrs - Subject Identified  
 07:40 hrs.-water and restroom break given  
 07:48 hrs.-Primary Processing  
 07:50 hrs.-arrive baggage carousel  
 08:00 hrs.-baggage retrieved  
 08:02 hrs.-arrive baggage secondary area  
 08:03 hrs.-baggage exam started  
 08:15 hrs. (b) (7)(E)  
 08:25 hrs. - Baggage exam completed/negative  
 08:47 hrs.-water and food offered declined  
 08:50 hrs. (b) (7)(E)  
 09:08 hrs.- water given  
 09:16 hrs.-Subject departed FIS area without incident.  
 (b) (7)(E)

**Referral Reason History**

Referred By (b) (6), (b) (7)(C) Referred Date/Time: 09/06/2017 10:48 EDT | Referred From: Primary Airport (b) (7)(E)





**U.S. Customs and Border Protection**  
**U.S. Department of Homeland Security**  
TECS - Secondary Inspection Report

10/10/2017 18:17 EDT

Page 3 of 3



**U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
TECS - (b) (7)(E) - Detail**

10/10/2017 18:16 EDT

Page 1 of 2

INCIDENT NUMBER (b) (7)(E)  
INCIDENT TYPE (b) (7)(E)

APPROVAL STATUS: Approved

SUMMARY				
Incident Date		Incident Time		
09/06/2017		14:49		
Port Code	Site Code	Location		
(b) (6), (b) (7)(C), (b) (7)(E)				
Personal Search Performed				
N - No				
Document Type		Document Number	FIN Number	
P - PASSPORT		(b) (6), (b) (7)(C)		
Last Name	First Name	Middle Initial	Date of birth	
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)	
Gender	Citizenship	Race	Hispanic	
M - Male	USA - UNITED STATES	W - WHITE	N - NOT OF HISPANIC OR LATINO ORIGIN	
Height	Weight	Hair	Eyes	
Address				
City	State	Zip	Country	
Conveyance Type		Inbound/Outbound		
C - COMMERCIAL AIR		I - In		
Carrier Code	Flight/Vessel Number	Crew	Departure/Destination Port	Departure/Destination Country
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	N - No	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
Created By Officer		Supervisor	Primary Officer	
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C) [SUP CBP OFFICER]	(b) (6), (b) (7)(C) [CBP OFFICER]	

**REMARKS**

On September 6, 2017, (b) (6), (b) (7)(C) arrived at (b) (6), (b) (7)(C), (b) (7)(E) on (b) (6), (b) (7)(C) from (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) was identified planeside by CBPO (b) (6), (b) (7)(C), CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C). The reason (b) (6), (b) (7)(C) was met planeside is because a (b) (7)(E) was not able to be put into the system.

Immediately after being identified (b) (6), (b) (7)(C) became upset and stated to the officers "why are you talking to me" (b) (6), (b) (7)(C) said "I am a United States Citizen and I don't have to say anything" In an attempt to deescalate the situation it was explained to (b) (6), (b) (7)(C) that United States Citizens are subject to examination and that his rights will be and are respected. (b) (6), (b) (7)(C) mentioned that he has been stopped many times by CBP for no reason. He stated he had a constitutional right not to answer any questions about his travels or anything else. (b) (6), (b) (7)(C) only answered questions pertaining to getting a binding declaration for the baggage search.

(b) (6), (b) (7)(C) was taken to the baggage secondary area for a baggage exam. (b) (6), (b) (7)(C) was traveling on a newly issued Passport. The Passport was issued (b) (6), (b) (7)(C). Two older



U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
TECS - Person Query - Detail

10/10/2017 18:16 EDT

Page 2 of 2

passport were discovered doing the baggage exam.

(b) (6), (b) (7)(C), (b) (7)(E) was contacted because in (b) (6), (b) (7)(C) old passports he had visas from (b) (6), (b) (7)(C), (b) (7)(E) (b) (6), (b) (7)(C), (b) (7)(E) was onsite. Copies of his passport's, visa stamps and (b) (6), (b) (7)(C) Driver Licenses were made to be submitted to (b) (6), (b) (7)(C), (b) (7)(E) was onsite and appraised of the situation.

(b) (6), (b) (7)(C) was offered food, water and restroom breaks. SCBPO (b) (6), (b) (7)(C) was onsite and keep up to date on the situation.

On (b) (6), (b) (7)(C) CBP Form 6059B he listed (b) (6), (b) (7)(C) as his final destination. He listed (b) (6), (b) (7)(C) as countries visited. On his new passport application (b) (6), (b) (7)(C) listed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) as his residence.

An internet search for (b) (6), (b) (7)(C) showed he is a licensed attorney with the (b) (6), (b) (7)(C) Bar Association. Information listed below. Internet searches also show (b) (6), (b) (7)(C) has worked on cases for the ACLU.

- Bar # (b) (6), (b) (7)(C)
- Member since:(b) (6), (b) (7)(C)
- Status: Attorney Active
- Company: The Law Office of (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)
- Phone : (b) (6), (b) (7)(C)
- Email : (b) (6), (b) (7)(C)

Time Line of Events.

07:36 hrs - Subject Identified  
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09:08 hrs.- water given  
09:16 hrs.-Subject departed FIS area without incident.  
(b) (7)(E)



(b) (7)(E)



U.S. Customs and Border Protection

JUL 16 2018

(b) (6), (b) (7)(C)

CBP Officer

(b) (7)(E)

(b) (6), (b) (7)(C)

This is to inform you that Management Referral, file (b) (7)(E) of which you were the subject, has been completed. The complaint makes an allegation that you physically abused a detained passenger on August 24, 2017.

Based on the facts of the complaint, I determined that the complaint is unfounded. Therefore, this case has been closed.

Please sign, date, and return the accompanying copy of this letter to serve as your acknowledgment of receipt of the original.

Sincerely,

(b) (6), (b) (7)(C)

[Redacted signature]

(b) (6), (b) (7)(C)

Assistant Area Port Director (Passenger Operations)  
U.S. Customs and Border Protection

(b) (6), (b) (7)(C)


RECEIPT ACKNOWLEDGEMENT:

(b) (6), (b) (7)(C)

Signature

Date

07/16/2018

 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b> <b>Customs and Border Protection</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION</b></p>		<p><b>1. CASE NUMBER</b> (b) (7)(E)</p>
		<p><b>PREPARED BY</b> (b) (6), (b) (7)(C)</p>
		<p><b>2. REPORT NUMBER</b> 003</p>
<p><b>3. TITLE</b> (b) (6), (b) (7)(C), (b) (7)(E) CBP OFFCR/0601 Detainee/Alien - Abuse (Physical Abuse) (b) (7)(E)</p>		
<p><b>4. FINAL RESOLUTION</b></p>		
<p><b>5. STATUS</b> Closing Report</p>	<p><b>6. TYPE OF REPORT</b> Blue Book</p>	<p><b>7. RELATED CASES</b> (b) (7)(E)</p>
<p><b>8. TOPIC</b> CBPO allegedly verbally abused and arrested complainant because of his race, (b) (7)(E)</p>		
<p><b>9. SYNOPSIS</b> On August 25, 2017, the Joint Intake Center (JIC), Washington, D.C., received Customs and Border Protection (CBP) INFO Center referral, number (b) (7)(E) forwarding the allegation of (b) (6), (b) (7)(C). This referral indicates an unidentified CBP Officer (CBPO), allegedly verbally abused (b) (6), (b) (7)(C) for using his phone. According to (b) (6), (b) (7)(C) several CBP Officers (CBPOs) arrested him and allegedly pushed his head to the wall, injuring his wrists and right elbow. (b) (6), (b) (7)(C) feels he was arrested because of his race.  CBPO (b) (6), (b) (7)(C) was identified as being involved with this allegation. Further investigation could not substantiate the allegations made by (b) (6), (b) (7)(C)</p>		
<p><b>10. CASE OFFICER (Print Name &amp; Title)</b> (b) (6), (b) (7)(C) CBP OPR Special Agent</p>	<p><b>11. COMPLETION DATE</b> 30-MAY-2018</p>	<p><b>14. ORIGIN OFFICE</b> CBP OPR (b) (7)(E)</p>
<p><b>12. APPROVED BY (Print Name &amp; Title)</b> (b) (6), (b) (7)(C) CBP OPR Special Agent Supervisor</p>	<p><b>13. APPROVED DATE</b> 05-JUN-2018</p>	<p><b>15. TELEPHONE NUMBER</b> (b) (6), (b) (7)(C)</p>
<p>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</p>		
<p>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</p>		



## DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION  
CONTINUATION

## 1. CASE NUMBER

(b) (7)(E)

## PREPARED BY

(b) (6), (b) (7)(C)

## 2. REPORT NUMBER

003

## 10. NARRATIVE

## DETAILS OF INVESTIGATION

ALLEGATION ONE: CBPO (b) (6), (b) (7)(C) pushed (b) (6), (b) (7)(C) into the jet bridge corner, banged his head into a wall, placed the handcuffs on him too tight, and verbally abused him; Not Sustained.

PROSECUTORIAL ACTION: This case was declined by the United States Attorney's (USA's) Office, Northern District of Illinois (NDI), for the violation of Title 18 United States Code (USC) 242, Deprivation of rights under color of law due to a lack of prosecutorial merit.

ALLEGATION TWO: CBPO (b) (6), (b) (7)(C) arrested (b) (6), (b) (7)(C) Unfounded


PROSECUTORIAL ACTION: This case was declined by the USA's Office, NDI, for the violation of Title 18 USC 242, Deprivation of rights under color of law due to a lack of prosecutorial merit.

Reference is made to the August 25, 2017, INFO Center referral, number (b) (7)(E) received by the JIC, Washington, D.C., regarding the allegation of racial discrimination and excessive use of force submitted by (b) (6), (b) (7)(C). According to (b) (6), (b) (7)(C) compliant, an unidentified CBPO, allegedly verbally abused (b) (6), (b) (7)(C) for using his cell phone upon arriving and deplaning from (b) (6), (b) (7)(C), (b) (7)(E).

(b) (6), (b) (7)(C) indicates he got into a verbal argument with CBPOs upon deplaning which resulted in his arrest, wherein, the CBPOs allegedly pushed his head against the wall, injuring head, wrists and right elbow. After (b) (6), (b) (7)(C) was released by Chief CBPO (CCBPO) (b) (6), (b) (7)(C) (b) (7)(E) he informed (b) (6), (b) (7)(C) that one of the CBPOs that was involved with the arrest was Supervisory CBPO (SCBPO) (b) (6), (b) (7)(C), (b) (7)(E). According to (b) (6), (b) (7)(C) CCBPO (b) (6), (b) (7)(C) could not provide a reason for the arrest.

Furthermore, (b) (6), (b) (7)(C) claims when he was deplaning, he presented five passports to the CBPO and explained they were for him and his family. Immediately after, (b) (6), (b) (7)(C) attempted use his cell phone to call his wife, who was still on the plane. According to (b) (6), (b) (7)(C) the CBPO shouted at him in a demeaning manner to put the phone down. (b) (6), (b) (7)(C) said he got upset and told the CBPO to talk to him nicely and an argument ensued. (b) (6), (b) (7)(C) claims he showed no signs of physical aggression, and moments later several officers handcuffed him banging his head against the wall, injuring his wrists and right elbow. (b) (6), (b) (7)(C) claims he was arrested because of his race. (EXHIBIT 1)



 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<p><b>1. CASE NUMBER</b> <b>(b) (7)(E)</b></p> <p><b>PREPARED BY</b> <b>(b) (6), (b) (7)(C)</b></p> <p><b>2. REPORT NUMBER</b> 003</p>
<p><b>10. NARRATIVE</b></p> <p>[AGENT NOTE: CBPOs <b>(b) (6), (b) (7)(C)</b> and <b>(b) (6), (b) (7)(C), (b) (7)(E)</b> were assigned to perform a 100% identification check of all passengers deplaning <b>(b) (6), (b) (7)(C)</b> because of a <b>(b) (7)(E)</b> on one of the arriving passengers. <b>(b) (7)(E)</b></p> <p>CBP, Department of Homeland Security (DHS), <b>(b) (7)(E)</b> dated September 29, 2017, indicated that on August 24, 2017, CBPOs <b>(b) (6), (b) (7)(C)</b> and <b>(b) (6), (b) (7)(C)</b> provided statements concerning a noncompliant passenger <b>(b) (6), (b) (7)(C)</b> arriving on <b>(b) (6), (b) (7)(C), (b) (7)(E)</b>. According to the report, CBPOs <b>(b) (6), (b) (7)(C)</b> are assigned to the <b>(b) (7)(E), (b) (6), (b) (7)(C)</b> Unit (PAU), Tactical Terrorism Response Team (TTRT).</p> <p>According to CBPO <b>(b) (6), (b) (7)(C)</b> statement, <b>(b) (6), (b) (7)(C)</b> was non-compliant and confrontational when asked to put his telephone away during the 100% ID check of <b>(b) (6), (b) (7)(C)</b>. non-compliance and confrontational demeanor continued until he was handcuffed for officer safety concerns. CBPO <b>(b) (6), (b) (7)(C)</b> and CBPO <b>(b) (6), (b) (7)(C)</b> struggled to gain control of <b>(b) (6), (b) (7)(C)</b> hands during the handcuffing process. After he was handcuffed, <b>(b) (6), (b) (7)(C)</b> complained the handcuffs were too tight. CBPO <b>(b) (6), (b) (7)(C)</b> checked and verified they were at the proper tightness. CBPO <b>(b) (6), (b) (7)(C)</b> called on the radio for a supervisor's assistance regarding an unruly passenger. <b>(b) (6), (b) (7)(C)</b> was placed in an escort hold and escorted downstairs to an interview room. <b>(b) (6), (b) (7)(C)</b> was released after speaking with SCBPO <b>(b) (6), (b) (7)(C)</b> and CCBPO <b>(b) (6), (b) (7)(C)</b>. TECS Incident log number <b>(b) (7)(E)</b> containing CBPO <b>(b) (6), (b) (7)(C)</b> statement. (EXHIBIT 2)</p> <p>On January 22, 2018, this case was assigned to Senior Special Agent (SSA) <b>(b) (6), (b) (7)(C)</b> CBP, Office of Professional Responsibility (OPR) SAC <b>(b) (7)(E)</b> for investigation.</p> <p>The following databases were queried as part of this investigation with no derogatory information found for CBPO <b>(b) (6), (b) (7)(C), (b) (7)(E)</b> Police Department, <b>(b) (7)(E)</b> Department of Corrections, <b>(b) (7)(E)</b> Public Sex Offender Registry.</p> <p>[AGENT NOTE: Although, this incident was videotaped on August 24, 2017, attempts to retrieve the video footage were negative due to the 30-day video retention policy at <b>(b) (7)(E)</b>. Related case <b>(b) (7)(E)</b> CBPO <b>(b) (6), (b) (7)(C)</b> was opened and assigned to SSA <b>(b) (6), (b) (7)(C)</b> SAC <b>(b) (7)(E)</b> on October 26, 2017, 63 days after the incident. Subsequently, on January 12, 2018, related cases, <b>(b) (7)(E)</b> CBPO <b>(b) (6), (b) (7)(C)</b> and case <b>(b) (7)(E)</b> CBPO <b>(b) (6), (b) (7)(C)</b> were opened.]</p>	

 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<b>1. CASE NUMBER</b>
	<b>(b) (7)(E)</b>
	<b>PREPARED BY</b>
	<b>(b) (6), (b) (7)(C)</b>
	<b>2. REPORT NUMBER</b>
	003

**10. NARRATIVE**

On March 5, 2018, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) CBP/OPR (b) (7)(E) interviewed (b) (6), (b) (7)(C), (b) (7)(E) and a Star Witness recording was made of this interview. A copy of the Star Witness recording is available upon request. (EXHIBIT 3)

SSA (b) (6), (b) (7)(C) began by asking (b) (6), (b) (7)(C) to describe the events that took place upon deplaning (b) (6), (b) (7)(C) on August 24, 2017. (b) (6), (b) (7)(C) stated the following:

10:38:03 UTC - "By airplane door, there was three Border Patrols by the airplane door."

10:38:24 UTC - "I see this guy, he tell me do you have your passport, I tell him yes I have my passport, I have my wife, my kids passports as well so he tell me to stand by the door."

10:38:57 UTC - "First the guy who tell me to stand there, was rude. I remember him, he was maybe Indian."

10:39:07 UTC - "The way he was talking, was too much, he had tension on him."

10:39:17 UTC - "He tell me stand there, so I feel bad, when I'm standing right by the airplane door where everybody is coming off looking at me like I'm a suspect or something, you know. So, I try to reach my phone to get to talk to my wife, I tell her I'm outside the plane, and then he, he go crazy. Ok? Put your phone down! I tell him, you don't need to talk like this, respect. You know, and then I remember I go crazy."

10:40:01 UTC - "They put me in the corner, and they try to put the cuffs on."


10:40:13 UTC - "I remember I tell them that I know martial arts, I did martial arts for years and years."

10:40:25 UTC - "He was trying to hurt me."


10:40:30 UTC - "He put the cuffs too much tight, to a point where my hand was peeling, blood. Both ways. He was pushing my head into the corner and then he was holding the cuffs where it could hurt me more."

10:44:03 UTC - "I treated like a dog."




 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<b>1. CASE NUMBER</b> (b) (7)(E)
	<b>PREPARED BY</b> (b) (6), (b) (7)(C)
	<b>2. REPORT NUMBER</b> 003
<p><b>10. NARRATIVE</b></p> <p>10:46:12 UTC - "If I'm not detained, right now, take this away, right now, this second."</p> <p>(b) (6), (b) (7)(C) recalled once he returned to his home in (b) (6), (b) (7)(C) he visited a local hospital to have a doctor provide treatment for two to three days of continuous headache pain. (b) (6), (b) (7)(C) believed his headache pain was a direct result from his head being banged into the jet bridge wall by the CBPOs during their attempt to handcuff him. He stated he also required treatment for wrist pain resulting from the handcuffs having been placed on his wrists too tight by CBPOs. He stated after the incident, he experienced two to three weeks where he was unable to feel the outsides of his palms on both hands from the tight handcuffing by CBP.</p> <p>During his interview, (b) (6), (b) (7)(C) was presented with three separate photo lineups. Each lineup page consisted of six credential photographs of CBPOs. Each page had one of the CBPOs involved in the August 24, 2017 incident and five random CBPOs not affiliated with the Port of (b) (7)(E) (EXHIBIT 4)</p> <p>10:49:59 UTC - (b) (6), (b) (7)(C) positively identified CBPO (b) (6), (b) (7)(C) from photo lineup "A" as the first CBPO he made contact with upon deplaning from (b) (6), (b) (7)(C)</p> <p>10:53:21 UTC - (b) (6), (b) (7)(C) positively identified CBPO (b) (6), (b) (7)(C) from photo lineup "C" as the CBPO who put the handcuffs on too tight and pushed his head against the wall.</p> <p>[AGENT NOTE: (b) (6), (b) (7)(C) was unable to positively identify the third CBPO involved from the photo lineups.]</p> <p>When questioned by SSA (b) (6), (b) (7)(C) said he treated the officer the same way he felt he was being treated. He stated:</p> <p>10:57:33 UTC - "The same way he did it to me, I did it to him. An eye for an eye."</p> <p>When asked by SSA (b) (6), (b) (7)(C) about showing any signs of aggression towards the CBPOs (b) (6), (b) (7)(C) stated:</p> <p>10:58:10 UTC - "Not at all."</p>	



 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<p><b>1. CASE NUMBER</b> (b) (7)(E)</p> <p><b>PREPARED BY</b> (b) (6), (b) (7)(C)</p> <p><b>2. REPORT NUMBER</b> 003</p>
<p><b>10. NARRATIVE</b></p> <p>When asked by SSA (b) (6), (b) (7)(C) if he was compliant throughout the process with the CBPOs, (b) (6), (b) (7)(C) said:</p> <p>10:58:17 UTC - "Somehow, yes."</p> <p>SSA (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) if he believed whether any of his actions might have been taken as threatening by the CBPOs, (b) (6), (b) (7)(C) replied:</p> <p>11:00:30 UTC - "No, no, I'm very friendly."</p> <p>When asked if he considered the CBPOs pushing him into the corner, the forearm up and the handcuffs being on too tight to be physical abuse, he stated:</p> <p>11:03:56 UTC - "Yes."</p> <p>On March 28, 2018, SSA (b) (6), (b) (7)(C) requested (b) (6), (b) (7)(C) to forward copies of all medical and prescription documentation provided to him by his doctor regarding the August 24, 2017, incident with CBP at (b) (7)(E)</p> <p>On April 4, 2018, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) interviewed SCBPO (b) (6), (b) (7)(C) at the CBP Office of Field Operations (OFO) Port Office, (b) (7)(E) SCBPO (b) (6), (b) (7)(C) interview was audio/video recorded. A copy of the Star Witness recording is available upon request. (EXHIBIT 5)</p> <p>20:09:04 UTC - According to SCBPO (b) (6), (b) (7)(C) on the date and flight in question, he was notified by CBPOs (b) (6), (b) (7)(C) working (b) (6), (b) (7)(C), (b) (7)(E) that they needed assistance and to bring additional officers. SCBPO (b) (6), (b) (7)(C) advised when he arrived on scene with CBPOs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), (b) (7)(E) within two minutes (b) (6), (b) (7)(C) was in handcuffs.</p> <p>20:09:31 UTC - SCBPO (b) (6), (b) (7)(C) advised he was briefed by CBPO (b) (6), (b) (7)(C) regarding the circumstances that lead to (b) (6), (b) (7)(C) being placed in handcuffs. According to CBPO (b) (6), (b) (7)(C) deplaned and presented CBPO (b) (6), (b) (7)(C) several passports for him and his family. CBPO (b) (6), (b) (7)(C) had (b) (6), (b) (7)(C) stand to the side until his family deplaned. (b) (6), (b) (7)(C) then started using his cell phone and CBPO (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) to put his cell phone away and explained this is a federal inspection area and cell phones are not permitted. (b) (6), (b) (7)(C) refused and said, "you don't tell me what to do, I tell you what to do."</p>	



 <b>DEPARTMENT OF HOMELAND SECURITY</b>  <b>REPORT OF INVESTIGATION CONTINUATION</b>	<b>1. CASE NUMBER</b> (b) (6), (b) (7)(C)
	<b>PREPARED BY</b> (b) (6), (b) (7)(C)
	<b>2. REPORT NUMBER</b> 003

**10. NARRATIVE**

CBPOs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) approached (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) continued to be unruly. Subsequently, they attempted to place handcuffs on (b) (6), (b) (7)(C) however, he was resisting. After being handcuffed, (b) (6), (b) (7)(C) started to bang his head on the wall.

After SCBPO (b) (6), (b) (7)(C) was briefed, he advised (b) (6), (b) (7)(C) if he was calm, the handcuffs would be removed. (b) (6), (b) (7)(C) stated to SCBPO (b) (6), (b) (7)(C) "I know martial arts; I could get out of this if I wanted too". (b) (6), (b) (7)(C) started using profanity trying to get out of the handcuffs by "ripping them apart." SCBPO (b) (6), (b) (7)(C) thought there was a chance (b) (6), (b) (7)(C) could break out of the handcuffs because he was violently pulling them apart. Subsequently (b) (6), (b) (7)(C) was escorted to the Secondary Inspection Unit (SIU) interview room. SCBPO (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) again if he was calm enough to remove the handcuffs, and again (b) (6), (b) (7)(C) started with the martial arts comments, therefore, SCBPO (b) (6), (b) (7)(C) left the handcuffs on (b) (6), (b) (7)(C).

20:11:32 UTC – SCBPO (b) (6), (b) (7)(C) advised he turned over (b) (6), (b) (7)(C) to Acting Watch Commander (AWC) CCBPO (b) (6), (b) (7)(C) in order to deescalate (b) (6), (b) (7)(C) aggressive behavior.

20:12:13 UTC - SCBPO (b) (6), (b) (7)(C) stated AWC CCBPO (b) (6), (b) (7)(C) got (b) (6), (b) (7)(C) to calm down and subsequently the handcuffs were removed.

20:12:20 UTC - SCBPO (b) (6), (b) (7)(C) said AWC CCBPO (b) (6), (b) (7)(C) to notice the bruising on (b) (6), (b) (7)(C) wrists from trying to get out of the handcuffs.


20:12:48 UTC – SCBPO (b) (6), (b) (7)(C) advised (b) (6), (b) (7)(C) fought during the handcuffing; that it took three officers to apply the cuffs. CBPOs (b) (6), (b) (7)(C) conducted the handcuffing.

20:13:14 UTC - SCBPO (b) (6), (b) (7)(C) advised (b) (6), (b) (7)(C) "bashed" head on the wall requesting the airlines to videotape it. SCBPO (b) (6), (b) (7)(C) advised CBPO (b) (6), (b) (7)(C) explained to him that (b) (6), (b) (7)(C) hit the front part of his head on the wall. SCBPO (b) (6), (b) (7)(C) said he never noticed any injury on (b) (6), (b) (7)(C) head.


20:14:54 UTC – SCBPO (b) (6), (b) (7)(C) advised he never heard (b) (6), (b) (7)(C) complain the handcuffs were too tight while on the jet bridge.

20:19:43 UTC - SCBPO (b) (6), (b) (7)(C) advised CBPOs (b) (6), (b) (7)(C) have a good work ethic and demeanor, to include a good working reputation.



 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<p><b>1. CASE NUMBER</b> (b) (7)(E)</p> <p><b>PREPARED BY</b> (b) (6), (b) (7)(C)</p> <p><b>2. REPORT NUMBER</b> 003</p>
<p><b>10. NARRATIVE</b></p> <p>20:21:32 UTC – SCBPO (b) (6), (b) (7)(C) advised CBPO (b) (6), (b) (7)(C) checked the handcuffs on (b) (6), (b) (7)(C) on two occasions and the handcuffs were of the appropriate tightness. SCBPO (b) (6), (b) (7)(C) believes (b) (6), (b) (7)(C) had bruising on his wrist because he witnessed (b) (6), (b) (7)(C) attempt to rip the cuffs apart on two occasions.</p> <p>20:27:41 UTC – SCBPO (b) (6), (b) (7)(C) advised from the time he came in contact with (b) (6), (b) (7)(C) until the time he left the scene, he never had any physical contact with (b) (6), (b) (7)(C) and never observed any OFO personnel verbally or physically abuse (b) (6), (b) (7)(C).</p> <p>20:28:30 UTC - SCBPO (b) (6), (b) (7)(C) advised he never heard (b) (6), (b) (7)(C) complain of any physical injuries.</p> <p>Continuing on April 4, 2018, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) interviewed CCBPO (b) (6), (b) (7)(C) at the CBP Port Office, (b) (7)(E). CCBPO (b) (6), (b) (7)(C) interview was audio/video recorded. A copy of the Star Witness recording is available upon request. (EXHIBIT 6)</p> <p>CCBPO (b) (6), (b) (7)(C) advised he remembers being the A/WC, but cannot remember specifics regarding the incident. CCBPO (b) (6), (b) (7)(C) said he is not part of the TTRT and is only aware of their procedures in general. However, CCBPO (b) (6), (b) (7)(C) believes CBPOs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were working (b) (6), (b) (7)(C), (b) (7)(E) and encountered a noncompliant passenger that needed to be handcuffed.</p> <p>19:27:30 UTC - CCBPO (b) (6), (b) (7)(C) advised CBPOs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) have a good work ethic and demeanor, to include a good working reputation. However, he could not provide an opinion for CBPO (b) (6), (b) (7)(C) because he has never worked with him.</p> <p>19:32:20 UTC - CCBPO (b) (6), (b) (7)(C) he remembers (b) (6), (b) (7)(C) being brought to the SIU and placed in an office. Additionally, he remembers (b) (6), (b) (7)(C) making aggressive comments about martial arts while in the SIU.</p> <p>19:36:00 UTC - CCBPO (b) (6), (b) (7)(C) explains either he or one of the other CBPOs removed the handcuffs from (b) (6), (b) (7)(C). CCBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) may have had marks on his wrists but does not remember any bleeding. He explained that if he were bleeding (b) (6), (b) (7)(C) would have received medical attention.</p>	



 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<p><b>1. CASE NUMBER</b> (b) (7)(E)</p> <p><b>PREPARED BY</b> (b) (6), (b) (7)(C)</p> <p><b>2. REPORT NUMBER</b> 003</p>
<p><b>10. NARRATIVE</b></p> <p>In conclusion, CCBPO (b) (6), (b) (7)(C) does not remember any specifics regarding this incident due to the timeframe, and the many encounters he has with passengers. However, he remembers (b) (6), (b) (7)(C) being combative, verbally aggressive, and disrespectful to the CBPOs. Additionally, CCBPO (b) (6), (b) (7)(C) believes he was the A/WC that day and it would have been his decision to release (b) (6), (b) (7)(C).</p> <p>The CBP (b) (7)(E) Standard Operating Procedure (SOP) Detained, Escort &amp; Transportation, states that a detainee can be handcuffed until released for being verbally or physically abusive, combative, confrontational, or intent to be noncompliant during CBP processing. (EXHIBIT 7)</p> <p>On April 5, 2018, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) interviewed CBPO (b) (6), (b) (7)(C) at the CBP Port Office, (b) (7)(E) CBPO (b) (6), (b) (7)(C) interview was audio/video recorded. A copy of the Star Witness recording is available upon request. (EXHIBIT 8)</p> <p>CBPO (b) (6), (b) (7)(C) stated on August 24, 2017 after (b) (6), (b) (7)(C) landed, a call came over the radio from CBPO (b) (6), (b) (7)(C) asking for a supervisor's assistance at the (b) (7)(E) gate in (b) (7)(E) CBPO (b) (6), (b) (7)(C) recalled SCBPO (b) (6), (b) (7)(C) asking him and CBPO (b) (6), (b) (7)(C) to assist with his response to CBPO (b) (6), (b) (7)(C) call for assistance. He stated they all took the elevator and arrived at the exit stairway for gate (b) (7)(E) Upon arrival, CBPO (b) (6), (b) (7)(C) stated he heard yelling and observed an individual in handcuffs being escorted out of the area by CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) He did not recall any conversations between the handcuffed passenger and CBPOs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) but indicated the handcuffed passenger appeared irate and unruly.</p> <p>At the conclusion of the interview, SSA (b) (6), (b) (7)(C) asked CBPO (b) (6), (b) (7)(C) to respond to allegations made by the handcuffed passenger. SSA (b) (6), (b) (7)(C) asked CBPO (b) (6), (b) (7)(C) if he observed any OFO personnel engage in any type of physical abuse of that passenger. CBPO (b) (6), (b) (7)(C) replied:</p> <p>15:22:27 UTC - "Negative, no."</p> <p>SSA (b) (6), (b) (7)(C) asked if CBPO (b) (6), (b) (7)(C) observed any verbal abuse towards that passenger. He replied:</p> <p>15:22:30 UTC - "None."</p> <p>SSA (b) (6), (b) (7)(C) asked CBPO (b) (6), (b) (7)(C) if he engaged in any physical or verbal abuse of that passenger, CBPO (b) (6), (b) (7)(C) replied:</p> <p>15:22:38 UTC - "I did not."</p>	



## DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION  
CONTINUATION

## 1. CASE NUMBER

(b) (7)(E)

## PREPARED BY

(b) (6), (b) (7)(C)

## 2. REPORT NUMBER

003

## 10. NARRATIVE

Continuing on April 5, 2018, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) interviewed CBPO (b) (6), (b) (7)(C) at the CBP Port Office, (b) (7)(E) CBPO (b) (6), (b) (7)(C) interview was audio/video recorded. A copy of the Star Witness recording is available upon request. (EXHIBIT 9)

CBPO (b) (6), (b) (7)(C) recalled hearing a radio call requesting assistance for SCBPO (b) (6), (b) (7)(C). The call was for assistance with an incident upstairs at the airport. SCBPO (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) responded. Upon arrival at gate (b) (7)(E) CBPO (b) (6), (b) (7)(C) observed (b) (6), (b) (7)(C) in handcuffs being escorted by CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) towards the PCSA. CBPO (b) (6), (b) (7)(C) and SCBPO (b) (6), (b) (7)(C) accompanied them to the PCSA. CBPO (b) (6), (b) (7)(C) described (b) (6), (b) (7)(C) as being resistant during the escort. He observed (b) (6), (b) (7)(C) not wanting to be in the handcuffs and struggling with the handcuffs behind his back while CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) were holding him in an escort hold. When describing the escort hold being used on (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) stated:

16:28:52 UTC - "The two officers I believe were (b) (6), (b) (7)(C) Officer (b) (6), (b) (7)(C) and Officer (b) (6), (b) (7)(C) had him in an escort hold like we were trained to escort individuals."

CBPO (b) (6), (b) (7)(C) observed (b) (6), (b) (7)(C) continue to struggle with the handcuffs and complain they were too tight during the escort. CBPO (b) (6), (b) (7)(C) stated:


16:29:09 UTC - "I remember one of the officers, which I believe was Officer (b) (6), (b) (7)(C) check the cuffs to see if they were too tight and he said they were good. He was able to place his fingers, like we were trained, in the cuffs."

CBPO (b) (6), (b) (7)(C) noted throughout the entire escorting and arrival at the PCSA, (b) (6), (b) (7)(C) complained about the handcuffs being tight but at the same time, he continued to resist the handcuffs by moving around and flexing his arms. CBPO (b) (6), (b) (7)(C) stated:


16:29:57 UTC - "I told the subject several times to just, you can sit back and relax and the cuffs won't bother you. I was like, you moving around and struggling with them is what's gonna cause the pain that you're feeling right now. So just sit back and relax."

CBPO (b) (6), (b) (7)(C) stated SCBPO (b) (6), (b) (7)(C) arrived at the office and attempted to speak with (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) again stated the handcuffs were too tight. CBPO (b) (6), (b) (7)(C) could not recall which CBPO checked the handcuffs again, but said:


16:30:32 UTC - "They were checked again, and they were fine."

 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<p><b>1. CASE NUMBER</b> (b) (7)(E)</p> <p><b>PREPARED BY</b> (b) (6), (b) (7)(C)</p> <p><b>2. REPORT NUMBER</b> 003</p>
<p><b>10. NARRATIVE</b></p> <p>He remembered SCBPO (b) (6), (b) (7)(C) informing (b) (6), (b) (7)(C) he needed to sit back and relax and offered to take off the handcuffs. CBPO (b) (6), (b) (7)(C) recalled (b) (6), (b) (7)(C) replying:</p> <p>16:30:52 UTC - "If I did not want to be in these cuffs, I don't have to be in these cuffs. I know martial arts."</p> <p>CBPO (b) (6), (b) (7)(C) stated he and SCBPO (b) (6), (b) (7)(C) took this comment as a threat and did not remove the handcuffs. CBPO (b) (6), (b) (7)(C) recalled SCBPO (b) (6), (b) (7)(C) informing (b) (6), (b) (7)(C) since he made the martial arts statement, he would remain in the handcuffs, they are fine, they are fitted properly and he needed to sit back and relax.</p> <p>SSA (b) (6), (b) (7)(C) asked CBPO (b) (6), (b) (7)(C) to respond to several allegations made by (b) (6), (b) (7)(C). Regarding physical abuse, SSA (b) (6), (b) (7)(C) asked if at any point from CBPO (b) (6), (b) (7)(C) arrival on scene until he left the scene, did he observe any OFO personnel engage in any type of physical abuse of that passenger. CBPO (b) (6), (b) (7)(C) replied:</p> <p>16:43:15 UTC - "Not at all."</p> <p>SSA (b) (6), (b) (7)(C) asked if CBPO (b) (6), (b) (7)(C) heard any OFO personnel engage in any verbal abuse of that passenger. CBPO (b) (6), (b) (7)(C) said:</p> <p>16:43:18 UTC - "No, not at all."</p> <p>SSA (b) (6), (b) (7)(C) asked if CBPO (b) (6), (b) (7)(C) personally engaged in any physical abuse of that passenger. CBPO (b) (6), (b) (7)(C) stated:</p> <p>16:43:31 UTC - "No."</p> <p>SSA (b) (6), (b) (7)(C) asked if CBPO (b) (6), (b) (7)(C) ever made any physical contact with the passenger, from when he arrived on scene until he exited the scene. CBPO (b) (6), (b) (7)(C) replied:</p> <p>16:43:38 UTC - "No."</p> <p>SSA (b) (6), (b) (7)(C) asked CBPO (b) (6), (b) (7)(C) if he recalled if (b) (6), (b) (7)(C) ever complained of any injuries because of the handcuffs being too tight. CBPO (b) (6), (b) (7)(C) stated:</p> <p>16:44:31 UTC - "No."</p>	




 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<b>1. CASE NUMBER</b> (b) (7)(E)
	<b>PREPARED BY</b> (b) (6), (b) (7)(C)
	<b>2. REPORT NUMBER</b> 003
<p><b>10. NARRATIVE</b></p> <p>On April 11, 2018, SSA (b) (6), (b) (7)(C) telephonically contacted Assistant United States Attorney (AUSA) (b) (6), (b) (7)(C) Civil Rights Division, NDI regarding this case. AUSA (b) (6), (b) (7)(C) declined prosecution for the violation of Title 18 USC 242, Deprivation of rights under color of law, due to a lack of prosecutorial merit. (EXHIBIT 10)</p> <p>Continuing on April 11, 2018, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) interviewed CBPO (b) (6), (b) (7)(C) at the CBP Port Office, (b) (7)(E). CBPO (b) (6), (b) (7)(C) interview was audio/video recorded. A copy of the Star Witness recording is available upon request. (EXHIBIT 11)</p> <p>21:20:02 UTC – CBPO (b) (6), (b) (7)(C) said he was assigned to the TTRT, working (b) (6), (b) (7)(C) with CBPOs (b) (6), (b) (7)(C) regarding a (b) (6), (b) (7)(C), (b) (7)(E) deplaned and had a few passports, and advised CBPO (b) (6), (b) (7)(C) his family was seated behind him on the plane. CBPO (b) (6), (b) (7)(C) asked him to stand to the side. A short time later, (b) (6), (b) (7)(C) was on his cell phone. CBPO (b) (6), (b) (7)(C) requested (b) (6), (b) (7)(C) to put his cell phone away and explained; cell phones are not permitted in the federal inspection area. (b) (6), (b) (7)(C) said he was a U.S. citizen and did not have to listen and he could do whatever he wants.</p> <p>CBPO (b) (6), (b) (7)(C) stated CBPO (b) (6), (b) (7)(C) again told (b) (6), (b) (7)(C) he had to comply with our commands, and (b) (6), (b) (7)(C) refused. CBPO (b) (6), (b) (7)(C) repeated CBPO (b) (6), (b) (7)(C) request to put the cell phone away. (b) (6), (b) (7)(C) again refused making aggressive gestures with his hands and said he did not have to listen. CBPO (b) (6), (b) (7)(C) attempted to gain control of (b) (6), (b) (7)(C) hands and he resisted by pulling away. CBPO (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) several times to place his hands behind his back. As (b) (6), (b) (7)(C) continued to resist, CBPO (b) (6), (b) (7)(C) assisted CBPO (b) (6), (b) (7)(C) as (b) (6), (b) (7)(C) was struggling and refusing to calm down.</p> <p>CBPO (b) (6), (b) (7)(C) believes CBPO (b) (6), (b) (7)(C) placed the handcuffs on (b) (6), (b) (7)(C) continued to resist while in handcuffs, and complained they were too tight. CBPO (b) (6), (b) (7)(C) checked the handcuffs and advised (b) (6), (b) (7)(C) they were placed on him appropriately.</p> <p>21:23:49 UTC – CBPO (b) (6), (b) (7)(C) stated that CBPO (b) (6), (b) (7)(C) called for a supervisor and SCBPO (b) (6), (b) (7)(C) responded with two additional CBPOs. Subsequently (b) (6), (b) (7)(C) was escorted to the secondary area office.</p> <p>21:24:20 UTC – CBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) made a comment about knowing martial arts while in the secondary area, saying he could get out of the handcuffs and if he wanted too, he would not let anyone put him in handcuffs.</p>	





 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<p><b>1. CASE NUMBER</b></p> <p><b>(b) (7)(E)</b></p> <p><b>PREPARED BY</b></p> <p><b>(b) (6), (b) (7)(C)</b></p> <p><b>2. REPORT NUMBER</b></p> <p>003</p>
<p><b>10. NARRATIVE</b></p> <p>21:33:10 UTC - CBPO (b) (6), (b) (7)(C) was unaware that (b) (6), (b) (7)(C) hit his head on the wall, but was told by both, CBPOs (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) was hitting his own head on the wall.</p> <p>21:36:05 UTC – CBPO (b) (6), (b) (7)(C) said CBPO (b) (6), (b) (7)(C) had (b) (6), (b) (7)(C) in an escort hold and he assisted while they moved (b) (6), (b) (7)(C) to the secondary area.</p> <p>21:37:34 UTC CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was trying to break out of the handcuffs when they were initially placed on him.</p> <p>21:38:55 UTC – CBPO (b) (6), (b) (7)(C) stated that he never verbally or physically abused (b) (6), (b) (7)(C) and never witnessed any abuse by others towards (b) (6), (b) (7)(C). Additionally, CBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) was handcuffed for his safety, the CBPOs safety, and everyone else's safety.</p> <p>21:46:07 UTC – CBPO (b) (6), (b) (7)(C) did not see any injuries that were alleged by (b) (6), (b) (7)(C).</p> <p>In conclusion, CBPO (b) (6), (b) (7)(C) believes he, CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) handled this situation professionally according to CBP's policies and procedures.</p> <p>Continuing on April 11, 2018, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) interviewed CBPO (b) (6), (b) (7)(C) at the CBP Port Office, (b) (7)(E). CBPO (b) (6), (b) (7)(C) interview was audio/video recorded. A copy of the Star Witness recording is available upon request. (EXHIBIT 12)</p> <p>19:40:40 UTC – CBPO (b) (6), (b) (7)(C) said he was assigned to a (b) (7)(E) arriving on (b) (6), (b) (7)(C) on August 24, 2018. According to CBPO (b) (6), (b) (7)(C) deplaned and presented CBPO (b) (6), (b) (7)(C) several passports for him and his family, who had not deplaned yet. CBPO (b) (6), (b) (7)(C) had (b) (6), (b) (7)(C) stand to the side until his family came off the plane. (b) (6), (b) (7)(C) then started using his cell phone and CBPO (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) to put his cell phone away and explained this is a CBP processing area and cell phones are not permitted. (b) (6), (b) (7)(C) refused and said, "I'm not going to listen to you guys." CBPO (b) (6), (b) (7)(C) was adjacent to (b) (6), (b) (7)(C) said to (b) (6), (b) (7)(C) sir the officer is asking you to do something and you have to comply with his request. (b) (6), (b) (7)(C) responded, "No, I don't have to listen to you guys; you don't tell me what to do." CBPO (b) (6), (b) (7)(C) addressed (b) (6), (b) (7)(C) again; sir he is asking you to do something and you just have to comply with the request. (b) (6), (b) (7)(C) became verbally loud, aggressive with raising his hands in the air saying, "I don't have to listen to you."</p>	



 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<p><b>1. CASE NUMBER</b> (b) (7)(E)</p> <p><b>PREPARED BY</b> (b) (6), (b) (7)(C)</p> <p><b>2. REPORT NUMBER</b> 003</p>
<p><b>10. NARRATIVE</b></p> <p>Subsequently, while other passengers were deplaning, CBPO (b) (6), (b) (7)(C) attempted to have (b) (6), (b) (7)(C) put his hands down by grabbing them. At this time, (b) (6), (b) (7)(C) became combative and was resisting. CBPO (b) (6), (b) (7)(C) came to assist CBPO (b) (6), (b) (7)(C) calm (b) (6), (b) (7)(C) telling him to cooperate and relax. However, he continued to be combative, raising his hands and pushing.</p> <p>19:48:21 UTC – CBPO (b) (6), (b) (7)(C) explains he has to stop passengers from deplaning for their safety, by closing off the jet bridge area due to (b) (6), (b) (7)(C) being noncompliant. CBPOs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) eventually were able to physically get (b) (6), (b) (7)(C) hands behind his back and CBPO (b) (6), (b) (7)(C) placed the handcuffs on (b) (6), (b) (7)(C) and requested assistance from the PAU. SCBPO (b) (6), (b) (7)(C) arrived with backup a short time later. (b) (6), (b) (7)(C) was then taken to the secondary inspection area. CBPO (b) (6), (b) (7)(C) resumed his TTRT duties for (b) (6), (b) (7)(C) however, he was relieved a short time later and responded to the secondary area where (b) (6), (b) (7)(C) was being interviewed.</p> <p>19:56:40 UTC – CBPO (b) (6), (b) (7)(C) believes that while CBPO (b) (6), (b) (7)(C) was patting down (b) (6), (b) (7)(C) subsequent to being handcuffed, (b) (6), (b) (7)(C) hit his own head on the wall.</p> <p>20:05:52 UTC – CBPO (b) (6), (b) (7)(C) said CBPO (b) (6), (b) (7)(C) checked the handcuffs for tightness and determined that the handcuffs were appropriately applied. CBPO (b) (6), (b) (7)(C) advised (b) (6), (b) (7)(C) if he would stop resisting, the handcuffs would not hurt.</p> <p>20:10:25 UTC – CBPO (b) (6), (b) (7)(C) said he never observed an injury to (b) (6), (b) (7)(C) forehead.</p> <p>20:11:05 UTC – CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was not compliant while on the jet bridge and continued resisting after he was handcuffed.</p> <p>20:18:28 UTC – CBPO (b) (6), (b) (7)(C) said he never verbally or physically abused (b) (6), (b) (7)(C) and never witnessed any abuse by others towards (b) (6), (b) (7)(C).</p> <p>On April 12, 2018, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) interviewed CBPO (b) (6), (b) (7)(C) at the CBP Port Office located at (b) (7)(E). CBPO (b) (6), (b) (7)(C) interview was audio/video recorded. A copy of the Star Witness recording is available upon request. (EXHIBIT 13)</p>	



 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<b>1. CASE NUMBER</b> <b>(b) (7)(E)</b>
	<b>PREPARED BY</b> <b>(b) (6), (b) (7)(C)</b>
	<b>2. REPORT NUMBER</b> 003
<b>10. NARRATIVE</b>	
SSA <b>(b) (6), (b) (7)(C)</b> asked CBPO <b>(b) (6), (b) (7)(C)</b> to describe the events that took place on August 24, 2017 with <b>(b) (6), (b) (7)(C)</b> CBPO <b>(b) (6), (b) (7)(C)</b> stated the following:	
16:26:22 UTC - "Officer <b>(b) (6), (b) (7)(C)</b> um noticed the passenger um, pull out his cell phone, I don't know exactly what he was doing on his cell phone <b>(b) (6), (b) (7)(C)</b> told him, informed him cell phones were not advised in the area, told him to put it away. I do know he told him multiple times to put the phone away, um the passenger did not comply with his verbal commands."	
16:27:01 UTC - "I do remember the passenger telling <b>(b) (6), (b) (7)(C)</b> that he didn't have to listen to him, um, he was in charge he didn't have to listen to what we were telling him."	
16:27:21 UTC - "Again he told me, uh no, I think I'm in charge here, you don't tell me what to do."	
16:27:26 UTC - "At that time, I told him he needed to put the phone away otherwise he was gonna be escorted out of the area. I believe made the same comment again saying he did not need to listen to me."	
16:27:45 UTC - "During this time, he was very, he was very aggressive in the manner he was telling us, when he told me, he spoke to myself and Officer <b>(b) (6), (b) (7)(C)</b> he was very aggressive in his manner. Wasn't in a polite way, is was in a rude way the way he was telling us. Um, at no point did Officer <b>(b) (6), (b) (7)(C)</b> or myself, like yell at him, we told him in a firm manner that he needed to comply with our commands."	
16:28:17 UTC - "He was making hand gestures towards me saying he didn't need to listen to me, was like you are not in charge."	
16:28:28 UTC - "I went to grab him. Uh, to escort him out of the area."	
16:28:54 UTC - "He started pulling more away from me, but in a manner towards backing away."	
16:29:20 UTC - "He pulled away back into the corner."	
16:29:35 UTC - "His hands were clinched. He didn't, his demeanor towards me was not polite demeanor, so it was definitely in a threatening manner."	
16:29:57 UTC - "He was showing a lot of uh, verb, uh excuse me, um assaultive indicators."	

 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<p><b>1. CASE NUMBER</b> <b>(b) (7)(E)</b></p> <p><b>PREPARED BY</b> <b>(b) (6), (b) (7)(C)</b></p> <p><b>2. REPORT NUMBER</b> 003</p>
<p><b>10. NARRATIVE</b></p> <p>16:30:20 UTC - "Officer <b>(b) (6), (b) (7)(C)</b> stepped in to help me out."</p> <p>16:31:13 UTC - "We gave him multiple commands to put his hands behind his back, um, he would not comply at any point."</p> <p>16:31:32 UTC - "I placed handcuffs on him for officer safety issues."</p> <p>16:32:38 UTC - "At some point, he complained that the handcuffs were too tight. I checked them for tightness. I was able to fit two hands, I'm sorry two fingers between the uh, the clasp and his wrists so he had more than enough, uh space in there between both of his handcuffs."</p> <p>16:34:37 UTC - "He started slamming his head on the wall, like so I had him handcuffed, he was against the wall, um, and he just started slamming his head, maybe, I can't exactly remember how many times, maybe three or four times, just slamming his forehead on the wall in front of him. Um, I told him to stop doing it, uh, I know I attempted to make him stop, in a physical manner, pulling him away from it or something, I can't exactly remember how, but I do remember telling him not to do it anymore."</p> <p>16:36:19 UTC - "I had him in the "L-escort", tilted a little bit, just like your are trained to do."</p> <p>16:37:52 UTC - "When he was already handcuffed, he um, he tensed up a lot, while his hands were behind his back, he flexed, tensed up a lot, trying to pull away from the handcuffs, like he was Superman or something, like he was just gonna break away, break the handcuffs away."</p> <p>SSA <b>(b) (6), (b) (7)(C)</b> asked CBPO <b>(b) (6), (b) (7)(C)</b> if at any point during his involvement with this passenger, did he or did any other CBPO engage in any physical abuse of that passenger. CBPO <b>(b) (6), (b) (7)(C)</b> stated:</p> <p>17:01:36 UTC - "No."</p> <p>SSA <b>(b) (6), (b) (7)(C)</b> asked CBPO <b>(b) (6), (b) (7)(C)</b> if at any point during his involvement with the passenger, did he, or did anyone else from CBP engage in any verbal abuse of that passenger. CBPO <b>(b) (6), (b) (7)(C)</b> said:</p> <p>17:01:45 UTC - "No."</p>	





DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER

(b) (7)(E)

PREPARED BY

(b) (6), (b) (7)(C)

REPORT OF INVESTIGATION CONTINUATION

2. REPORT NUMBER

003

10. NARRATIVE

SSA (b) (6), (b) (7)(C) asked CBPO (b) (6), (b) (7)(C) to confirm (b) (6), (b) (7)(C) was not arrested during the incident. CBPO (b) (6), (b) (7)(C) stated:

17:01:55 UTC - "No, he was just being detained."

SSA (b) (6), (b) (7)(C) asked CBPO (b) (6), (b) (7)(C) to verify (b) (6), (b) (7)(C) banged his own forehead into the wall. CBPO (b) (6), (b) (7)(C) said:

17:02:19 UTC - "Correct."

SSA (b) (6), (b) (7)(C) asked how many times CBPO (b) (6), (b) (7)(C) recalled checking the handcuffs for tightness. CBPO (b) (6), (b) (7)(C) replied:

17:03:10 UTC "Twice, at least I believe."

SSA (b) (6), (b) (7)(C) asked CBPO (b) (6), (b) (7)(C) if he recalled the passenger ever complaining of any other type of injuries before, during or after the encounter. CBPO (b) (6), (b) (7)(C) stated:

17:05:56 UTC - "No."

SSA (b) (6), (b) (7)(C) asked if CBPO (b) (6), (b) (7)(C) ever observed any injuries on this passenger to include head injuries, wrist injuries or any other type of injuries. CBPO (b) (6), (b) (7)(C) said:


17:06:05 UTC - "Injury? No. Um, even after he slammed his head, I didn't notice anything. He hit it pretty hard too, he was doing it really hard, but I didn't notice anything."

SSA (b) (6), (b) (7)(C) asked CBPO (b) (6), (b) (7)(C) how he believed the situation with (b) (6), (b) (7)(C) was handled. CBPO (b) (6), (b) (7)(C) replied:

17:06:51 UTC - "I believe it was handled, I mean, the right way in accordance with CBP Policy. The use of force was justified in my opinion, it was the least, the least amount of force necessary to contain the situation and handle it."

On May 9, 2018, (b) (6), (b) (7)(C) emailed SSA (b) (6), (b) (7)(C) copies of the General Emergency Department Discharge Instructions (GEDDI) and prescription documentation he received after obtaining medical treatment at the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) on August 25, 2017.




 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<b>1. CASE NUMBER</b> <b>(b) (7)(E)</b>
	<b>PREPARED BY</b> <b>(b) (6), (b) (7)(C)</b>
	<b>2. REPORT NUMBER</b> 003


**10. NARRATIVE**

The GEDDI shows on August 25, 2017, (b) (6), (b) (7)(C) was seen for a head injury, paresthesias (abnormal sensation in any part of the body), injuries resulting from aforementioned confrontation, and he was diagnosed with an abrasion. (b) (6), (b) (7)(C) was prescribed ten Acetaminophen-Codeine (Tylenol #3), tablets to treat his pain. (EXHIBIT 14)


CBP, OPR, Personnel Security Division (IA CLEARANCES) advised CBPO (b) (6), (b) (7)(C) has a TS/SCI security clearance.

 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION</b> <b>Exhibit List</b></p>	<b>1. CASE NUMBER</b> (b) (7)(E)
	<b>PREPARED BY</b> (b) (6), (b) (7)(C)
	<b>2. REPORT NUMBER</b> 003

1. INFO Center referral, number (b) (7)(E) received by the JIC, dated August 25, 2017.
2. TECS (b) (7)(E) Query, dated September 29, 2017.
3. Star Witness audio/video recording of (b) (6), (b) (7)(C) interview, dated March 5, 2018.
4. Photospreads containing photographs of CBPOs (b) (6), (b) (7)(C)
5. Star Witness audio/video recording of SCBPO (b) (6), (b) (7)(C) interview, dated April 4, 2018.
6. Star Witness audio/video recording of CCBPO (b) (6), (b) (7)(C) interview, dated April 4, 2018.
7. CBP (b) (7)(E) Standard Operating Procedure (SOP) Detained, Escort & Transportation, dated February 29, 2016.
8. Star Witness audio/video recording of CBPO (b) (6), (b) (7)(C) interview, dated April 5, 2018.
9. Star Witness audio/video recording of CBPO (b) (6), (b) (7)(C) interview, dated April 5, 2018.
10. CBP Report of Investigation, number two, regarding the prosecutorial declination.
11. Star Witness audio/video recording of CBPO (b) (6), (b) (7)(C) interview, dated April 11, 2018.
12. Star Witness audio/video recording of CBPO (b) (6), (b) (7)(C) interview, dated April 11, 2018.
13. Star Witness audio/video recording of CBPO (b) (6), (b) (7)(C) interview, dated April 12, 2018.
14. Medical Documentation from (b) (6), (b) (7)(C) regarding injuries sustained by (b) (6), (b) (7)(C)

 <p><b>DEPARTMENT OF HOMELAND SECURITY</b> <b>Customs and Border Protection</b></p> <p><b>REPORT OF INVESTIGATION</b></p>		<p><b>1. CASE NUMBER</b> <b>(b) (7)(E)</b></p> <p><b>PREPARED BY</b> <b>(b) (6), (b) (7)(C)</b></p> <p><b>2. REPORT NUMBER</b> 001</p>
<p><b>3. TITLE</b> <b>(b) (6), (b) (7)(C), (b) (7)(E)</b> SUPVY CBP OFFCR/0802 Conflict of Interest-Misuse of Position <b>(b) (7)(E)</b></p>		
<p><b>4. FINAL RESOLUTION</b></p>		
<p><b>5. STATUS</b> Initial Report</p>	<p><b>6. TYPE OF REPORT</b> Allegation</p>	<p><b>7. RELATED CASES</b> <b>(b) (7)(E)</b></p>
<p><b>8. TOPIC</b> <b>(b) (7)(E)</b> SCBPO allegedly abused his authority, <b>(b) (7)(E)</b></p>		
<p><b>9. SYNOPSIS</b> On February 12, 2018, the Joint Intake Center (JIC), Washington, D.C., received an email and attachment from the U.S. Department of Homeland Security (DHS) Office of Inspector General (OIG), complaint number <b>(b) (7)(E)</b> forwarding the allegation of an anonymous complainant. According to the information provided by the DHS OIG, the anonymous complainant alleged Supervisory U.S. Customs and Border Protection Officers (SCBPOs) <b>(b) (6), (b) (7)(C)</b> and <b>(b) (6), (b) (7)(C)</b> both of <b>(b) (7)(E)</b> abused their authority when they determined a Venezuelan national who claimed credible fear, did not have fear. The SCBPOs overturned the Venezuelan national's fear claim and he was returned to Venezuela.</p>		
<p><b>10. CASE OFFICER (Print Name &amp; Title)</b> <b>(b) (6), (b) (7)(C)</b> Joint Intake Specialist</p>	<p><b>11. COMPLETION DATE</b> 14-FEB-2018</p>	<p><b>14. ORIGIN OFFICE</b> Joint Intake Center</p>
<p><b>12. APPROVED BY (Print Name &amp; Title)</b> <b>(b) (6), (b) (7)(C)</b> JIC Supervisor</p>	<p><b>13. APPROVED DATE</b> 15-FEB-2018</p>	<p><b>15. TELEPHONE NUMBER</b> No Phone Number</p>
<p><small>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</small></p>		
<p><small>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</small></p>		



 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<p><b>1. CASE NUMBER</b>  (b) (7)(E)</p> <p><b>PREPARED BY</b>  (b) (6), (b) (7)(C)</p> <p><b>2. REPORT NUMBER</b>  001</p>
<p><b>10. NARRATIVE</b></p> <p>DETAILS OF INVESTIGATION:</p> <p>On February 12, 2018, the Joint Intake Center (JIC), Washington, D.C., received an email and attachment from the U.S. Department of Homeland Security (DHS) Office of Inspector General (OIG), complaint number (b) (7)(E) forwarding the allegation of an anonymous complainant. According to the information provided by the DHS OIG, the anonymous complainant alleged Supervisory U.S. Customs and Border Protection Officers (SCBPOs) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) both of (b) (7)(E) abused their authority when they determined a Venezuelan national who claimed credible fear, did not have fear. The SCBPOs overturned the Venezuelan national's fear claim and he was returned to Venezuela.</p> <p>The following is a re-creation of the comments from the DHS OIG complaint. No changes have been made to grammar, punctuation or spelling.</p> <p>&lt;BEGIN&gt;</p> <p>On 01/26/2018, a Venezuelan national was found to be inadmissible to the United States, because he worked in the past under his visitor visa. The Venezuelan national was given an expedited removal. Prior to being placed in a holding cell, the Venezuelan national claimed fear of being returned to his country of Venezuela. The sworn statement was amended and the Venezuelan national was asked about his fear, which three different officers that were mentioned on the sworn statement heard the Venezuelan national claim fear. The Venezuelan national's case was then changed to a fear case and must be interviewed by an asylum officer and only the asylum officer can make the determination of the subject's fear.</p> <p>The case was completed and signed until Chief (b) (6), (b) (7)(C) called Branch Chief (b) (6), (b) (7)(C) and between the two made the decision that the Venezuelan national did not have fear and the case was overturned to remove the subject and he was placed on an airplane back to Venezuela on 01/27/2018.</p> <p>No one at the (b) (7)(E) is qualified to make a decision as to someone's fear of being returned to their home country. Chief (b) (6), (b) (7)(C) and Branch Chief (b) (6), (b) (7)(C) took it upon themselves to make the decision without having any qualification or training on fear or asylum claims. This is an abuse of authority and it is constantly taking place by Chiefs and above at the (b) (7)(E)</p> <p>&lt;END&gt;</p>	

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION Exhibit List</p>	1. CASE NUMBER
	(b) (7)(E)
	PREPARED BY
	(b) (6), (b) (7)(C)
	2. REPORT NUMBER
	001

None.





U.S. Customs and Border Protection

March 12, 2018

**MEMORANDUM FOR:** (b) (6), (b) (7)(C)  
 Assistant Port Director, Passenger Operations  
 (b) (7)(E)

**FROM :** (b) (6), (b) (7)(C) Watch Command (b) (6), (b) (7)(C)  
 (b) (6), (b) (7)(C), (b) (7)(E)

**SUBJECT :** ROI - (b) (7)(E)  
 Conflict of Interest/Misuse of Position

The following is a recommendation for administrative action to be taken based upon a review and findings of CBP Branch Chief (b) (6), (b) (7)(C) his disciplinary record, and the proscribed disciplinary actions in the U.S. Customs and Border Protection Table of Offenses and Penalties

**Allegation:** K-2 Neglect of Duty

**Prior Discipline:** None.

**Table of Offenses:** Failure to follow applicable laws, rules, regulations, or policies in the performance of duties

**First Offense:** Written reprimand to 14-day suspension

**Findings:** On February 12, 2018, the Joint Intake Center (JIC), Washington, D.C., received an email and attachment from the U.S. Department of Homeland Security (DHS) Office of Inspector General (OIG), complaint number (b) (7)(E) forwarding the allegation of an anonymous complainant. According to the information provided by the DHS OIG, the anonymous complainant alleged Supervisory U.S. Customs and Border Protection Officers (SCBPOs) (b) (6), (b) (7)(C) both of (b) (7)(E) abused their authority when they determined a Venezuelan national who claimed credible fear, did not have fear. The SCBPOs overturned the Venezuelan national's fear claim and he was returned to Venezuela.

A complete review of the (b) (7)(E) for this case was performed. On 01/26/2018, Venezuelan citizen (b) (6), (b) (7)(C) arrived at (b) (7)(E) from Caracas Venezuela on (b) (6), (b) (7)(C) was referred to Passport Secondary, where during questioning, he admitted being engaged in unauthorized employment in the United States since 2016. He was found inadmissible under Section 212(a)(7)(A)(i)(I).



(b) (7)(E)

The (b) (7)(E) reads that Once a pat down was completed the subject asked what was going to happen to his visa. CBPO (b) (6), (b) (7)(C) responded that your visa will be canceled and you will be barred from the United States for a period of 5 years. The subject then proceeded to cry and then he claimed asylum from Venezuela. The event reads that this was done in front of CBPO (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C). When the subject found out that he was going to have to go through another process, the subject then decided to not acknowledge any fear claim. The subject stated that he did not remember making a statement that he claimed fear from going back to his country. These statements were made prior to subject providing a sworn statement.

However, During the Q&A on the I867A, the subject expressed no fear of being returned home to Venezuela. Also during the Q&A on the I867B Jurat for Record of Sworn Statement in Proceedings, the subject expressed no fear of being returned home to Venezuela. The subject was then replaced under oath and he was then again asked the Credible Fear questions, and he responded once again to having no fear of being returned to Venezuela. Both records of sworn statements denying any fear of return to Venezuela were signed under oath by (b) (6), (b) (7)(C). The (b) (7)(E) in an Addendum on 01/27/2018, by Supervisory CBP Officer (b) (6), (b) (7)(C) states that after further review by Chief CBP Officer (b) (6), (b) (7)(C) and in concurrence with Watch Commander (b) (6), (b) (7)(C) it was determined that subject never intended to claim fear from his home country of Venezuela as stated by (b) (6), (b) (7)(C).

**Recommendations:** Based on the findings, it is clear that the subject did not claim fear under oath. There is no evidence of misuse of authority or neglect of duty by Watch Commander (b) (6), (b) (7)(C) or CBP Chief (b) (6), (b) (7)(C). It is recommended that this case be closed with no action.

APPROVED 

DISAPPROVED \_\_\_\_\_

(b) (6), (b) (7)(C)

Assistant Port Director  
Passenger Operations  
(b) (7)(E)



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

JUL 26 2018

(b) (6), (b) (7)(C)

Customs and Border Protection Officer

(b) (7)(E)

Dear (b) (6), (b) (7)(C)

This letter is written in reference to a complaint alleging that you, on April 21, 2018, refused an individual entry into the United States because he was a straight (b) (6), (b) (7)(C) old male. The allegation was received by the Joint Intake Center (JIC) on May 09, 2018.

As you are aware, the inquiry into the referenced allegation has been completed. Based upon the inquiry results, there was no evidence found that would corroborate or confirm the reported allegation(s).

In light of this information, you are advised that management has determined no further action is necessary in this regard and this matter is considered closed.

Sincerely,

(b) (6), (b) (7)(C)

Assistant Port Director

---

Receipt of the original notice is hereby acknowledged. It was delivered on:

July 24, 2018 at 9:45 M.  
Date Time

Employee Signature: (b) (6), (b) (7)(C)





U.S. Customs and  
Border Protection

JUL 26 2018

MEMORANDUM FOR: (b) (6), (b) (7)(C)  
Labor Employee Relations

FROM: Assistant Port Director (b) (6), (b) (7)(C)  
(b) (7)(E)

SUBJECT: Complainant alleges that Customs and Border Protection Officer (CBPO) (b) (6), (b) (7)(C) denied his entry into the United States because he is a straight, (b) (7)(E) old white male (b) (7)(E)

I recommend closure of case (b) (7)(E) with no further action. The case stems from a report received from the Joint Intake Center (JIC) relating to an allegation from an applicant for entry into the U.S. that CBPO (b) (6), (b) (7)(C) refused his entry into the United States because he is a straight, (b) (6), (b) (7)(C) old male and that she based her actions because she is a racist, sexist person.

Supervisory CBPO (b) (6), (b) (7)(C) who is also the (b) (7)(E) Professionalism Service Manager (PSM), has completed a review of the allegation and found no evidence substantiating the case. He found that on April 21, 2018, the complainant, (b) (6), (b) (7)(C) a citizen of Canada, made an application for entry into the United States at (b) (6), (b) (7)(C). He was referred to secondary inspection as a possible intending immigrant. A secondary inspection of the applicant by CBPO (b) (6), (b) (7)(C) resulted in a finding of inadmissibility. He failed to convince the inspecting officer that he was clearly and beyond a doubt, admissible to the United States. He was allowed to withdraw his application for entry and was advised that he could make another application for entry in the future, but that he should provide proof of ties to Canada to assist the officer in determining admissibility. He departed the (b) (6), (b) (7)(C) facility without incident.

I have reviewed the case and have found no evidence substantiating the claims made by (b) (6), (b) (7)(C). I recommend closing this case with no further action since research into the allegations failed to produce evidence of wrongdoing on the part of CBPO (b) (6), (b) (7)(C).

If you have any questions regarding my recommendation, please feel free to contact me at (b) (6), (b) (7)(C).



(b) (6), (b) (7)(C)

**From:** (b) (6), (b) (7)(C)  
**Sent:** Tuesday, June 12, 2018 12:25 PM  
**To:** (b) (6), (b) (7)(C)  
**Subject:** RE: Management Referral (b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)

I have reviewed the inspection by CBPO (b) (6), (b) (7)(C) regarding the incident below. Unfortunately, the camera and microphone directly over the inspection that day was inoperable (it appears to have been down for a period of a couple of days). I was however able to hear much of the inspection from the neighboring work station.

During the course of the inspection, some Spanish was spoken. Chief (b) (6), (b) (7)(C) assisted me with translating these parts. The inspection was conducted professionally and the withdraw was completed due to lack of proof of ties and uncertain return date. I would concur that the processing was legally substantiated.

As for the claims of racism and sexism, I find no indication of either from the inspection. Chief (b) (6), (b) (7)(C) concurs that any Spanish conversation during the inspection was unrelated to the case. The only critique would be that it could have been handled more expeditiously with less outside distraction. However, these serious accusations from the complainant appear unfounded/unsubstantiated.

Please let me know if you require anything further.

Respectfully,

(b) (6), (b) (7)(C)

Supervisory CBP Officer  
Tactical Terrorism Response Team

(b) (7)(E)  
Office: (b) (6), (b) (7)(C)  
Cell: (b) (6), (b) (7)(C)  
Email: (b) (6), (b) (7)(C)



**From:** (b) (6), (b) (7)(C)  
**Sent:** Tuesday, June 05, 2018 7:48 AM  
**To:** (b) (6), (b) (7)(C)  
**Subject:** FW: Management Referral (b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)  
Assistant Port Director  
(b) (7)(E)  
(b) (6), (b) (7)(C)

**From:** (b) (6), (b) (7)(C)  
**Sent:** Monday, June 04, 2018 5:52 PM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** Management Referral (b) (6), (b) (7)(C), (b) (7)(E)

PD (b) (6), (b) (7)(C)

SUSPENSE DATE: July 3, 2018

The attached management referral is forwarded for your review and recommendation accordingly.

Management will be required to review all information therein and make a recommendation on your designated course of action. Please note that the completed review of facts surrounding the allegation(s) should be finalized through the submission of a report of findings including all (signed) written statements, affidavits and other relevant documentation to support management's recommendation. Please review the following as it pertains to the final recommendation for action.

**Substantiated Case:** The report of findings should be routed to LER who will coordinate any initiation of corrective action, which may be formal (suspension or issuing a letter of reprimand) or informal action (counseling – verbal or written).

**Unfounded/Unsubstantiated Case:** The report of findings should be routed through local management officials to LER with a signed closure notice (attached) advising the employee the matter is closed with no further action.

All report of findings and recommendations should be returned to me. If you have any questions, feel free to contact me at (b) (6), (b) (7)(C) or via email at (b) (6), (b) (7)(C)

Thank you,

(b) (6), (b) (7)(C)

Labor & Employee Relations Specialist

U.S. Customs & Border Protection

Office: (b) (6), (b) (7)(C)

Cell: (b) (6), (b) (7)(C)

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DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

REPORT OF INVESTIGATION

1. CASE NUMBER

(b) (7)(E)

PREPARED BY

(b) (6), (b) (7)(C)

2. REPORT NUMBER

001

3. TITLE

(b) (6), (b) (7)(C), (b) (7)(E) CBP OFFCR/1102 Harassment-Discriminatory, (b) (7)(E)

4. FINAL RESOLUTION

5. STATUS

Initial Report

6. TYPE OF REPORT

Allegation

7. RELATED CASES

8. TOPIC

CBPO allegedly denied complainant's entry because she is racist and sexist

9. SYNOPSIS

On May 9, 2018, the Joint Intake Center, the Joint Intake Center (JIC), Washington, D.C., received U.S. Customs and Border Protection (CBP) Office of the Commissioner/Intergovernmental Public Liaison (IPL) Compliments and Complaints Branch (CCB) referral number (b) (7)(E) forwarding an allegation made by traveler (b) (6), (b) (7)(C) a Canadian national. (b) (6), (b) (7)(C) alleged on April 21, 2018, he arrived at (b) (6), (b) (7)(C) Canada and CBP Officer (CBPO) (b) (6), (b) (7)(C) denied his entry into the U.S. because he is a straight, (b) (7)(E) old white male. (b) (6), (b) (7)(C) claimed CBPO (b) (6), (b) (7)(C) based her actions because she is a racist, sexist person. (b) (6), (b) (7)(C) believes CBPO (b) (6), (b) (7)(C) is racist and sexist because he overheard a conversation she was having in the Spanish language.

10. CASE OFFICER (Print Name & Title)

(b) (6), (b) (7)(C) Joint Intake Specialist

11. COMPLETION DATE

11-MAY-2018

14. ORIGIN OFFICE

Joint Intake Center

12. APPROVED BY(Print Name & Title)

(b) (6), (b) (7)(C) JIC Supervisor

13. APPROVED DATE

14-MAY-2018

15. TELEPHONE NUMBER

No Phone Number

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DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

1. CASE NUMBER

(b) (7)(E)

PREPARED BY

(b) (6), (b) (7)(C)

2. REPORT NUMBER

001

10. NARRATIVE

DETAILS OF INVESTIGATION:

On May 9, 2018, the Joint Intake Center, the Joint Intake Center (JIC), Washington, D.C., received U.S. Customs and Border Protection (CBP) Office of the Commissioner/Intergovernmental Public Liaison (IPL) Compliments and Complaints Branch (CCB) referral number (b) (7)(E) forwarding an allegation made by traveler (b) (6), (b) (7)(C) a Canadian national. (b) (6), (b) (7)(C) alleged on April 21, 2018, he arrived at (b) (6), (b) (7)(C) Canada and CBP Officer (CBPO) (b) (6), (b) (7)(C) denied his entry into the U.S. because he is a straight, (b) (6), (b) (7)(C) old white male. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) claimed CBPO (b) (6), (b) (7)(C) based her actions because she is a racist, sexist person. (b) (6), (b) (7)(C) believes CBPO (b) (6), (b) (7)(C) is racist and sexist because he overheard a conversation she was having in the Spanish language.

JIC research identified the CBPO as (b) (6), (b) (7)(C), (b) (7)(E)

The following is a re-creation of the text from the CCB referral. No changes have been made to grammar, punctuation or spelling.

<BEGIN>

Customer (b) (6), (b) (7)(C) 4/25/2018 02:10 PM

The officer's name is (b) (6), (b) (7)(C) She would not provide a first name or any other information. The officer is around (b) (6), (b) (7)(C) old, latino descent, heavy build.

I have never ever been treated with such disrespect as I was by (b) (6), (b) (7)(C)

I informed her I had a flight soon.

I was called up to the counter, I was talked to like a child. I would like someone to listen to the recording of our conversation. I don't have to explain anything just listen to the conversation (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) said it was all recorded.

I was denied entry into USA because I am a straight, (b) (6), (b) (7)(C) old white male. (b) (6), (b) (7)(C) based on her actions is a racist, sexist person.

The following reasons are how I draw my conclusion, 1.Conversation I overheard (b) (6), (b) (7)(C) and the lady sitting next to her had in Spanish, Little did she know I speak Spanish.





DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION  
CONTINUATION

1. CASE NUMBER

(b) (7)(E)

PREPARED BY

(b) (6), (b) (7)(C)

2. REPORT NUMBER

001

10. NARRATIVE

2. The double standard applied to me and female travellers in the room. She told me I was not allowed to use my cell phone, (which I needed to find the information (b) (6), (b) (7)(C) needed). An older lady came in later and freely used her cellphone right in front of (b) (6), (b) (7)(C)

3. I was not allowed to lean on the counter. I witnesses 2 girls leaning on the counter freely.

4. (b) (6), (b) (7)(C) would not let me provide documents I needed to defend myself against her accusations of working in USA.

5. Even after providing evidence of funds far in excess of what is required for a 2 week stay in (b) (6), (b) (7)(C) I was still denied entry.

6. Providing the exact same documentation as I provided to (b) (6), (b) (7)(C) I was given a 7 day visa from another agent.

7. No effort was put forward to see that I have not used a return ticket to go to the USA since (b) (6), (b) (7)(C) Or that I sail all the time (b) (6), (b) (7)(C) seriously asked me to see photos of me sailing, which I provided). I have been stopped at the border before because I have been doing sailing events. I have my name on many crew lists of boats in the USA I have sailed that could be verified. No such action was taken.

(b) (6), (b) (7)(C) spent more time talking to her co worker who stopped by than she did handling my case. It is all recorded on the video footage you will have.

I will be filling some sort of legal action against (b) (6), (b) (7)(C) and the (b) (6), (b) (7)(C), (b) (7)(E) discriminated against me based on my age, gender, economic status and sexual orientation.

I have submitted a previous complaint and have heard nothing back.

I can be reached at my email,


(b) (6), (b) (7)(C)

or by phone,

(b) (6), (b) (7)(C)

<END>



 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION Exhibit List</p>	1. CASE NUMBER <b>(b) (7)(E)</b>
	PREPARED BY <b>(b) (6), (b) (7)(C)</b>
	2. REPORT NUMBER 001
None.	

**From:** (b) (6), (b) (7)(C)  
**To:** CRCLCompliance; (b) (7)(E) JOINT INTAKE  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** (b) (6), (b) (7)(C), (b) (7)(E)  
**Date:** Wednesday, May 9, 2018 10:49:42 AM  
**Attachments:** (b) (7)(E)

---

For your review

(b) (6), (b) (7)(C)  
Compliments and Complaints Analyst (CCA)  
Office of the Commissioner (OC), Intergovernmental Public Liaison (IPL)  
US Customs and Border Protection  
Phone: (b) (6), (b) (7)(C)  
Fax: (b) (6), (b) (7)(C)

<b>Reference #</b>	(b) (7)(E)
<b>Status</b>	New
<b>Assigned To</b>	(b) (6), (b) (7)(C)
<b>Product</b>	Discrimination Gender
<b>Category</b>	(b) (7)(E)
<b>Disposition</b>	Travelers Visitor For Pleasure
<b>SLA</b>	Not specified
<b>Queue</b>	(b) (7)(E)
<b>Date Created</b>	04/25/2018 02:10 PM
<b>Date Initial Solution Response</b>	None
<b>Last Updated</b>	05/09/2018 11:25 AM
<b>Customer SmartSense</b>	0 (on -3 to +3 scale)
<b>Staff SmartSense</b>	0 (on -3 to +3 scale)
<b>Response Needed</b>	Yes
<b>Language</b>	English
<b>Flight Number</b>	(b) (6), (b) (7)(C)
<b>Dist Field Office</b>	(b) (7)(E)
<b>Incident Date</b>	04/21/2018 12:00 PM
<b>PLOR</b>	Not Warranted
<b>Privacy Issue</b>	No
<b>Employee Conduct</b>	Unprofessional
<b>Referred out of CIC</b>	No
<b>Form Type</b>	Departing 1st
<b>Created by Generic Supervisor</b>	No
<b>Disposition (CF)</b>	Under Review
<b>Auto Close</b>	No
<b>Video Footage Attached</b>	No

**COMPLAINT-Discrimination****Discussion Thread**

Response (b) (6), (b) (7)(C)

05/09/2018 11:25 AM

Good morning,

Thank you for emailing the Compliments and Complaints Branch (CCB) with US Customs and Border Protection (CBP) regarding your experience on April 21, 2018 at the (b) (7)(E). We regret that you had a bad experience. You can be assured CBP takes employee misconduct very seriously and has clear policies against abuse of authority. Complaints of unprofessional conduct are documented and investigated, and appropriate action is taken against CBP Officers who have violated these rules. We forwarded your concerns to the appropriate agency within the Department of Homeland Security for whatever action is deemed appropriate. The Privacy Act prohibits any disclosure of discipline taken against CBP personnel. Thank you again and we appreciate you bringing this matter to our attention

Sincerely,

Compliments and Complaints Branch  
U.S. Customs and Border Protection  
(b) (6), (b) (7)(C)

**Customer (Oliver Darroch)**

04/25/2018 02:10 PM

The officer's name is (b) (6), (b) (7)(C). She would not provide a first name or any other information. The officer is around (b) (6), (b) (7)(C) old, latino descent, heavy build.

I have never ever been treated with such disrespect as I was by (b) (6), (b) (7)(C)

I informed her I had a flight soon.

I was called up to the counter, I was talked to like a child. I would like someone to listen to the recording of our conversation. I don't have to explain anything just listen to the conversation (b) (6), (b) (7)(C) said it was all recorded.

I was denied entry into USA because I am a straight (b) (6), (b) (7)(C) old white male (b) (6), (b) (7)(C) based on her actions is a racist, sexist person.

The following reasons are how I draw my conclusion,

1. Conversation I overheard (b) (6), (b) (7)(C) and the lady sitting next to her had in Spanish, Little did she know I speak Spanish.
2. The double standard applied to me and female travellers in the room. She told me I was not allowed to use my cell phone. (which I needed to find the information (b) (6), (b) (7)(C) needed). An older lady came in later and freely used her cellphone right in front of (b) (6), (b) (7)(C)
3. I was not allowed to lean on the counter. I witnesses 2 girls leaning on the counter freely.
4. (b) (6), (b) (7)(C) would not let me provide documents I needed to defend myself against her accusations of working in USA.
5. Even after providing evidence of funds far in excess of what is required for a 2 week stay in (b) (6), (b) (7)(C) was still denied entry.
6. Providing the exact same documentation as I provided to (b) (6), (b) (7)(C) was given a 7 day visa from another agent.
7. No effort was put forward to see that I have not used a return ticket to go to the USA since (b) (6), (b) (7)(C) seriously asked me to see photos of me sailing, which I provided). I have been stopped at the border before because I have been doing sailing events. I have my name on many crew lists of boats in the USA I have sailed that could be verified. No such action was taken.

(b) (6), (b) (7)(C) spent more time talking to her co worker who stopped by than she did handling my case. It is all recorded on the video footage you will have.

I will be filling some sort of legal action against (b) (6), (b) (7)(C) and the (b) (6), (b) (7)(C), (b) (7)(E) discriminated against me based on my age, gender, economic status and sexual orientation.

I have submitted a previous complaint and have heard nothing back.

I can be reached at my email,

(b) (6), (b) (7)(C)

or by phone,

(b) (6), (b) (7)(C)



This is unacceptable.

**Primary Contact**

First Name: (b) (6), (b) (7)(C)  
Last Name: [REDACTED]  
Organization:  
Login:  
Title:  
Contact Type:  
Email: (b) (6), (b) (7)(C)  
Email - Alternate #1:  
Email - Alternate #2:  
Office Phone:  
Mobile Phone:  
Fax:  
Assistant Phone:  
Home Phone:  
Street (b) (6), (b) (7)(C)  
City [REDACTED]  
State/Province  
Postal Code (b) (6), (b) (7)(C)  
Country Canada

**Additional Information**

Badge Number: (b) (6), (b) (7)(C)



**U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
TECS - (b) (7)(E)**

05/11/2018 16:42 PM EDT

Generated By (b) (6), (b) (7)(C)

Page 1 of 3

TECS RECORD ID: (b) (7)(E)

<b>Tecs Record ID</b> (b) (7)(E)			<b>Entry Date</b> 04/21/2018			<b>Update Date</b> 04/29/2018		
<b>Record Status</b> (b) (7)(E)				<b>Category</b>				
<b>Query Notification</b> (b) (7)(E)								
<b>Primary Action</b> (b) (7)(E)			<b>Start Date</b> 04/21/2018			<b>Stop Date</b> 04/21/2019		
<b>Last Name</b> (b) (6), (b) (7)(C)			<b>First Name</b>			<b>Middle Name</b>		
<b>Alias (0)</b>								
<b>Approval Status</b> Y - Approved					<b>Hispanic Indicator</b> N - NOT OF HISPANIC OR LATINO ORIGIN			
<b>Date of Birth (1)</b> 1) (b) (6), (b) (7)(C)			<b>Race (1)</b> 1) W - WHITE			<b>Gender (1)</b> 1) MALE		
<b>No Fly Indicator</b> (b)(3), (b) (7)(E)					<b>Selectee Indicator</b>			
<b>No</b>	<b>Date</b>	<b>Remarks</b>						
1	04/21/2018	(b) (7)(E)						
2	04/21/2018	CHECK STATUS						
<b>Nickname (0)</b>			<b>Hair (1)</b> 1) BR - BROWN			<b>Eyes (1)</b> 1) GR - GREEN		
<b>Height</b> (b) (6), (b) (7)(C)			<b>Weight</b>			<b>Units</b> ENGLISH		<b>Scars/Marks/Tattoos</b>
<b>Citizenship (1)</b> 1) CAN - CANADA			<b>SSN (0)</b>			<b>Residency Status</b>		

**For Official Use Only / Law Enforcement Sensitive**



**U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
TECS - (b) (7)(E)**

05/11/2018 16:42 PM EDT

Generated By (b) (6), (b) (7)(C)

Page 2 of 3

No	Country	State	City
1	CAN - CANADA	(b) (6), (b) (7)(C)	

No	Passport Number	Passport Type	Country of Issue	Issue Date	Expiration Date
1	(b) (6), (b) (7)(C)		CAN - CANADA		

No	Entered Address		Standardized Address	
	Address Date	Street	House Number	Rural Route
1	04/21/2018	(b) (6), (b) (7)(C)		
	<b>Apt/Suite</b>	<b>City</b>	<b>PO Box Number</b>	<b>Prefix</b>
		(b) (6), (b) (7)(C)		
	<b>State</b>	<b>Country</b>	<b>Street Name</b>	<b>Suffix</b>
	(b) (6), (b) (7)(C)	CAN - CANADA	(b) (6), (b) (7)(C)	
	<b>Zip</b>	<b>Type</b>	<b>Directional</b>	<b>Carrier Route</b>
	(b) (6), (b) (7)(C)			
			<b>APT Number</b>	<b>City</b>
				(b) (6), (b) (7)(C)
			<b>State</b>	<b>Country</b>
		(b) (6), (b) (7)(C)	CAN - CANADA	
		<b>Zip</b>		
		(b) (6), (b) (7)(C)		

No	Misc Number	Type
1	(b) (7)(E)	

Organization	Full Name	Telephone
	(b) (6), (b) (7)(C), (b) (7)(E)	

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U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
TECS - (b) (7)(E)

05/11/2018 16:42 PM EDT

Generated By: (b) (6), (b) (7)(C)


Page 3 of 3

No	Left		Right	
	Code	Description	Code	Description
1				
2				
3				
4				
5				

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 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b> <b>Customs and Border Protection</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION</b></p>		<p><b>1. CASE NUMBER</b> (b) (6), (b) (7)(C)</p>
		<p><b>PREPARED BY</b> (b) (6), (b) (7)(C)</p>
		<p><b>2. REPORT NUMBER</b> 001</p>
<p><b>3. TITLE</b> (b) (6), (b) (7)(C) CBP OFFCR/1102 Harassment-Discriminatory (b) (7)(E) (b) (7)(E)</p>		
<p><b>4. FINAL RESOLUTION</b></p>		
<p><b>5. STATUS</b> Initial Report</p>	<p><b>6. TYPE OF REPORT</b> Allegation</p>	<p><b>7. RELATED CASES</b></p>
<p><b>8. TOPIC</b> CBPO allegedly denied complainant's entry because she is racist and sexist</p>		
<p><b>9. SYNOPSIS</b> On May 9, 2018, the Joint Intake Center, the Joint Intake Center (JIC), Washington, D.C., received U.S. Customs and Border Protection (CBP) Office of the Commissioner/Intergovernmental Public Liaison (IPL) Compliments and Complaints Branch (CCB) referral number (b) (7)(E) forwarding an allegation made by traveler (b) (6), (b) (7)(C) a Canadian national. (b) (6), (b) (7)(C) alleged on April 21, 2018, he arrived at (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and CBP Officer (CBPO) (b) (6), (b) (7)(C) denied his entry into the U.S. because he is a straight (b) (6), (b) (7)(C) year-old white male. (b) (6), (b) (7)(C) claimed CBPO (b) (6), (b) (7)(C) based her actions because she is a racist, sexist person. (b) (6), (b) (7)(C) believes CBPO (b) (6), (b) (7)(C) is racist and sexist because he overheard a conversation she was having in the Spanish language.</p>		
<p><b>10. CASE OFFICER (Print Name &amp; Title)</b> (b) (6), (b) (7)(C) Joint Intake Specialist</p>	<p><b>11. COMPLETION DATE</b> 11-MAY-2018</p>	<p><b>14. ORIGIN OFFICE</b> Joint Intake Center</p>
<p><b>12. APPROVED BY (Print Name &amp; Title)</b> (b) (6), (b) (7)(C) JIC Supervisor</p>	<p><b>13. APPROVED DATE</b> 14-MAY-2018</p>	<p><b>15. TELEPHONE NUMBER</b> No Phone Number</p>
<p>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</p>		
<p>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</p>		



 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<b>1. CASE NUMBER</b> (b) (7)(E)
	<b>PREPARED BY</b> (b) (6), (b) (7)(C)
	<b>2. REPORT NUMBER</b> 001

**10. NARRATIVE**

DETAILS OF INVESTIGATION:

On May 9, 2018, the Joint Intake Center, the Joint Intake Center (JIC), Washington, D.C., received U.S. Customs and Border Protection (CBP) Office of the Commissioner/Intergovernmental Public Liaison (IPL) Compliments and Complaints Branch (CCB) referral number (b) (7)(E) forwarding an allegation made by traveler (b) (6), (b) (7)(C) a Canadian national. (b) (6), (b) (7)(C) alleged on April 21, 2018, he arrived at (b) (6), (b) (7)(C) and CBP Officer (CBPO) (b) (6), (b) (7)(C) denied his entry into the U.S. because he is a straight (b) (6), (b) (7)(C) year-old white male (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) claimed CBPO (b) (6), (b) (7)(C) based her actions because she is a racist, sexist person (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) believes CBPO (b) (6), (b) (7)(C) is racist and sexist because he overheard a conversation she was having in the Spanish language.

JIC research identified the CBPO as (b) (6), (b) (7)(C), (b) (7)(E)

The following is a re-creation of the text from the CCB referral. No changes have been made to grammar, punctuation or spelling.

<BEGIN>

Customer (b) (6), (b) (7)(C) 04/25/2018 02:10 PM

The officer's name is (b) (6), (b) (7)(C). She would not provide a first name or any other information. The officer is around (b) (6), (b) (7)(C) years old, latino descent, heavy build.

I have never ever been treated with such disrespect as I was by (b) (6), (b) (7)(C)

I informed her I had a flight soon.


I was called up to the counter, I was talked to like a child. I would like someone to listen to the recording of our conversation. I don't have to explain anything just listen to the conversation (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) said it was all recorded.

I was denied entry into USA because I am a straight (b) (6), (b) (7)(C) year old white male. (b) (6), (b) (7)(C) based on her actions is a racist, sexist person.

The following reasons are how I draw my conclusion,

1 Conversation I overheard (b) (6), (b) (7)(C) and the lady sitting next to her had in Spanish, Little did she know I speak Spanish.



 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<p><b>1. CASE NUMBER</b> (b) (7)(E)</p> <p><b>PREPARED BY</b> (b) (6), (b) (7)(C)</p> <p><b>2. REPORT NUMBER</b> 001</p>
<p><b>10. NARRATIVE</b></p> <p>2. The double standard applied to me and female travellers in the room. She told me I was not allowed to use my cell phone, (which I needed to find the information (b) (6), (b) (7)(C) needed). An older lady came in later and freely used her cellphone right in front of (b) (6), (b) (7)(C)</p> <p>3. I was not allowed to lean on the counter. I witnesses 2 girls leaning on the counter freely</p> <p>4. (b) (6), (b) (7)(C) would not let me provide documents I needed to defend myself against her accusations of working in USA.</p> <p>5. Even after providing evidence of funds far in excess of what is required for a 2 week stay in (b) (6), (b) (7)(C) was still denied entry.</p> <p>6. Providing the exact same documentation as I provided to (b) (6), (b) (7)(C) was given a 7 day visa from another agent.</p> <p>7. No effort was put forward to see that I have not used a return ticket to go to the USA since (b) (6), (b) (7)(C) Or that I sail all the time (b) (6), (b) (7)(C) seriously asked me to see photos of me sailing, which I provided). I have been stopped at the border before because I have been doing sailing events. I have my name on many crew lists of boats in the USA I have sailed that could be verified. No such action was taken.</p> <p>(b) (6), (b) (7)(C) spent more time talking to her co worker who stopped by than she did handling my case. It is all recorded on the video footage you will have.</p> <p>I will be filling some sort of legal action against (b) (6), (b) (7)(C) and the (b) (6), (b) (7)(C), (b) (7)(E) discriminated against me based on my age, gender, economic status and sexual orientation.</p> <p>I have submitted a previous complaint and have heard nothing back.</p> <p>I can be reached at my email, (b) (6), (b) (7)(C)</p> <p>or by phone, (b) (6), (b) (7)(C)</p> <p>&lt;END&gt;</p>	



DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION  
Exhibit List

1. CASE NUMBER

(b) (7)(E)

PREPARED BY

(b) (6), (b) (7)(C)

2. REPORT NUMBER

001

None.

**From:** (b) (6), (b) (7)(C)  
**To:** CRCL Compliance; (b) (7)(E) [JOINT INTAKE](#)  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** (b) (6), (b) (7)(C), (b) (7)(E)  
**Date:** Wednesday, May 9, 2018 10:49:42 AM  
**Attachments:** (b) (7)(E)

---

For your review

(b) (6), (b) (7)(C)  
Compliments and Complaints Analyst (CCA)  
Office of the Commissioner (OC), Intergovernmental Public Liaison (IPL)  
US Customs and Border Protection  
Phone: (b) (6), (b) (7)(C)  
Fax: (b) (6), (b) (7)(C)



<b>Reference #</b>	(b) (7)(E)
<b>Status</b>	New
<b>Assigned To</b>	(b) (6), (b) (7)(C)
<b>Product</b>	Discrimination Gender
<b>Category</b>	(b) (7)(E)
<b>Disposition</b>	Travelers Visitor For Pleasure
<b>SLA</b>	Not specified
<b>Queue</b>	(b) (7)(E)
<b>Date Created</b>	04/25/2018 02:10 PM
<b>Date Initial Solution Response</b>	None
<b>Last Updated</b>	05/09/2018 11:25 AM
<b>Customer SmartSense</b>	0 (on -3 to +3 scale)
<b>Staff SmartSense</b>	0 (on -3 to +3 scale)
<b>Response Needed</b>	Yes
<b>Language</b>	English
<b>Flight Number</b>	(b) (6), (b) (7)(C)
<b>Dist Field Office</b>	(b) (7)(E)
<b>Incident Date</b>	04/21/2018 12:00 PM
<b>PLOR</b>	Not Warranted
<b>Privacy Issue</b>	No
<b>Employee Conduct</b>	Unprofessional
<b>Referred out of CIC</b>	No
<b>Form Type</b>	Departing 1st
<b>Created by Generic Supervisor</b>	No
<b>Disposition (CF)</b>	Under Review
<b>Auto Close</b>	No
<b>Video Footage Attached</b>	No

## COMPLAINT-Discrimination

### Discussion Thread

**Response** (b) (6), (b) (7)(C)

05/09/2018 11:25 AM

Good morning,

Thank you for emailing the Compliments and Complaints Branch (CCB) with US. Customs and Border Protection (CBP) regarding your experience on April 21, 2018 at the (b) (6), (b) (7)(C). We regret that you had a bad experience. You can be assured CBP takes employee misconduct very seriously and has clear policies against abuse of authority. Complaints of unprofessional conduct are documented and investigated, and appropriate action is taken against CBP Officers who have violated these rules. We forwarded your concerns to the appropriate agency within the Department of Homeland Security for whatever action is deemed appropriate. The Privacy Act prohibits any disclosure of discipline taken against CBP personnel.

Thank you again and we appreciate you bringing this matter to our attention

Sincerely,

Compliments and Complaints Branch  
U.S. Customs and Border Protection  
(b) (6), (b) (7)(C)

**Customer** (b) (6), (b) (7)(C)

04/25/2018 02:10 PM

The officer's name is (b) (6), (b) (7)(C). She would not provide a first name or any other information. The officer is around (b) (6), (b) (7)(C) old, latino descent, heavy build.

I have never ever been treated with such disrespect as I was by (b) (6), (b) (7)(C)

I informed her I had a flight soon.

I was called up to the counter, I was ta ked to like a child. I would like someone to listen to the recording of our conversation. I don't have to explain anything just listen to the conversation (b) (6), (b) (7)(C) said it was all recorded.

I was denied entry into USA because I am a straight (b) (6), (b) (7)(C) old white male (b) (6), (b) (7)(C) based on her actions is a racist, sexist person.

The following reasons are how I draw my conclusion,

1. Conversation I overheard (b) (6), (b) (7)(C) and the lady sitting next to her had in Spanish, Little did she know I speak Spanish.
2. The double standard applied to me and female travellers in the room. She told me I was not allowed to use my cell phone, (which I needed to find the information (b) (6), (b) (7)(C) needed). An older lady came in later and freely used her cellphone right in front of (b) (6), (b) (7)(C).
3. I was not allowed to lean on the counter. I witnesses 2 girls leaning on the counter freely.
4. (b) (6), (b) (7)(C) would not let me provide documents I needed to defend myself against her accusations of working in USA.
5. Even after providing evidence of funds far in excess of what is required for a 2 week stay in (b) (6), (b) (7)(C) was still denied entry.
6. Providing the exact same documentation as I provided to (b) (6), (b) (7)(C) I was given a 7 day visa from another agent.
7. No effort was put forward to see that I have not used a return ticket to go to the USA since (b) (6), (b) (7)(C) or that I sail all the time (b) (6), (b) (7)(C) seriously asked me to see photos of me sailing, which I provided). I have been stopped at the border before because I have been doing sailing events. I have my name on many crew lists of boats in the USA I have sailed that could be verified. No such action was taken.

(b) (6), (b) (7)(C) spent more time ta king to her co worker who stopped by than she did handling my case. It is all recorded on the video footage you will have.

I will be filling some sort of legal action against (b) (6), (b) (7)(C) and the (b) (6), (b) (7)(C), (b) (7)(E) discriminated against me based on my age, gender, economic status and sexual orientation.

I have submitted a previous complaint and have heard nothing back.

I can be reached at my email,

(b) (6), (b) (7)(C)

or by phone,

(b) (6), (b) (7)(C)

This is unacceptable.

**Primary Contact**

First Name: (b) (6), (b) (7)(C)  
Last Name: [REDACTED]  
Organization:  
Login:  
Title:  
Contact Type:  
Email: (b) (6), (b) (7)(C)  
Email - Alternate #1:  
Email - Alternate #2:  
Office Phone:  
Mobile Phone:  
Fax:  
Assistant Phone:  
Home Phone:  
Street (b) (6), (b) (7)(C)  
City [REDACTED]  
State/Province  
Postal Code (b) (6), (b) (7)(C)  
Country Canada

**Additional Information**

Badge Number: (b) (6), (b) (7)(C)



**U.S. Customs and Border Protection  
U.S. Department of Homeland Security**

TECS - (b) (7)(E)

Generated By (b) (6), (b) (7)(C)

05/11/2018 16:42 PM EDT

Page 1 of 3

TECS RECORD ID: (b) (7)(E)

**IMAGE INFORMATION - PART I (0)**

**PERSON SUBJECT QUERY DETAILS INFORMATION**

<b>Tecs Record ID</b>	<b>Entry Date</b>	<b>Update Date</b>
(b) (7)(E)	04/21/2018	04/29/2018

<b>Record Status</b>	<b>Category</b>
(b) (7)(E)	

**Query Notification**

(b) (7)(E)

<b>Primary Action</b>	<b>Start Date</b>	<b>Stop Date</b>
(b) (7)(E)	04/21/2018	04/21/2019

<b>Last Name</b>	<b>First Name</b>	<b>Middle Name</b>
(b) (6), (b) (7)(C)		

**Alias (0)**

<b>Approval Status</b>	<b>Hispanic Indicator</b>
Y - Approved	N - NOT OF HISPANIC OR LATINO ORIGIN

<b>Date of Birth (1)</b>	<b>Race (1)</b>	<b>Gender (1)</b>
1) (b) (6), (b) (7)(C) years old)	1) W - WHITE	1) MALE

<b>No Fly Indicator</b>	<b>Selectee Indicator</b>
(b)(3), (b) (7)(E)	

**REMARKS INFORMATION (2)**

No	Date	Remarks
1	04/21/2018	(b) (7)(E)
2	04/21/2018	CHECK STATUS

**PERSONAL DATA INFORMATION**

<b>Nickname (0)</b>	<b>Hair (1)</b>	<b>Eyes (1)</b>
	1) BR - BROWN	1) GR - GREEN

<b>Height</b>	<b>Weight</b>	<b>Units</b>	<b>Scars/Marks/Tattoos</b>
(b) (6), (b) (7)(C)		ENGLISH	

**PERSONAL IDENTIFICATION INFORMATION**

<b>Citizenship (1)</b>	<b>SSN (0)</b>	<b>Residency Status</b>
1) CAN - CANADA		





**U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
TECS - (b) (7)(E)**

05/11/2018 16:42 PM EDT

Generated By: (b) (6), (b) (7)(C)

Page 2 of 3

BIRTH PLACE INFORMATION (1)				
No	Country	State	City	
1	CAN - CANADA	(b) (6), (b) (7)(C)		
ALIEN INFORMATION (0)				
EXCLUSION INFORMATION (0)				
PASSPORT INFORMATION (1)				
No	Passport Number	Passport Type	Country of Issue	Expiration Date
1	(b) (6), (b) (7)(C)		CAN - CANADA	
ADDRESS INFORMATION (1)				
No	Entered Address		Standardized Address	
1	Address Date	Street	House Number	Rural Route
	04/21/2018	(b) (6), (b) (7)(C)		
	Apt/Suite	City	PO Box Number	Prefix
		(b) (6), (b) (7)(C)		
	State	Country	Street Name	Suffix
	(b) (6), (b) (7)(C)	CAN - CANADA	(b) (6), (b) (7)(C)	
	Zip	Type	Directional	Carrier Route
	(b) (6), (b) (7)(C)			
			APT Number	City
				(b) (6), (b) (7)(C)
		State	Country	
		(b) (6), (b) (7)(C)	CAN - CANADA	
		Zip		
		(b) (6), (b) (7)(C)		
DRIVERS' LICENSE INFORMATION (0)				
PHONE INFORMATION (0)				
ALTERNATE COMMUNICATION INFORMATION (0)				
MISCELLANEOUS INFORMATION (1)				
No	Misc Number	Type		
1	(b) (7)(E)			
CRIMINAL AFFILIATION INFORMATION (0)				
CONTACT INFORMATION				
Organization	Full Name	Telephone		
	(b) (6), (b) (7)(C), (b) (7)(E)			
CASE NUMBER INFORMATION (0)				



U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
TECS - (b) (7)(E)

05/11/2018 16:42 PM EDT

Generated By (b) (6), (b) (7)(C)

Page 3 of 3

FINGER PRINT INFORMATION				
No	Left		Right	
	Code	Description	Code	Description
1				
2				
3				
4				
5				
SPOUSE INFORMATION (0)				
WARRANT INFORMATION (0)				
ATF PROFILE INFORMATION (0)				
BAGGAGE DECLARATION (CF6059) INFORMATION (0)				
FINANCIAL INFORMATION (0)				
EMPLOYMENT INFORMATION (0)				
PILOT LICENSE INFORMATION (0)				
IMAGE INFORMATION - PART II (0)				

(b) (7)(E)



U.S. Customs and  
Border Protection

MAY 03 2019

MEMORANDUM FOR: Area Port Director  
(b) (7)(E)

(b) (6), (b) (7)(C)

FROM: Assistant Port Director – Tactical C  
(b) (7)(E)

SUBJECT: OPR CASE (b) (7)(E) CONFLICT OF INTEREST-FAILURE  
TO PERFORM OFFICIAL DUTIES

**SUMMARY:**

On October 15, 2018, the Joint Intake Center (JIC), Washington D.C., received an email from U.S. Customs and Border Protection (CBP) Officer (CBPO) (b) (6), (b) (7)(C) regarding CBPO (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) alleged CBPO (b) (6), (b) (7)(C) took actions that were inconsistent with the CBP policy for an examination of electronic devices and disrespected CBPO (b) (6), (b) (7)(C) due to his national origin. The incident reportedly occurred on September 3, 2018, and involved the secondary inspection of a U.S. citizen who was (b) (7)(E) (b) (7)(E)

**FINDINGS:**

CBP Office of Professional Responsibility (OPR) conducted an investigation into the allegations contained within the case. OPR determined that CBPO (b) (6), (b) (7)(C) operated within CBP policies.

**RECOMMENDATION:**

I recommend that this case be closed without further action.





U.S. Customs and  
Border Protection

(b) (7)(E)

JUL 17 2019

(b) (6), (b) (7)(C)

Customs and Border Protection Officer  
Customs and Border Protection

(b) (7)(E)

(b) (6), (b) (7)(C)

This letter is written in reference to an outstanding allegation of misconduct, which was reported on or about November 27, 2018 to the Department of Homeland Security, Joint Intake Center (JIC) located in Washington, DC. In short, said allegation referenced misconduct relating to a passenger complaint regarding an electronic media inspection.

In light of the foregoing, this letter constitutes a counseling notice for Failure to Follow Policy. As you are aware, on November 19, 2018, you were performing secondary inspection duties at the (b) (6), (b) (7)(C). During the secondary inspection, you performed an electronic media search on a passenger's cellular phone. In doing so, you temporarily disabled the airplane mode on the passenger's cellular phone.

I have given full consideration to this matter and the nature of the aforementioned misconduct in relation to your position as a Customs and Border Protection Officer (CBPO). Your failure to follow policy is a serious matter because it relates directly to the mission of U.S. Customs and Border Protection (CBP) to protect our nation's borders. As a law enforcement officer with CBP, you are held to a higher standard of conduct, you are expected to follow all agency policies and procedures, to include CBP Directive No. 3340-049A, *Border Search of Electronic Devices*. Specifically section 5.1.2 of this directive states in part, "To avoid retrieving or accessing information stored remotely and not otherwise present on the device, Officers will either request that the traveler disable connectivity to any network (e.g., by placing the device in airplane mode), or, where warranted by national security, law enforcement, officer safety, or other operational considerations, Officers will themselves disable network connectivity. Officers should also take care to ensure, throughout the course of a border search, that they do not take actions that would make any changes to the contents of the device." In short, when you disabled the airplane mode on the passenger's cellular phone, you violated policy. Therefore, you are advised to avoid future misconduct, as it could lead to disciplinary/adverse action up to and including removal from federal employment.

In addition, as a reminder every employee is required to (1) know the Standards of Conduct and their application to his or her behavior; (2) seek clarification from his or her supervisor if unsure of the application of the Standards of Conduct; (3) adhere to the Standards of Conduct; and (4) be aware of the consequences of violation of the Standards of Conduct, applicable statutes, regulations, and rules regarding conduct.

This counseling notice is not a disciplinary action, it will not be filed in your Official Personnel Folder (OPF); however, a copy of this letter will be placed in your local personnel folder for a period not to exceed one (1) year from the date you receive the letter.

The Employee Assistance Program (EAP), which is free and confidential, may be able to assist you with any personal problems that you may be experiencing. You may schedule an appointment with EAP by calling (b) (7)(E)

Please sign the receipt acknowledgment copy of this letter as evidence that you have received it.

(b) (6), (b) (7)(C)

Assistant Port Director

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Receipt of the original notice is hereby acknowledged.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

17 July 2019  
Date



(b) (6), (b) (7)(C)

**From:** (b) (6), (b) (7)(C)  
**Sent:** Thursday, November 7, 2019 2:05 PM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** FW: Management Referral: (b) (6), (b) (7)(C) Case No. (b) (7)(E) and (b) (6), (b) (7)(C) Case No. (b) (6), (b) (7)(C), (b) (7)(E)  
**Attachments:** Management Referral - Harassment-Hostile Work Environment.pdf; ROI (b) (7)(E) pdf; Unsworn Dec - TTRT (b) (6), (b) (7)(C) pdf; Unsworn Dec - TTRT (b) (6), (b) (7)(C) pdf

(b) (6), (b) (7)(C)

See attached completed (b) (6), (b) (7)(C), (b) (7)(E) Due to the supporting documentation being identical, these cases were combined. The allegation(s) of harassment and hostile work environment were unfounded.

Thank you,

(b) (6), (b) (7)(C)

Watch Commander  
(b) (6), (b) (7)(C)  
Work: (b) (6), (b) (7)(C)  
Cell: (b) (6), (b) (7)(C)

**From:** (b) (6), (b) (7)(C)  
**Sent:** Friday, October 18, 2019 7:13 PM  
**To:** (b) (6), (b) (7)(C)  
**Subject:** Fwd: Management Referral: (b) (6), (b) (7)(C), (b) (7)(E)

Begin forwarded message:

**From:** (b) (6), (b) (7)(C)  
**To:** (b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** Fwd: Management Referral: (b) (6), (b) (7)(C), (b) (7)(E)

---

**From:** (b) (6), (b) (7)(C)  
**Sent:** Friday, October 18, 2019 2:50:58 PM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** Management Referral: (b) (6), (b) (7)(C), (b) (7)(E)



Dear (b) (6), (b) (7)(C)

**\*\*\*Please note this case related to the case I previously sent (b) (6), (b) (7)(C) Case No. (b) (6), (b) (7)(C), (b) (7)(E)\*\*\***

Attached for management's review and dissemination as they deem appropriate: (b) (6), (b) (7)(C)  
Case No. (b) (6), (b) (7)(C), (b) (7)(E)

If you conclude that no further action is necessary, please indicate whether the allegation is either:

**Unsubstantiated** - The evidence was inadequate to reach a conclusion; the allegation could not be proved or disproved.

**Unfounded** - The allegation had no foundation in fact; the evidence disproved the allegation.

If any other action is deemed appropriate or you have any questions on how to proceed, please feel free to contact me. In either case, please provide a response with your findings by **Friday, November 15, 2019**.

(b) (6), (b) (7)(C)

Labor & Employee Relations Specialist

U.S. Customs & Border Protection – HRPPD, Field Services Division – LER Branch (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

(b) (7)(E)



U.S. Customs and Border Protection

*Handwritten signature and date 11/7/19*

MEMORANDUM FOR:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Assistant Port Director

(b) (6), (b) (7)(C)

FROM:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Watch Commander

(b) (6), (b) (7)(C)

SUBJECT:

OPR File (b) (7)(E) - Harassment/Hostile Work Environment

For full details pertaining to these cases, please refer to OPR Case (b) (7)(E) and OPR Case (b) (7)(E) (EXHIBIT 1). A synopsis of the report(s) is as follows: On December 26, 2018, the Joint Intake Center (JIC), Washington D.C., received a telephone call via the JIC Hotline from U.S. Customs and Border Protection Officer (CBPO) (b) (6), (b) (7)(C). According to CBPO (b) (6), (b) (7)(C) on December 10, 2018, he returned from a (b) (6), (b) (7)(C) trip and was stopped by CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) both located in (b) (6), (b) (7)(C). CBPO (b) (6), (b) (7)(C) alleged CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) harassed him, inquired about his affiliations in (b) (6), (b) (7)(C) and questioned his integrity and loyalty.

### FINDINGS

On October 18, 2019, Fact Finder (FF) (b) (6), (b) (7)(C) was directed to conduct a management review of the allegation.

On October 27, 2018, FF (b) (6), (b) (7)(C) interviewed TTRT Officer (b) (6), (b) (7)(C) as a subject to the incident. Officer (b) (6), (b) (7)(C) completed and signed an Unsworn Declaration after the interview (EXHIBIT 2).

During interview, Officer (b) (6), (b) (7)(C) confirmed that he and Officer (b) (6), (b) (7)(C) conducted the inspection of Officer (b) (6), (b) (7)(C) on December 10, 2019, and that no other officer participated in the inspection.

Officer (b) (6), (b) (7)(C) stated that he was aware of the Department of Homeland Security Anti-Harassment Policy Statement, 256-06, dated April 1, 2019; the Department of Homeland Security Anti-Harassment Directive, 256-01, dated April 25, 2013; and the U.S. Customs and Border Protection Anti-Discriminatory Harassment Directive 51713-011 dated June 26, 2012.



He was asked if he had ever harassed and/or discriminated against any CBP employee due to a protected class or status as race, color, religion, sex, national origin, age, disability, protected genetic information, sexual orientation, gender identity, marital status, parental status, or political affiliation. He responded “no.”

He was then asked if he had conducted the inspection of Officer (b) (6), (b) (7)(C) to violate the aforementioned policies, in which he responded, “No. The exam was carried out by TTRT (b) (6), (b) (7)(C) and myself as requested.”

Officer (b) (6), (b) (7)(C) was asked if he harassed, bullied, mocked, threatened, or putdown Officer (b) (6), (b) (7)(C) during this inspection or at any time, in which he responded negatively for both. He added that they extended professional courtesy to him by using a private room.

Officer (b) (6), (b) (7)(C) stated that both he and Officer (b) (6), (b) (7)(C) had been polite and courteous during the course of the exam on December 10, 2019. He added that, “This exam was sensitive in nature due to he (Officer (b) (6), (b) (7)(C) being one of own. With this being said, TTRT (b) (6), (b) (7)(C) and myself did everything we could to keep CBPO (b) (6), (b) (7)(C) from being seen by the other officers.” He ended his statement stating that the inspection was documented in the CBP system.

On October 27, 2018, FF (b) (6), (b) (7)(C) interviewed TTRT Officer (b) (6), (b) (7)(C) as a subject to the incident. Officer (b) (6), (b) (7)(C) completed and signed an Unsworn Declaration after the interview (EXHIBIT 3).

During interview, Officer (b) (6), (b) (7)(C) also confirmed that he and Officer (b) (6), (b) (7)(C) conducted the inspection of Officer (b) (6), (b) (7)(C) on December 10, 2019, and that no other officer participated in the inspection.

Officer (b) (6), (b) (7)(C) stated that he was aware of the Department of Homeland Security Anti-Harassment Policy Statement, 256-06, dated April 1, 2019; the Department of Homeland Security Anti-Harassment Directive, 256-01, dated April 25, 2013; and the U.S. Customs and Border Protection Anti-Discriminatory Harassment Directive 51713-011 dated June 26, 2012.

He was asked if he had ever harassed and/or discriminated against any CBP employee due to a protected class or status as race, color, religion, sex, national origin, age, disability, protected genetic information, sexual orientation, gender identity, marital status, parental status, or political affiliation. He responded “no.”

He was then asked if he had conducted the inspection of Officer (b) (6), (b) (7)(C) to violate the aforementioned policies, in which he responded, “no.”

Officer (b) (6), (b) (7)(C) was asked if he harassed, bullied, mocked, threatened, or putdown Officer (b) (6), (b) (7)(C) during this inspection or at any time, in which he responded negatively. He added that, “I have had nothing but respect for him and his career. He is senior to me and has taught me a lot. I have gone to him several times for assistance.”



Officer (b) (6), (b) (7)(C) stated that both he and Officer (b) (6), (b) (7)(C) were professional during the inspection of Officer (b) (6), (b) (7)(C)

In conclusion, this review did not find any indication of harassment or creation of a hostile work environment on the part of the employees involved in the inspection of CBPO (b) (6), (b) (7)(C)

The allegation of harassment and hostile work environment is unfounded.

### RECOMMENDATIONS


Based on the above findings, it is recommended that the port take no further action.

### EXHIBIT LIST

**EXHIBIT 1:** Report of Investigation(s) No. (b) (7)(E) and (b) (7)(E) both initiated by the Joint Intake Center on December 26, 2019.

**EXHIBIT 2:** Administrative Warning Acknowledgement and Unsworn Declaration of CBP (TTRT) Officer (b) (6), (b) (7)(C) dated October 27, 2019.

**EXHIBIT 3:** Administrative Warning Acknowledgement and Unsworn Declaration of CBP (TTRT) Officer (b) (6), (b) (7)(C) dated October 27, 2019.

 <p><b>DEPARTMENT OF HOMELAND SECURITY</b> <b>Customs and Border Protection</b></p> <p><b>REPORT OF INVESTIGATION</b></p>		<p><b>1. CASE NUMBER</b> (b) (7)(E)</p> <p><b>PREPARED BY</b> (b) (6), (b) (7)(C)</p> <p><b>2. REPORT NUMBER</b> 002</p>
<p><b>3. TITLE</b> (b) (6), (b) (7)(C) CBP OFFCOR/1106 Harassment – Hostile Work Environment (b) (7)(E) (b) (7)(E)</p>		
<p><b>4. FINAL RESOLUTION</b></p>		
<p><b>5. STATUS</b> Interim Report</p>	<p><b>6. TYPE OF REPORT</b> Memo of Interview</p>	<p><b>7. RELATED CASES</b> (b) (7)(E)</p>
<p><b>8. TOPIC</b> Interview of CBPO (b)(6), (b)(7)(C) and subsequent information received.</p>		
<p><b>9. SYNOPSIS</b> On December 26, 2018, U.S. Customs and Border Protection Officer (CBPO) (b) (6), (b) (7)(C) contacted the Joint Intake Center to report that on December 10, 2018, CBPOs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), (b) (7)(E) harassed him (b)(6), (b)(7)(C) at the (b) (7)(E) (b) (7)(E)</p> <p>This report documents a March 12, 2019, interview of CBPO (b)(6), (b)(7)(C) and subsequent information received.</p>		
<p><b>10. CASE OFFICER (Print Name &amp; Title)</b> (b) (6), (b) (7)(C) CBP OPR POC</p>	<p><b>11. COMPLETION DATE</b> 03-APR-2019</p>	<p><b>14. ORIGIN OFFICE</b> CBP OPR FACT FINDER POC</p>
<p><b>12. APPROVED BY (Print Name &amp; Title)</b> (b) (6), (b) (7)(C) JIC Supervisor</p>	<p><b>13. APPROVED DATE</b> 06-APR-2019</p>	<p><b>15. TELEPHONE NUMBER</b> (b) (6), (b) (7)(C)</p>
<p><small>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</small></p>		
<p><small>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</small></p>		



## DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION  
CONTINUATION

1. CASE NUMBER

(b) (7)(E)

PREPARED BY

(b) (6), (b) (7)(C)

2. REPORT NUMBER

002

## 10. NARRATIVE

## DETAILS OF INVESTIGATION:

On December 26, 2018, U.S. Customs and Border Protection Officer (CBPO) (b) (6), (b) (7)(C) contacted the Joint Intake Center to report that on December 10, 2018, CBPOs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), (b) (7)(E) harassed him (b) (6), (b) (7)(C) at the (b) (7)(E) (b) (7)(E).

On March 12, 2019, CBP Office of Professional Responsibility (OPR) Supervisory Investigative Program Specialist (SIPS) (b) (6), (b) (7)(C) a CBP-designated Fact Finder (FF), conducted an interview with CBPO (b) (6), (b) (7)(C), (b) (7)(E) CBPO (b) (6), (b) (7)(C) completed a Weingarten Rights form and a Third Party Witness form before the interview and an affidavit after the interview. CBPO (b) (6), (b) (7)(C) affidavit is summarized as follows:

CBPO (b) (6), (b) (7)(C) stated the following, regarding his December 10, 2018 encounter with CBPOs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C).


(b) (6), (b) (7)(C) was a passenger, returning from personal travel to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) or all of his "media"—his phones and iPad. (b) (6), (b) (7)(C) said to (b) (6), (b) (7)(C) "You're an affiliate." (b) (6), (b) (7)(C) asked if anyone [from the group (b) (6), (b) (7)(C)] had recruited (b) (6), (b) (7)(C) on his trip to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) asked if (b) (6), (b) (7)(C) had joined (b) (6), (b) (7)(C) on his trip to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that he did not have to tell anyone at the port about his encounter with them.

- The interview by (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) was done without supervisors present.
  - (b) (6), (b) (7)(C) opened (b) (6), (b) (7)(C) carryon bag and went through it completely.
- (b) (6), (b) (7)(C) believed that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) did not tell the "whole truth" by saying that the encounter was the result of an (b) (7)(E).

CBPO (b) (6), (b) (7)(C) said that (for approximately the past year) he had stopped giving translation help to CBPOs (b) (6), (b) (7)(C) due to the "methods they use to trap people and the way they ask questions."

CBPO (b) (6), (b) (7)(C) added (in part), "I've seen them refuse entry for a lot of people using this [sic] questions. If the person is a U.S. citizen, they will elevate them to a (b) (6), (b) (7)(C), (b) (7)(E) and (b) (6), (b) (7)(C) will have a passenger for 3 to 4 hours, and 4 hours later the passenger is refused, and then they would call me to come translate—after the passenger has been refused. This happened with



 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<b>1. CASE NUMBER</b> (b) (7)(E)
	<b>PREPARED BY</b> (b) (6), (b) (7)(C)
	<b>2. REPORT NUMBER</b> 002

**10. NARRATIVE**

a lady that (b) (6), (b) (7)(C) had interviewed. (b) (6), (b) (7)(C) asked passengers if they were (b) (7)(E) or (b) (7)(E). A passenger, who they had asked this question, had said (b) (7)(E) because of the soccer team he supported. This team [of CBPOs] has 8 or 9 officer [sic], and (b) (6), (b) (7)(C) are the only ones who use these methods."

CBPO (b) (6), (b) (7)(C) stated that on December 10, 2018, CBPO (b) (6), (b) (7)(C) had harassed him. CBPO (b) (6), (b) (7)(C) included the following information about CBPO (b) (6), (b) (7)(C)

- (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) integrity questions.
  - (b) (6), (b) (7)(C) hinted to an accusation of affiliation to a terrorist organization.
- (b) (6), (b) (7)(C) understood (b) (6), (b) (7)(C) talk of "affiliation" to be due to (b) (6), (b) (7)(C) being a (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) understood (b) (6), (b) (7)(C) to be implying that (b) (6), (b) (7)(C) was associated with (b) (7)(E).

CBPO (b) (6), (b) (7)(C) stated that on December 10, 2018, CBPO (b) (6), (b) (7)(C) had harassed him. CBPO (b) (6), (b) (7)(C) included the following information about CBPO (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) by his "line of questioning", had harassed (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) was trying to affiliate (b) (6), (b) (7)(C), (b) (7)(E) because (b) (6), (b) (7)(C) was a (b) (6), (b) (7)(C).

Previous to December 10, 2018, CBPO (b) (6), (b) (7)(C) advised that CBPOs (b) (6), (b) (7)(C) had not harassed him.

Additionally, CBPO (b) (6), (b) (7)(C) believed that, on December 10, 2018, CBPO (b) (6), (b) (7)(C) had stayed beyond the end of his shift in order to talk to (b) (6), (b) (7)(C) and to "backup (b) (6), (b) (7)(C). CBPO (b) (6), (b) (7)(C) further indicated that CBPO (b) (6), (b) (7)(C) had "bragged to CBPO (b) (6), (b) (7)(C) that he (b) (6), (b) (7)(C) had detained an officer's media."

On March 15, 2019, FF (b) (6), (b) (7)(C) received an email from (b) (6), (b) (7)(C). The following is a verbatim recreation of the email:

<Begin>

From: (b) (6), (b) (7)(C)

 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<p><b>1. CASE NUMBER</b>  <b>(b) (7)(E)</b></p> <p><b>PREPARED BY</b>  <b>(b) (6), (b) (7)(C)</b></p> <p><b>2. REPORT NUMBER</b>  002</p>
<p><b>10. NARRATIVE</b></p> <p>Sent: Friday, March 15, 2019 8:16 PM  To: <b>(b) (6), (b) (7)(C)</b>  Subject: Q&amp;A update</p> <p><b>(b) (6), (b) (7)(C)</b></p> <p>I just wanted to add couple things to my statement. I am sorry after we finished the Q&amp;A and I had more time to read the statement I remembered couple things.</p> <p>1. We talked about some of the things that happened that day. I mentioned that officers in the Passenger Analyses Unit (PAU) said that the unit ran <b>(b) (6), (b) (7)(C)</b> earlier and there wasn't any lookout on it. At 1600 hours about one an half hour before arrival, my name popped up as a <b>(b) (7)(E)</b>. This means that the officers in <b>(b) (7)(E)</b> controlled the time the <b>(b) (7)(E)</b> was entered in the system. (Officer <b>(b) (6), (b) (7)(C)</b> is one of the officers in PAU that worked that day.)</p> <p>2. On December 14, 2018 about three days after the arrival day, SCBPO <b>(b) (6), (b) (7)(C)</b> stopped me and told me that he did not know about the <b>(b) (7)(E)</b> or about me been inspected on December 10, 2018. Supervisor <b>(b) (6), (b) (7)(C)</b> was the OIC at the <b>(b) (7)(E)</b> on December 10, 2018. OIC always makes sure that the <b>(b) (7)(E)</b> is printed and passed out to primary officers.</p> <p>There couple new names that might help answer any question about the questionable practices at the TTR team.</p> <p>1. CBPO <b>(b) (6), (b) (7)(C)</b>  2. CBPO <b>(b) (6), (b) (7)(C)</b></p> <p>Thank you.</p> <p><b>(b) (6), (b) (7)(C)</b></p> <p>&lt;End&gt;</p>	

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION Exhibit List</p>	1. CASE NUMBER <b>(b) (7)(E)</b>
	PREPARED BY <b>(b) (6), (b) (7)(C)</b>
	2. REPORT NUMBER 002

None



(b) (6), (b) (7)(C)

**From:** (b) (6), (b) (7)(C)  
**Sent:** Tuesday, April 30, 2019 4:11 PM  
**To:** (b) (6), (b) (7)(C)  
**Cc:**  
**Subject:** RE: MANAGEMENT REFERRAL - (b) (7)(E)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

(b) (6), (b) (7)(C)

Please close this as:

Unfounded as pertains to racism. Further, CBPO was verbally counselled as to professionalism when interacting with travelling public.

(b) (6), (b) (7)(C)

Assistant Port Director  
(b) (7)(E)

(b) (6), (b) (7)(C)



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**From:** (b) (6), (b) (7)(C)  
**Sent:** Wednesday, April 17, 2019 8:49 AM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** MANAGEMENT REFERRAL (b) (7)(E)

Attached for management's review & dissemination as they deem appropriate: (b) (7)(E)  
(b) (6), (b) (7)(C), (b) (7)(E)

If it is concluded that no further action is deemed necessary, please indicate whether the allegation is either:

Unsubstantiated – the evidence was inadequate to reach a conclusion; the allegation could not be proved or disproved.

Unfounded – the allegation had no foundation in fact; the evidence disproved the allegation.

(b) (6), (b) (7)(C)


LER Specialist

(b) (6), (b) (7)(C), (b) (7)(E)

Phone: (b) (6), (b) (7)(C)

 <p><b>DEPARTMENT OF HOMELAND SECURITY</b> <b>Customs and Border Protection</b></p> <p><b>REPORT OF INVESTIGATION</b></p>		<p><b>1. CASE NUMBER</b> (b) (7)(E)</p> <p><b>PREPARED BY</b> (b) (6), (b) (7)(C)</p> <p><b>2. REPORT NUMBER</b> 001</p>
<p><b>3. TITLE</b> (b) (6), (b) (7)(C), (b) (7)(E) CBP OFFCR/1102 Harassment-Discriminatory (b) (7)(E)</p>		
<p><b>4. FINAL RESOLUTION</b></p>		
<p><b>5. STATUS</b> Initial Report</p>	<p><b>6. TYPE OF REPORT</b> Allegation</p>	<p><b>7. RELATED CASES</b></p>
<p><b>8. TOPIC</b> Traveller alleged CBPO was rude and disrespectful to him while at the (b) (7)(E)</p>		
<p><b>9. SYNOPSIS</b> On February 21, 2019, the Joint Intake Center (JIC), Washington, D.C., received U.S. Customs and Border Protection (CBP) Compliments and Complaints Branch (CCB) referral, number (b) (7)(E) forwarding the allegation of (b) (6), (b) (7)(C). According to the information provided by the CCB, (b) (6), (b) (7)(C) alleged CBP Officer (CBPO) (b) (6), (b) (7)(C), (b) (7)(E) (b) (7)(E) was rude and disrespectful to him while at the (b) (7)(E) (b) (7)(E)</p>		
<p><b>10. CASE OFFICER (Print Name &amp; Title)</b> (b) (6), (b) (7)(C) Joint Intake Specialist</p>	<p><b>11. COMPLETION DATE</b> 25-FEB-2019</p>	<p><b>14. ORIGIN OFFICE</b> Joint Intake Center</p>
<p><b>12. APPROVED BY (Print Name &amp; Title)</b> (b) (6), (b) (7)(C) CBP OPR Special Agent</p>	<p><b>13. APPROVED DATE</b> 26-FEB-2019</p>	<p><b>15. TELEPHONE NUMBER</b> No Phone Number</p>
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<p><small>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</small></p>		



 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	1. CASE NUMBER <b>(b) (7)(E)</b>
	PREPARED BY <b>(b) (6), (b) (7)(C)</b>
	2. REPORT NUMBER 001

10. NARRATIVE

None.

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION Exhibit List</p>	1. CASE NUMBER <b>(b) (7)(E)</b>
	PREPARED BY <b>(b) (6), (b) (7)(C)</b>
	2. REPORT NUMBER 001

None

(b) (7)(E)

*Answer*  
11/2/19  
(b) (6), (b) (7)(C)



U.S. Customs and Border Protection

MEMORANDUM FOR:

(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Assistant Port Director (b) (6), (b) (7)(C)  
(b) (7)(E)

FROM:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)  
Watch Commander  
(b) (7)(E)

SUBJECT:

OPR File – (b) (7)(E) Detainee/Alien – CBPO (b) (6), (b) (7)(C)

For full details pertaining to this request, please refer to the **(EXHIBIT 1)**. A synopsis of the report is as follows: On May 16, 2019, the Joint Intake Center (JIC), Washington, D.C. received an email from Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) regarding a complaint made on behalf of (b) (6), (b) (7)(C) a traveler who presented himself for inspection by US Customs and Border Protection (CBP) Officers (CBPOs) at the (b) (6), (b) (7)(C) on March 9, 2019. It was alleged CBPOs retained three iPhones belonging to (b) (6), (b) (7)(C) It was also alleged (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was repeatedly questioned even after he requested an attorney.

**DETAIL OF REVIEW**

On November 4, Fact Finder (FF) (b) (6), (b) (7)(C) was directed to conduct a management review of the allegation.

Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), performed a full investigation into the allegation(s). OPR’s investigation included database checks, review of supporting documentation, and interview of (b) (7)(E) Field Office Program Manager (b) (6), (b) (7)(C) the Border Search of Information (BSI) Coordinator, Supervisory CBP Officer (b) (6), (b) (7)(C) subject’s first-line supervisor, and the subject, CBPO (b) (6), (b) (7)(C) OPR determined the allegation that Officer (b) (6), (b) (7)(C) asked questions after complainant invoked his right to counsel as unfounded. OPR determined the allegation that Officer (b) (6), (b) (7)(C) retained complainant’s iPhones as unfounded (exonerated).

Fact Finder (b) (6), (b) (7)(C) conducted a review of all available documentation provided by the OPR investigation regarding this incident. The port concurs with OPR’s findings.

The allegation(s) is unfounded.



## **RECOMMENDATION**

Based on the above findings, it is recommended that Port Management take no further action regarding this allegation.

## **EXHIBIT LIST**

**EXHIBIT 1:** Report of Investigation initiated by the Joint Intake Center, Washington D.C., on May 16, 2019.

1  
11/12/19  
(b) (6), (b) (7)(C)

(b) (7)(E)



U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

MEMORANDUM FOR:

(b) (6), (b) (7)(C)

Assistant Port Director

(b) (7)(E)

(b) (6), (b) (7)(C)

FROM:

(b) (6), (b) (7)(C)

Watch Commander

(b) (7)(E)

SUBJECT:

OPR File – (b) (7)(E) Detainee/Alien – CBPO (b) (6), (b) (7)(C)

For full details pertaining to this request, please refer to the **(EXHIBIT 1)**. A synopsis of the report is as follows: On May 16, 2019, the Joint Intake Center (JIC), Washington, D.C. received an email from Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) regarding a complaint made on behalf of (b) (6), (b) (7)(C) a traveler who presented himself for inspection by US Customs and Border Protection (CBP) Officers (CBPOs) at the (b) (7)(E) on November 23, 2018. It was alleged CBPOs detained a cellular phone belonging to (b) (6), (b) (7)(C). It was also alleged (b) (6), (b) (7)(C) was repeatedly questioned after he requested an attorney.

**DETAIL OF REVIEW**

On November 4, Fact Finder (FF) (b) (6), (b) (7)(C) was directed to conduct a management review of the allegation.

Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), performed a full investigation into the allegation(s). OPR's investigation included database checks, review of supporting documentation, and interview of (b) (7)(E) Field Office Program Manager (b) (6), (b) (7)(C) the Border Search of Information (BSI) Coordinator, Supervisory CBP Officer (b) (6), (b) (7)(C) subject's first-line supervisor, and the subject, CBPO (b) (6), (b) (7)(C). OPR determined the allegation that Officer (b) (6), (b) (7)(C) asked questions after complainant invoked his right to counsel as unfounded. OPR determined the allegation that Officer (b) (6), (b) (7)(C) detained complainant's cellular phones as unfounded (exonerated).

Fact Finder (b) (6), (b) (7)(C) conducted a review of all available documentation provided by the OPR investigation regarding this incident. The port concurs with OPR's findings.

The allegation(s) is unfounded.

## **RECOMMENDATION**

Based on the above findings, it is recommended that Port Management take no further action regarding this allegation.

## **EXHIBIT LIST**

**EXHIBIT 1:** Report of Investigation initiated by the Joint Intake Center, Washington D.C., on May 16, 2019.